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Citation:

Gifkins, J (2012) The UN Security Council Divided: Syria in Crisis. *Global Responsibility to Protect*, 4 (3). 377 - 393. ISSN 1875-9858 DOI: <https://doi.org/10.1163/1875984X-00403009>

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# The UN Security Council Divided: Syria in Crisis

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[Accepted version pre-publication]

The UN Security Council has been deeply divided over how to respond to the Arab Spring crisis in Syria. Since the uprising began in Syria in March 2011 the Syrian Government has responded with extreme violence against civilians and civilian areas to suppress protests. In the face of escalating violence, the Security Council has experienced protracted deadlock. Divisions on how to interpret the situation in Syria left the Security Council unable to find consensus on issuing a non-binding Presidential Statement for the first five months of the crisis. Subsequent disagreement on what measures to take to address the violence has led to two vetoed resolutions on the divisive issues of sanctions and regime change. The vetoes occurred in October 2011 and in February 2012, vetoed by both Russia and China. More than a year into the crisis the Security Council authorised a team of unarmed UN military observers to be deployed in Syria in a rare moment of consensus on this issue. However this lowest-common-denominator response was quickly suspended due to high levels of violence against UN observers. Throughout the stalemate in the Security Council violence against Syrian civilians continued to escalate.

## **On the Ground in Syria**

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<sup>1</sup> I would like to thank Alex Bellamy, Sara Davies, Luke Glanville and Stephen McLoughlin for their helpful comments on an earlier draft of this article.

The escalation point for the uprising in Syria was the arrest and torture of fifteen school children for spray painting anti-government graffiti on a wall in Daraa. Borrowed from other Arab Spring revolutions in Tunisia and Egypt, they painted 'the people want to topple the regime!' People of Daraa protested demanding that the children be released and when they were released their bodies showed evidence of torture, which led to more protests. On 18 March 2011 Syrian security forces reacted to the protests in Daraa with violence, opening fire on protesters, and Daraa became a flashpoint with protests occurring daily.

From this escalation point protests and increasingly violent repression spread to other marginalised towns and cities throughout Syria. A cycle evolved with protests occurring each week after Friday prayers. Protests and funerals were regularly targeted with indiscriminate gunfire from Syrian security forces. Cities with strong opposition bases have been particularly targeted by security forces, and Homs, Hama, Daraa, Latakia and Idlib have been under sustained attack. By mid 2011 the Syrian regime were using their security forces to attack civilian areas using tanks and snipers in cities across Syria.

Violence continued to escalate throughout 2011 and into 2012. Key characteristics of the violence were; the use of heavy weapons against civilian areas, massacres, extensive use of torture and targeting of children. From the start of February 2012 the city of Homs came under siege by the Syrian army with heavy weapons used on civilian areas over a period of weeks.<sup>2</sup> From March 2012 there were increased occurrences of massacres linked to pro-government

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<sup>2</sup> Rod Nordland, 'Ghastly Images Flow from Shattered Syrian City', *The New York Times*, 22 February 2012, <http://www.nytimes.com/2012/02/23/world/middleeast/ghastly-images-flow-from-shattered-city-of-homs-syria.html?pagewanted=all>, accessed 25 June 2012.

militias.<sup>3</sup> A major massacre occurred in May 2012 in Houla near Homs where 108 people were killed including 49 children.<sup>4</sup> Torture has also been a predominant feature of the repression conducted by the Syrian regime. Human Rights Watch have documented an extensive network of detention facilities across Syria where people have been subjected to extreme torture methods and deprivations.<sup>5</sup> Children have been targeted in the violence and the UN has reported that ‘children as young as 9 years of age were victims of killing and maiming, arbitrary arrest, detention, torture and ill-treatment, including sexual violence, and use as human shields.’<sup>6</sup>

UN reports show that more than 10,000 people have been killed in Syria between March 2011 and June 2012, mostly civilians.<sup>7</sup> In this period more than 78,000 people are estimated to have fled Syria into neighbouring countries, predominantly Jordan, Lebanon, Turkey and Iraq.<sup>8</sup> This excessive use of force against protesters and displacement has a historic parallel in Syria in 1982 when approximately 20,000 people were killed when the city of Hama was leveled by the previous leader President Hafez al-Assad, father of the current President Bashar al-Assad.<sup>9</sup>

The conflict in Syria has a strong sectarian component. President al-Assad and his family belong to the Alawite minority group, which is a Shia Islamic sect, as does the majority of their security forces. The Shabiha militia are pro-regime Alawites who have enjoyed immunity from the Syria

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<sup>3</sup> International Crisis Group, ‘Syria’s Phase of Radicalisation’, Middle East Briefing No. 33, 10 April 2012, [http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Syria/b033-syrias-phase-of-radicalisation.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Syria/b033-syrias-phase-of-radicalisation.pdf), accessed 20 June 2012.

<sup>4</sup> UN News Centre, ‘UN Human Rights Council Calls for Special Investigation into Houla Massacre in Syria’, 1 June 2012, <http://www.un.org/apps/news/story.asp?NewsID=42140>, accessed 21 June 2012.

<sup>5</sup> Human Rights Watch, ‘Torture Archipelago: Arbitrary Arrests, Torture and Enforced Disappearances in Syria’s Underground Prisons Since March 2011’, July 2012, [http://www.hrw.org/sites/default/files/reports/syria0712webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/syria0712webwcover_0.pdf), accessed 10 July 2012.

<sup>6</sup> A/66/782 and S/2012/261, 26 April 2012, ‘Report of the Secretary-General on Children in Armed Conflict’, p. 22.

<sup>7</sup> United Nations News, ‘UN Suspends Monitoring Activities in Syria amid Escalating Violence’, 16 June 2012, <http://www.un.org/apps/news/story.asp?NewsID=42251&Cr=Syria&Cr1=>, accessed 19 July 2012.

<sup>8</sup> UNHCR, ‘Syria Emergency’, <http://www.unhcr.org/pages/4f86c2426.html>, accessed 10 July 2012.

<sup>9</sup> David Kenner, ‘Massacre City’, *Foreign Policy*, 5 August 2011, [http://www.foreignpolicy.com/articles/2011/08/05/massacre\\_city?page=0.0](http://www.foreignpolicy.com/articles/2011/08/05/massacre_city?page=0.0), accessed 20 June 2012.

Government since the 1970s.<sup>10</sup> The Shabiha militia are heavily armed and have been fighting alongside Syrian Government forces to suppress the uprising.<sup>11</sup> While the government, security forces and Shabiha militia are predominately Alawites the majority of the Syrian population are Sunni Muslims.

There are many opposition groups in Syria opposing the Syrian regime. The largest and most significant is the Syrian National Council (SNC) which is an umbrella group with a Sunni majority.<sup>12</sup> The SNC was formed in October 2011 and is representing the Syrian opposition on the international stage.<sup>13</sup> They envisage regime change in Syria followed by a period in which they would form a transitional government before democratic elections would be held.<sup>14</sup> The Free Syrian Army (FSA) is the main armed group associated with the Syrian opposition. The FSA is made up of defectors from the Syrian Army and civilians who have taken up arms against the Syrian regime. They are receiving arms and funding from Saudi Arabia and Qatar.<sup>15</sup> While the vast majority of human rights abuses have been committed by the Syrian Government forces and Shabiha militia there have also been killings and torture carried out by the opposition forces.<sup>16</sup>

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<sup>10</sup> Peter Kellier, 'Ghosts of Syria: Diehard Militias Who Kill in the Name of Assad', *The Guardian*, 31 May 2012, <http://www.guardian.co.uk/world/2012/may/31/ghosts-syria-regime-shabiha-militias>, accessed 20 June 2012.

<sup>11</sup> BBC, 'Syria Unrest: Who are the Shabiha?', 29 May 2012, <http://www.bbc.co.uk/news/world-middle-east-14482968>, accessed 20 June 2012.

<sup>12</sup> Jonathan Masters, 'Syria's Crisis and the Global Response', *Council on Foreign Relations*, 11 June 2012, <http://www.cfr.org/syria/syrias-crisis-global-response/p28402>, accessed 23 June 2012.

<sup>13</sup> Carnegie Middle East Center, 'The Syrian National Council', June 2012, <http://carnegie-mec.org/publications/?fa=48334>, accessed 3 July 2012.

<sup>14</sup> *ibid.*

<sup>15</sup> Ian Black, 'Kofi Annan Attacks Russia and West's "Destructive Competition" Over Syria', *The Guardian*, 6 July 2012, <http://www.guardian.co.uk/world/2012/jul/06/kofi-annan-syria-destructive-competition?INTCMP=SRCH>, 6 July 2012.

<sup>16</sup> Amnesty International, 'Deadly Reprisals: Deliberate Killings and Other Abuses by Syria's Armed Forces', June 2012, [http://www.amnestyusa.org/sites/default/files/2012-06-14\\_syria\\_report\\_final\\_compressed.pdf](http://www.amnestyusa.org/sites/default/files/2012-06-14_syria_report_final_compressed.pdf), accessed 21 June 2012, p. 10.

The Syrian Government's response to the protests has been to issue minimal concessions and use increasing levels of violence to discourage protestors. In March 2011, the Syrian Government was replaced with a new cabinet under the continued leadership of President al-Assad. This was largely symbolic as the president is responsible for making decisions in Syria, rather than the cabinet.<sup>17</sup> In April 2011 President al-Assad lifted the emergency laws which had been in place since 1963. Had these concessions been issued earlier they might have been enough to ward off the uprising, but the level of violence exercised by Syrian security forces meant that protestors' demands also escalated, calling for regime change.<sup>18</sup>

President al-Assad has consistently characterised the conflict as a foreign conspiracy conducted by terrorists and criminal opportunists, a perception shared by some of the Syria regime's supporters, such as Iran and Hizbollah.<sup>19</sup> By framing the conflict in this way President al-Assad has de-legitimised the political grievances of protestors. He is also attempting to justify excessive use of force by calling the opposition 'terrorists' and claiming that they are a threat to the Syrian state. This framing of the situation has fed into debates within the UN Security Council. For example, when India was explaining why they had abstained on a Syrian resolution they said 'While the right of people to protest peacefully is to be respected, States cannot but take appropriate action when militant groups - heavily armed - resort to violence against State authority and infrastructure.'<sup>20</sup> This framing is strongly rejected by Western members of the UN Security Council and reflects a division on how to interpret the situation on the ground in Syria.

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<sup>17</sup> Michael Slackman, 'Syria's Cabinet Resigns; Concessions Expected', *The New York Times*, 29 March 2011, <http://www.nytimes.com/2011/03/30/world/middleeast/30syria.html>, accessed 10 July 2012.

<sup>18</sup> Raymond Hinnebusch, 'Syria: From 'Authoritarian Upgrading' to Revolution?', *International Affairs*, 88/1:95-113 (2012), p. 106.

<sup>19</sup> International Crisis Group, 'Now or Never: A Negotiated Transition for Syria', Middle East Briefing no. 32, 5 March 2012, p. 2.

<sup>20</sup> S/PV.6627, 4 October 2011, p. 6.

## **International Responses to the Syrian Crisis**

In April 2011, a month after the uprising began, UN Security Council members attempted to find consensus on issuing a Press Statement on Syria – the weakest Security Council output – and failed. This initiative was led by European members of the Security Council.<sup>21</sup> A draft version of this statement shows that it would have expressed concern about ongoing violence in Syria but it was rejected by Russia who argued it represented interference in the internal affairs of a sovereign state.<sup>22</sup> At this time India, Brazil and South Africa were also strongly resisting Western pressure on Syria arguing that the West could not be trusted after the North Atlantic Treaty Organisation (NATO) had exceeded its mandate in Libya.<sup>23</sup> BRICS members, especially Russia, have argued that NATO's actions morphed from enforcing a no-fly zone to actively seeking regime change and that this exceeded the mandate set out by the UN Security Council in Libyan resolution 1973.<sup>24</sup> These divisions set the tone for early negotiations on Syria with clear divisions between Security Council members and insufficient consensus to issue a non-binding statement.

A month later the UN Security Council tried again to find consensus. The United Kingdom (UK), France, Portugal, and Germany circulated a draft resolution on Syria in late May 2011. This draft continued to be discussed through June and July and would have condemned systematic abuses of human rights, called on the Syrian Government to respect human rights and

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<sup>21</sup> What's in Blue, 'Insights on Syria', *Security Council Report*, 27 April 2011, <http://whatsinblue.org/2011/04/insights-on-syria-1.php>, accessed 6 July 2012.

<sup>22</sup> What's in Blue, 'Insights on Syria', *Security Council Report*, 28 April 2011, <http://whatsinblue.org/2011/04/insights-on-syria-2.php>, accessed 23 May 2012.

<sup>23</sup> Colum Lynch, 'New UN Bloc Finds Constraining the West Preferable to Constraining Syria', *Foreign Policy*, 10 August 2011, [http://turtlebay.foreignpolicy.com/posts/2011/08/10/new\\_un\\_bloc\\_finds\\_constraining\\_the\\_west\\_preferable\\_to\\_restraining\\_syria](http://turtlebay.foreignpolicy.com/posts/2011/08/10/new_un_bloc_finds_constraining_the_west_preferable_to_restraining_syria), accessed 24 May 2012.

<sup>24</sup> For discussion see Adrian Johnson and Saqeb Mueen (eds.), 'Short War, Long Shadow: The Political and Military Legacies of the 2011 Libya Campaign', *Royal United Services Institute*, Whitehall Report 1-12, [http://www.rusi.org/downloads/assets/WHR\\_1-12.pdf](http://www.rusi.org/downloads/assets/WHR_1-12.pdf), accessed 29 June 2012.

international humanitarian law, and recalled the Syrian Government's responsibility to protect its citizens.<sup>25</sup> The draft proved to be too controversial. By the end of July China and Russia had threatened to veto the draft, and Brazil, India, Lebanon and South Africa had indicated their dissent.<sup>26</sup> This draft was not put to a vote. A consistent concern put forward by the dissenting states during the negotiations was that a resolution could be the first step towards military intervention and regime change as had occurred in Libya.

Throughout August 2011 there were a series of statements on Syria made by key organisations calling for an end to the violence. On 3 August the UN Security Council issued a Presidential Statement condemning violence and the use of force against civilians.<sup>27</sup> This non-binding statement was the first decision taken by the UN Security Council on Syria since the uprising began five months earlier. Presidential Statements require the consensus of Security Council members but in an unusual move, Lebanon allowed the statement to be made but formally distanced itself from it. Lebanon, with a pro-Syrian government, said that the Presidential Statement would not help to address the situation in Syria.<sup>28</sup> This statement was followed by statements from the Gulf Cooperation Council on 6 August and the League of Arab States (LAS) on 27 August both calling for an immediate end to violence in Syria. Lebanon also distanced itself from the statement by the LAS, saying it stands by 'brotherly Syria'.<sup>29</sup> The Organisation of

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<sup>25</sup> What's In Blue, 'Consultations on Syria', *Security Council Report*, 1 August 2011, <http://whatsinblue.org/2011/08/consultations-on-syria.php>, accessed 24 May 2012.

<sup>26</sup> Patrick Warsnip, 'Germany Requests UN Security Council Meeting', *Reuters*, 31 July 2011, <http://af.reuters.com/article/southAfricaNews/idAFN1E76U0E920110731>, accessed 21 May 2012.

<sup>27</sup> S/PRST/2011/16, 3 August 2011.

<sup>28</sup> S/PV.6598, 3 August 2011, pp. 2-3.

<sup>29</sup> Haaretz, 'Lebanon Stands By "Brotherly Syria" in Rejecting Arab League's Call to End Crackdown', 31 August 2011, <http://www.haaretz.com/news/middle-east/lebanon-stands-by-brotherly-syria-in-rejecting-arab-league-s-call-to-end-crackdown-1.381708>, accessed 18 June 2012.

Islamic Cooperation's Secretary General made statements on 1 August and 13 August expressing concern at civilian casualties in Syria and calling for restraint.

The diplomatic terrain shifted on 18 August 2011 with statements from leaders of the United States (US) and Canada and a joint statement from the UK, France, and Germany, all calling on Syrian President al-Assad to stand down. These statements said that state sponsored violence against civilians meant that President al-Assad had lost his legitimacy as the ruler of Syria. This was a significant diplomatic move which has considerably influenced subsequent international debate on Syria. For example, when explaining their veto in February 2012 the Russian Ambassador said that prominent calls for regime change 'had undermined any possibility of a political settlement'.<sup>30</sup> Likewise, South Africa linked Syria to the previous regime change in Libya when explaining why they abstained on the October 2011 Syrian draft resolution. They suggested the resolution could be 'part of a hidden agenda aimed at once again instituting regime change, which has been an objective clearly stated by some'.<sup>31</sup>

Throughout August and September 2011 there were two draft Security Council resolutions under discussion, one drafted by the UK and the other by Russia. Early in the negotiations the UK draft included an asset freeze on key Syrian Government figures and an arms embargo but these measures were removed from the draft amid concerns from Russia and China.<sup>32</sup> The Russian draft called on the Syrian Government to implement the reforms they had promised but did not include any threat of sanctions.<sup>33</sup> These competing drafts also framed the situation differently,

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<sup>30</sup> S/PV.6711, 4 February 2012, p. 9.

<sup>31</sup> S/PV.6627, 4 October 2011, p. 11.

<sup>32</sup> What's in Blue, 'Syria Sanctions Resolution', *Security Council Report*, 25 August 2011, <http://whatsinblue.org/2011/08/syria-sanctions-resolution.php>, accessed 24 May 2012.

<sup>33</sup> What's in Blue, 'Council Negotiations on Syria Resolution', *Security Council Report*, 28 September 2011, <http://whatsinblue.org/2011/09/consultations-on-syria-2.php>, accessed 24 May 2012.

with Russia presenting the situation in similar terms to the Syrian Government's framing of the conflict.<sup>34</sup> There were divisions evident here on how to interpret the situation on the ground in Syria and what measures to use in response.

The UK draft had broader support than the Russian draft did, and was put to a vote in the UN Security Council on 4 October 2011. It was vetoed by both Russia and China, with Brazil, India, Lebanon and South Africa abstaining, and the nine other members voting affirmatively. If it had passed, this draft would have condemned violence against civilians, advocated a Syrian-led political process, recalled the Syrian Government's responsibility to protect, and threatened to consider the possibility of issuing sanctions after thirty days.<sup>35</sup> The dissenters particularly rejected the inclusion of sanctions, and wanted a specific clause stating that military intervention would not be conducted in Syria. After the vote, the Russian Ambassador stressed 'it is easy to see that Libya's "Unified Protector" model could happen in Syria' which was of deep concern to Russia.<sup>36</sup> Russia also thanked the BRICS group (Brazil, Russia, India, China and South Africa) for supporting the rival Russian text, showing the division within the Security Council on these two drafts.

While the UN Security Council was deadlocked by vetoes, the LAS took an active role to address the crisis. They suspended Syria's membership of the organisation in November 2011.<sup>37</sup> The LAS created an Action Plan on Syria on 2 November 2011, which was subsequently agreed

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<sup>34</sup> *ibid.*

<sup>35</sup> S/2011/612, 4 October 2011.

<sup>36</sup> S/PV.6627, 4 October 2011, p. 4.

<sup>37</sup> David Batty and Jack Shenker, 'Syria Suspended from Arab League', *The Guardian*, 12 November 2011, <http://www.guardian.co.uk/world/2011/nov/12/syria-suspended-arab-league>, accessed 21 June 2012.

to by the Syrian Government. The Action Plan stated that the Syrian Government would stop violence against civilians and release those arrested as a result of the uprising.

The LAS quickly followed this agreement with a resolution mandating a LAS Observers Mission to Syria in late November 2011. This mission was deployed in late December, with the consent of the Syrian Government, but was mired in controversy from the beginning. Sudanese General Mustafa al-Dabi and former head of Sudan's Military Intelligence Agency was appointed to lead the LAS Observers Mission after having had a questionable role in the Darfur conflict.<sup>38</sup> In January 2012 Anwar Malek, an Algerian member of the Observers Mission, resigned describing the mission as a 'farce'.<sup>39</sup> A report by the mission's head shows that many observers were unsuitable or unprepared.<sup>40</sup> Participant states began withdrawing from the mission in late January and by the end of January the LAS suspended the mission.

In November 2011 the Human Right Council (HRC) issued the first report from their Independent International Commission of Inquiry (CoI) on the Syrian Arab Republic. The CoI said that violence in Syria amounted to crimes against humanity and called on the Syrian Government to immediately end the violence.<sup>41</sup> The report stated that there was evidence of 'summary execution, arbitrary arrest, enforced disappearance, torture, including sexual violence, as well as violations of children's rights.'<sup>42</sup>

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<sup>38</sup> Michelle Shephard, 'Critics Question Why Sudanese General is Leading Observers in Syria', *Toronto Star*, 4 January 2012, <http://www.thestar.com/news/world/article/1110581--critics-question-why-sudanese-general-is-leading-observers-in-syria>, accessed 24 May 2012.

<sup>39</sup> Martin Chulov, 'Arab League Official Attacks Syria Mission as a "Farce"', *The Guardian*, 11 January 2012, <http://www.guardian.co.uk/world/2012/jan/11/arab-league-official-syria-mission-farce>, accessed 21 May 2012.

<sup>40</sup> S/2012/71, 30 January 2012, p. 18

<sup>41</sup> A/HRC/S-17/2/Add.1, 23 November 2011, p. 1.

<sup>42</sup> *ibid*, p. 1.

Meanwhile in Cairo, responding to intransigence of the Syrian regime and ongoing violence, the LAS called for regime change in Syria. On 22 November 2011 the LAS issued a communiqué which called on President al-Assad to hand over power to his deputy, form a new unity government within two months, and hold parliamentary and presidential elections three months later.<sup>43</sup> This plan was quickly rejected by President al-Assad. Days later the LAS called on the UN Security Council to support its plan. This plan formed the basis for the next round of negotiations within the Security Council.

In response to this request from the LAS a new draft resolution was created in the UN Security Council. This draft resolution was initially led by France, the UK and Germany, before Morocco took over as lead state as the Security Council's Arab representative. An early draft of this resolution requested that states prevent the flow of arms into Syria, and said that the Security Council would 'adopt further measures' for non-compliance after a fifteen day review.<sup>44</sup> These elements were removed during the course of negotiations. The final version 'fully supports' the Arab League's decision to call for a Syrian-led political transition, which was highly contentious as it represented the Security Council calling for regime change.<sup>45</sup>

Even with the concessions made during negotiations, this draft resolution was vetoed by both Russia and China when it was put to a vote on 4 February 2012. Russia and China both said they had requested amendments to the text which were not made; first that the Syrian opposition distance themselves from violent extremist groups, and second that armed non-government

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<sup>43</sup> Colum Lynch, 'Arab League Decision on 22 January 2012', <http://columlynch.tumblr.com/post/16354706884/arab-league-decision-on-january-22-2012>, accessed 14 May 2012.

<sup>44</sup> Foreign Policy, Draft Resolution, 25 January 2012, [http://www.foreignpolicy.com/files/fp\\_uploaded\\_documents/120126\\_1303\\_001.pdf](http://www.foreignpolicy.com/files/fp_uploaded_documents/120126_1303_001.pdf), accessed 10 May 2012.

<sup>45</sup> S/2012/77, 4 February 2012, p. 2.

groups end attacks on state institutions. These amendments, and their rejection, are indicative of different interpretations within the Security Council of the situation on the ground in Syria.

The vetoes were met with strong condemnation internationally. The US Ambassador to the United Nations said that they were ‘disgusted’ by the two vetoes.<sup>46</sup> The UK broke with tradition and named Russia and China in their statement after the vote, saying that they were ‘appalled by the decision of Russia and China to veto’. The British Ambassador continued that Russia and China ‘have failed in their responsibility as permanent members of the Security Council’.<sup>47</sup> This second double-veto and the level of anger it provoked from other permanent Security Council members suggests a deepening rift on Syria at this point in time with different perspectives on regime change at the heart of the disagreement. A week later, UN High Commissioner for Human Rights, Navi Pillay, said that this vetoed resolution had emboldened the Syrian regime and led to an escalation in violence.<sup>48</sup>

In a shift from the previous double-veto on Syria in October 2011, all thirteen other Security Council members supported the February 2012 draft. After abstaining in October, India and South African cited regional support from the LAS when explaining their affirmative vote. Brazil and Lebanon, who also abstained in October, were no longer members of the Security Council in 2012. The idea that regional groups can act as ‘gatekeepers’ is pertinent here.<sup>49</sup> Positions taken by regional groups can serve to ‘frame’ an issue for the UN Security Council, as the LAS did for this draft resolution. The explanations given by India and South Africa for the shift in their

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<sup>46</sup> S/PV.6711, 4 February 2012, p. 5.

<sup>47</sup> S/PV.6711, 4 February 2012, p. 6.

<sup>48</sup> United Nations General Assembly, ‘Top UN Human Rights Official Says Member States “Must Act Now” To Protect Syrian People’, 13 February 2012, <http://www.un.org/News/Press/docs/2012/ga11206.doc.htm>, accessed 24 May 2012.

<sup>49</sup> See Alex J. Bellamy and Paul D. Williams, ‘The New Politics of Protection? Cote d’Ivoire, Libya and the Responsibility to Protect’, *International Affairs*, 87/4: 825-850 (2011).

perspective suggests support for this idea, although regional support was not significant enough to change the positions of Russia and China.

In response to the vetoed Security Council resolution the UN General Assembly (GA) issued a similar resolution on 16 February 2012. This resolution called for implementation of the LAS's Plan of Action from 2 November 2011 and 'fully supports' the LAS's plan for President al-Assad to hand over power.<sup>50</sup> Although not legally binding, the General Assembly's resolution demonstrated broad support for this plan - including regime change - with 137 member states voting in favour, with twelve against and seventeen abstentions.

According to the CoI the situation in Syria in early 2012 fitted well into the purview of the responsibility to protect (R2P). Issuing their second report in February 2012, the CoI determined that 'the Government has manifestly failed in its responsibility to protect its people.'<sup>51</sup> They determined that there are reasonable grounds to believe that crimes against humanity have been committed by officials in the highest levels of the Syrian Government.

In February 2012 former UN Secretary-General Kofi Annan was appointed Joint Special Envoy to Syria by the LAS and UN. After conducting negotiations in Syria he outlined a six-point plan to the UN Security Council on 16 March 2012. Annan's six-point plan called for a Syrian-led political process, ending violence and pulling back the military from civilian areas, ensuring access for humanitarian workers and journalists, releasing those arbitrarily detained, and respecting the right to peaceful demonstration. Notably, as this plan was negotiated with the Syrian regime, it did not include the regime change that the LAS and GA had called for. The Security Council quickly issued a Presidential Statement on the 21 March 2012 expressing full

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<sup>50</sup> A/RES/66/253, 21 February 2012.

<sup>51</sup> A/HRC/19/69, 22 February 2012, p. 1.

support for Annan's mediation efforts and his six-point plan.<sup>52</sup> The plan was accepted by Syria less than a week later.<sup>53</sup> Syrian consent for Annan's plan meant that it was easier for the Security Council to find consensus during the next round of drafting, as they were not discussing coercive measures. Alongside the Presidential Statement, the UN Security Council also issued a Press Statement on 21 March condemning terrorist attacks in Damascus and Aleppo.<sup>54</sup> These attacks were reported to have been against government facilities.<sup>55</sup> This statement was drafted by Russia and is indicative of Russia's emphasis on terrorism in this conflict.<sup>56</sup>

On 12 April 2012 Annan's negotiated deadline for a full ceasefire passed and violence against civilians continued. To monitor the ceasefire competing drafts resolutions again emerged in the UN Security Council. In mid-April the US and Russia both put their drafts resolutions 'in blue' which meant that they were ready to be voted on. Both resolutions called for an advanced team of 30 unarmed UN military observers to be deployed and expressed support for Annan's six-point plan, but with differences in the text. The US draft condemned human rights abuses and expressed regret for the people who have been killed, and the Russian draft did not. According to the think-tank Security Council Report, the Russian draft also suggested that the Syrian Government had carried out greater implementation of Annan's plan than there was evidence to support.<sup>57</sup> The US draft was put to a vote on 14 April 2012 and passed with the support of all Security Council members as resolution 2042.<sup>58</sup> This was the first resolution the Security

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<sup>52</sup> S/PRST/2012/6, 21 March 2012.

<sup>53</sup> BBC, 'Syrian Government Accepts Annan Peace Plan', 27 March 2012, <http://www.bbc.co.uk/news/world-middle-east-17522398>, accessed 21 June 2012.

<sup>54</sup> SC/10585, 21 March 2012.

<sup>55</sup> Aljazeera, 'Twin Car Bombs Kill Dozens in Damascus', 18 March 2012, <http://www.aljazeera.com/news/middleeast/2012/03/201231761115256388.html>, accessed 10 July 2012.

<sup>56</sup> What's in Blue, 'Syria Draft Presidential Statement and Press Statement', *Security Council Report*, 19 March 2012, <http://whatsinblue.org/2012/03/syria-presidential-statement.php>, accessed 21 June 2012.

<sup>57</sup> What's In Blue, 'Continuing Negotiations on a Syria Draft Resolution', *Security Council Report*, 13 April 2012, <http://whatsinblue.org/2012/04/continuing-negotiations-on-a-syria-draft-resolution.php>, accessed 1 May 2012.

<sup>58</sup> S/PV.6751, 14 April 2012.

Council passed addressing the situation in Syria, 13 months after the uprising and violent repression began.

Days later the UK and France put forward another draft resolution in the Security Council and Russia again issued a competing draft. The draft resolutions both authorised deployment of 300 unarmed UN military observers to Syria as the United Nations Supervision Mission in Syria (UNSMIS). With sufficient support, this time it was the Russian draft which was voted on and passed unanimously on 21 April as Resolution 2043.<sup>59</sup> The key difference between these two drafts was that the European draft included a threat to adopt sanctions if Syria did not comply with Resolution 2042 and the Russian draft included no such threat.<sup>60</sup> The final version represented a compromise between these two positions and stated an intention to assess implementation of the resolution and ‘consider further steps as appropriate’.<sup>61</sup> This language covered over the fact that the permanent Security Council members did not agree on implementing sanctions against Syria. In their statements after the vote the UK, the US, and France threatened sanctions if the Syrian Government did not comply, while Russia and China did not.

After UN observers were authorised by the Security Council violence in Syria continued to escalate through May and June 2012. In May 2012 the CoI on Syria issued an update report where it expressed extreme concern ‘about the human rights situation in the country where gross

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<sup>59</sup> S/PV.6756, 21 April 2012.

<sup>60</sup> Colum Lynch, ‘Western-backed Draft Resolution Calling for the Establishment of Full Fledged Monitoring Mission in Syria’, *Foreign Policy*, 20 April 2012, [http://turtlebay.foreignpolicy.com/posts/2012/04/20/western\\_backed\\_draft\\_resolution\\_calling\\_for\\_the\\_establishment\\_of\\_full\\_fledged\\_monit](http://turtlebay.foreignpolicy.com/posts/2012/04/20/western_backed_draft_resolution_calling_for_the_establishment_of_full_fledged_monit), accessed 27 April 2012, and Colum Lynch, ‘Russia Opposes Threat of Sanctions, Offers its own Competing Draft Resolution on UN Monitors’, *Foreign Policy*, 20 April 2012, [http://turtlebay.foreignpolicy.com/posts/2012/04/20/russia\\_opposes\\_threat\\_of\\_syria\\_sanctions\\_offers\\_its\\_own\\_competing\\_draft\\_resolution](http://turtlebay.foreignpolicy.com/posts/2012/04/20/russia_opposes_threat_of_syria_sanctions_offers_its_own_competing_draft_resolution), accessed 27 April 2012.

<sup>61</sup> S/RES/2043, 21 April 2012, p. 3.

violations continue unabated in an increasingly militarised context.’ The UN Security Council issued two Press Statements expressing concern at the deteriorating situation in Syria in May 2012. At this time the UK, the US and France wanted the Security Council to consider issuing sanctions against Syria if they did not comply with resolutions 2042 and 2043, but this was rejected by Russia and China.<sup>62</sup> When UN observers arrived in Syria violence continued to escalate. By mid June 2012 UNSMIS had been suspended because of a significant increase in violence and observers had been targeted.<sup>63</sup>

### **Understanding the Security Council’s Deliberations**

The UN Security Council has been divided on two fundamental issues on Syria. First, there have been disagreements on how to interpret the situation on the ground and competing ways of ‘framing’ the conflict. Western members of the UN Security Council have described the conflict as violent repression of protestors and mass human rights abuses perpetrated predominately by the Syrian Government.<sup>64</sup> While Western countries have framed the Syrian Government as the aggressor, the Syrian Government has framed itself as a victim of terrorism and violence. Syrian President al-Assad has consistently argued that his government is fighting ‘terrorists’ and is the victim of ‘foreign conspiracies’.<sup>65</sup> Similarly, Russian and Chinese state-owned media have consistently argued that the Syrian Government is legitimately suppressing a violent insurgency

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<sup>62</sup> What’s in Blue, ‘Briefing on UN Mission in Syria’, *Security Council Report*, 7 May 2012, <http://whatsinblue.org/2012/05/briefing-on-un-mission-in-syria.php#>, accessed 19 June 2012.

<sup>63</sup> Rick Gladstone and Ravi Somaiya, ‘Doubt is Cast on Mission by Monitors Inside Syria’, *The New York Times*, 19 June 2012, [http://www.nytimes.com/2012/06/20/world/middleeast/insurer-cancels-policy-on-syria-bound-russian-ship.html?\\_r=1&ref=world](http://www.nytimes.com/2012/06/20/world/middleeast/insurer-cancels-policy-on-syria-bound-russian-ship.html?_r=1&ref=world), accessed 21 June 2012.

<sup>64</sup> See for example S/PV.6627, 4 October 2011, and S/PV.6711, 4 February 2012.

<sup>65</sup> Ian Black, ‘Syrian President Assad Blames “Foreign Conspiracies” for Crisis’, *The Guardian*, 10 January 2012, <http://www.guardian.co.uk/world/2012/jan/10/syrian-president-assad-foreign-conspiracies?INTCMP=SRCH>, accessed 25 June 2012.

of terrorists and criminals.<sup>66</sup> Emphasising violence committed against the Syrian Government, Russia and China both explained their vetoes in February 2012 by saying that amendments condemning opposition violence were not included.<sup>67</sup> To a lesser extent, India, Brazil and South Africa have also emphasised violence being committed against the Syria Government in Security Council negotiations.<sup>68</sup> These different interpretations of the situation in Syria have made it difficult for the UN Security Council to find consensus on condemning the violence.

The second fundamental issue dividing the UN Security Council on Syria has been which measures to take in response to the crisis. The issues of sanctions, regime change and the possibility of military intervention have been highly controversial. The first draft resolution vetoed by Russia and China on 4 October 2011 included the possibility that UN sanctions would be issued against the Syrian Government if they did not comply with the resolution.<sup>69</sup> The second draft resolution vetoed by Russia and China on 4 February 2012 expressed support for a proposal by the LAS which called on Syrian President al-Assad to stand down.<sup>70</sup> While military intervention has not been proposed in any drafts before the UN Security Council, Russia objected that military intervention was not specifically ruled out when explaining their veto in October 2011.<sup>71</sup> Disagreements on how to interpret the situation in Syria and how to address the situation left the UN Security Council unable to pass a resolution for more than a year after the crisis escalated.

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<sup>66</sup> BBC News, 'How Russian and Chinese Media Justify Syrian Support', 13 June 2012, <http://www.bbc.co.uk/news/world-middle-east-18424991>, accessed 19 June 2012.

<sup>67</sup> S/PV.6711, 4 February 2012.

<sup>68</sup> Lynch, 'New UN Bloc Finds Constraining the West'.

<sup>69</sup> S/2011/612, 4 October 2011.

<sup>70</sup> S/2012/77, 4 February 2012.

<sup>71</sup> See S/PV.6627, 4 October 2011, p. 4.

There are four main factors which explain these divisions in the Security Council. First, violence in Syria escalated in parallel to NATO's intervention in Libya which left some Security Council members concerned that a resolution on Syria could be a step towards robust military intervention and regime change. Russia stated this explicitly after vetoing the first draft resolution on Syria, 'our proposals for wording on the non-acceptability of foreign military intervention were not taken into account, and, based on the well-known events in North Africa, that can only put us on our guard', a sentiment which was also expressed by South Africa.<sup>72</sup> Russia also maintained that 'the situation in Syria cannot be considered in the Council separately from the Libyan experience'.<sup>73</sup>

Second, Russia had three key interests in play in responding to the situation in Syria. First, Russia is the main supplier of arms to Syria, accounting for approximately 10% of Russia's arms sales.<sup>74</sup> Russia had also recently experienced significant financial losses in cancelled arms sales after the UN imposed an arms embargo on Libya.<sup>75</sup> Second, Russia has strategic interests in Syria. Tartus naval base in Syria is Russia's last remaining military base outside the former Soviet Union. While there have been disputes on the current military significance of this base, it holds political and symbolic significance for Russia.<sup>76</sup> Third, Russia is facing its own challenges domestically with anti-government protests in late 2011 and into 2012. In this context, resisting

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<sup>72</sup> S/PV.6627, 4 October 2011, p. 4.

<sup>73</sup> S/PV.6627, 4 October 2011, p. 4.

<sup>74</sup> Richard Galpin, 'Russian Arms Shipments Bolster Syria's Embattled Assad', *BBC*, 30 January 2012, <http://www.bbc.co.uk/news/world-middle-east-16797818>, accessed 29 June 2012.

<sup>75</sup> Andrew E. Kramer, 'Unrest in Libya and the Middle East is Costing the Russian Arms Industry', *The New York Times*, 4 March 2011, <http://www.nytimes.com/2011/03/05/world/europe/05russia.html>, accessed 29 June 2012.

<sup>76</sup> Frank Gardner, 'How Vital is Syria's Tartus Port to Russia?', *BBC*, 27 June 2012, <http://www.bbc.co.uk/news/world-middle-east-18616191>, accessed 28 June 2012.

Western pressure over Syria is part of Russian President Vladimir Putin's strategy to increase his own domestic support.<sup>77</sup>

As indicative of Russia's interests in Syria, Russia has taken an unusually active role in lead-drafting resolutions and statements on Syria. In doing so Russia has attempted to out-manoeuvre the West by finding supporters for Russia's interpretation of the situation and proposed actions. Drafting is a powerful role because those who 'hold the pen' are able to frame an issue according to their preferences and set the terms of debate.<sup>78</sup> Typically a single state will take the lead in drafting for a particular country or situation, but for Syria there were competing drafts at all stages throughout 2011 and into 2012. Lead-drafting of Security Council resolutions has regularly been dominated by the UK, the US and France, although there are signs that this has been broadening in the last few years.<sup>79</sup> Russia and Western members of the Security Council held different interpretations of both the situation in Syria and appropriate actions and framed their drafts accordingly. These different versions competed for legitimacy and support within the Security Council.

Third, there has been difficulty in ascertaining exactly what is occurring in Syria which has enabled a situation where Security Council member states have represented the conflict differently. The Syrian government has waged a systematic campaign to restrict and intimidate foreign journalists, to limit internet access within Syria, and to use Syrian media to praise the government and discredit foreign media sources.<sup>80</sup> Media restrictions have been compounded by

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<sup>77</sup> Marc Bennetts, 'What's Behind Russia's Stance on Syria?', *RIA Novosti*, 31 May 2012, <http://en.rian.ru/analysis/20120531/173776552.html>, accessed 28 June 2012.

<sup>78</sup> Courtney B. Smith, *Politics and Process at the United Nations: The Global Dance*, (London: Lynne Rienner Publishers, 2006), p. 192.

<sup>79</sup> Author Interview, 2011, Interview with Collin Keating from Security Council Report, 17 February, New York.

<sup>80</sup> Reporters Without Borders, 'Upheaval in the Arab World: Media as Key Witnesses and Political Pawns', 12 December 2011, [http://issuu.com/rsf\\_webmaster/docs/rsf\\_bilan\\_moyen\\_orient\\_2011\\_gb/13](http://issuu.com/rsf_webmaster/docs/rsf_bilan_moyen_orient_2011_gb/13), accessed 2 July 2012.

restrictions to the CoI and to UN observers. After conducting preliminary investigations into the massacre at Houla the CoI chairman reported that inconsistencies in evidence meant they were unable to determine who had committed the massacre, although they suspected government forces.<sup>81</sup> Similarly, UN observers have been denied access to areas where extreme violence has been reported with restrictions by army checkpoints and threats to observers.<sup>82</sup>

Fourth, the fragile politics of the region makes it especially difficult to forge an international consensus. Syria's allies, Iran and Hizbollah in Lebanon have shown strong support for the Syrian regime.<sup>83</sup> Conversely, Saudi Arabia and Qatar have been providing financial and military support to the predominately Sunni opposition in Syria.<sup>84</sup> Early in the uprising Turkey put pressure on the Syrian regime to implement reforms, but when these calls went unheeded Turkey became a supporter of the Syrian opposition who have been hosted in Turkey.<sup>85</sup> Within the region there are strong divides between support for the Syrian regime and support for the Syrian opposition. These complex geostrategic relationships have fed into the divisions within the UN Security Council with the US seeking to limit the influence that Iran has in the region and Russia attempting to bolster its influence in the region and prevent a Western-backed opposition from replacing President al-Assad's regime.<sup>86</sup>

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<sup>81</sup> UN News Centre, 'Head of UN Panel Urges Concerted Action Amid Escalation in Syria Violence', 27 June 2012, <http://www.un.org/apps/news/story.asp?NewsID=42335&Cr=syria&Cr1>, accessed 1 July 2012.

<sup>82</sup> See for example, UN News Centre, 'UN Observers in Syria Obstructed in Attempts to Reach Site of Reported Massacre', 7 June 2012, <http://www.un.org/apps/news/story.asp?NewsID=42167&Cr=Syria&Cr1=&Kw1=syria+&Kw2=monitor&Kw3>, accessed 1 July 2012.

<sup>83</sup> ICG, 'Syria's Phase of Radicalisation'.

<sup>84</sup> Aram Nerguizian, 'Bracing for an Uncertain Future in Syria', 20 June 2012, *Center for Strategic and International Studies*, <http://csis.org/publication/bracing-uncertain-future-syria>, accessed 3 July 2012.

<sup>85</sup> Bayram Balci, 'Turkey's Relations with the Syrian Opposition', *Carnegie Endowment for International Peace*, 13 April 2012, <http://carnegieendowment.org/2012/04/13/turkey-s-relations-with-syrian-opposition#>, accessed 4 July 2012.

<sup>86</sup> Nerguizian, 'Bracing for an Uncertain Future'.

