

Solving the Syrian Knot: Dynamics within the UN Security Council and Challenges to its Effectiveness

Esmira Jafarova *

Introduction

This article intends to highlight the dynamics within the UN Security Council¹ (UNSC) with regard to the events in the Syrian Arab Republic that have unfolded in the wake of the so-called “Arab Spring” and perturbed the entire region of the Middle East. What had begun as peaceful demonstrations against the incumbent leadership of the country very quickly transformed into the violent conflict that has raged for about three years. As a primary world body fulfilling the watchdog functions over the protection of international peace and security, the UNSC was overwhelmed by the highly dynamic nature of the situation on the ground, and was embroiled in intensive deliberations on the ways to solve the Syrian crisis.

Dynamics within the Security Council involved great deal of twists and turns that were mostly conditioned by internal factors. During the initial phase of the conflict, the Council actively searched for paths out of the conflict, and worked in unison with its Joint Special Envoy Kofi Annan on a variety of options to end the military hostilities. However, subsequent events brought to the fore a set of irreconcilable divisions within the Council that undermined its unity and alienated the Joint Special Envoy, who cited the lack of support from the Council as the primary reason for his resignation. Further deterioration of the security situation in Syria and the dramatic rise in the number of human casualties threw the Council into prolonged discussions on solving the crisis. But these new discussions did not render the Council able to overcome its internal divisions that perpetuated its inability to speak with a unified voice and take a stronger stance toward conflict resolution.

This article will first seek to highlight the course of events in Syria, in chronological order; these events will then be employed in the analysis of factors that influenced the Council’s ability to effectively handle the Syrian crisis. The analysis will suggest that the existing institutional challenges and actors’ interests remain the primary obstacles to the Council’s ability to demonstrate a unified stance and take stronger action via application of its potent policy instruments, such as Chapter VII of the UN Charter. For a clearer

* Dr. Esmira Jafarova is a Visiting Scholar at Columbia University, Harriman Institute in the city of New York. She received her Ph.D. from the University of Vienna. She has held diplomatic positions at the Permanent Missions to the OSCE and the UN. She served as a Middle East officer in Azerbaijan’s Security Council team during the latter’s membership in the Council in 2012–13. This work reflects her own experience with the Security Council. The views expressed in the current work are purely her own and do not represent any organization.

¹ Throughout this article, the terms “UN Security Council” and “the Council” will be used interchangeably.

perception of the power politics and overall atmosphere of decision making within the Security Council vis-à-vis the Syrian crisis, comparisons will also be made to the Council's actions on the Libyan and Yemeni cases. Without offering any affirmative solutions as to whether the employment of Chapter VII measures could have delivered an effective solution to the Syrian crisis, the essay will conclude that the main reason for the relative success of the Security Council in the Libyan and Yemeni cases when compared to its failure in the Syrian instance was the actual implementation of the use of force or a threat to effectuate the Chapter VII measures. As the conflict lingers on, future developments and analysis of the Security Council's actions should definitely remain among the priority areas for future research.

Definition of the Problem: Syria in the Context of the Arab Uprisings

The world was taken by surprise when the events heralding the transformational processes in the Middle East, later known as the "Arab Spring," unfurled. To challenge the entrenched expectations about the particular resistance of the Arab-Islamic world to similar revolutionary processes that had swept across some countries in Eastern Europe and Central Asia, the events in the Middle East became even more inclusive and contagious, resembling a domino effect. The protests against the policies of the ruling regime in Tunisia in December 2010 very soon engulfed the entire region and spawned unrest in other countries, such as Egypt, Morocco, Oman, Algeria, Yemen, Jordan, Bahrain, Libya, and Syria. Tunisia and Egypt became the pioneers of regime change as a result of this sudden upheaval, while in Libya the toppling of the Gaddafi regime involved significant casualties, conflict, and a more robust action by the international community.

Syria, unfortunately, turned into the region's nightmare scenario, with its civil war continuing unabated for over three years, causing widespread destruction and the death of thousands of civilians, a toll that has kept on increasing with each passing day. The events began in March 2011 with protests against Syria's Ba'ath government, demanding its resignation. Very soon things escalated rapidly, involving harsh crackdown on the protesters by the incumbent president Bashar al-Assad. The situation continued to worsen, with growing numbers of casualties and civilians forced to flee as refugees and internally displaced persons. The conflict became increasingly violent and sectarian, fuelled by external support to both the government and the opposition forces by the divided international community, as well as states in the region. Spillover of the Syrian crisis to neighboring countries and cross-border incidents have placed the security and stability of the whole region in serious jeopardy. Jordan, Lebanon, and Turkey are particularly affected by the incessant flow of refugees and the subsequent economic burden of meeting their basic needs. The UN estimated in July 2013 that the death toll was about 100,000 since the start of the conflict's outburst.² The conflict took a new turn af-

² Edith Lederer, "Death Toll in Syria Rises to 100,000, UN Chief Ban Ki-Moon Says," *Huffington Post* (25 July 2013); available at www.huffingtonpost.com/2013/07/25/death-toll-syria-100000_n_3652448.html. Recent unofficial estimates suggest that the number of dead is about 120,000.

ter the provision of evidence on the use of chemical weapons near Damascus emerged on 21 August 2013.

Widespread polarization on the regional and international dimensions of the conflict complicated the delivery of a solution. Western powers indefatigably pointed to the loss of legitimacy by the Syrian President Bashar al-Assad, who according to them, should have stepped down without delay. On the opposite side of the equation, Russia, China, and Iran provided all possible support to the Syrian leadership, helping ensure its survival. States in the region such as Saudi Arabia, Qatar, and Turkey were more outspoken against the incumbent Syrian regime and supplied the opposition forces with different forms of aid, including military assistance, while some others, like Iraq and Lebanon, kept a relatively low profile and refrained from taking any action that might threaten the Assad regime. In the case of Lebanon, things became more complicated with Hezbollah's engagement in the war to support the Syrian government. Extant divisions and controversies on both the regional and international levels have helped ensure the continuation of external support to the conflicting parties, which has kept adding fuel to the fire and has pushed the conflict ever closer to the precipice. In the course of the analysis presented here, more will be said on how the positions and interests of the respective states affected the efforts of the international community, primarily the UN Security Council, to find a solution to the Syrian conflict.

The societal fabric of Syria—with its majority Sunni population ruled by the minority Alawites, to which President Assad and his entourage belongs—further deepens the sectarian fault lines that have become easily exploitable in the context of the ongoing military hostilities. Clashes between the armed opposition and the Syrian military over control of parts of the country have fragmented Syria and created a sort of a “supervision vacuum” in the most fragile areas that have proved vulnerable to infiltration by various terrorist and extremist elements. It quickly transpired that the collective clamor for democratic change withered, and everything since has resembled a power battle between the ruling regime and the opposition forces. The situation got out of hand when “third parties”—extremist and terrorist forces—hijacked the “revolution” and abused the country's vulnerability to promote their own agendas. Despite the existence of the umbrella opposition group, the Syrian National Council,³ the fact that Syrian opposition forces remain eclectic and dissipated around the country, lacking in leadership, command, control, and coordination, does not really help their case to be an alternative to the current leadership of the country. On the other hand, opponents of Bashar al-Assad see the consistent harsh use of force by his regime, involving heavy weaponry throughout the duration of the conflict, as having destroyed his legitimacy as a leader, and has generated talk of his accountability and responsibility under international law. Critiques of the armed opposition forces also equally blame them for committing brutal actions

³ Under pressure from Western states to make the Syrian opposition more inclusive and representative, the Syrian National Council was later named the National Coalition for Syrian Revolutionary and Opposition Forces in Doha, Qatar, in November 2012, and incorporated more opposition groups from within Syria.

against the Syrian people and violating international human rights and humanitarian laws.

The whole context of the Syrian crisis, with its respective players, has become so blurred and unpredictable that it now seems almost impossible to identify the purpose of the conflict except, as mentioned above, that it is simply a power struggle between the ruling elite and the fragmented opposition. With things becoming increasingly complicated as more extremist forces enter the stage and exploit the security vacuum, it has become almost impossible to apply international law principles concerning responsibility and accountability to all perpetrators. Often, therefore, the primary target is the incumbent Syrian leadership, who is also blamed for actions that it did not commit. Searching for a way out of a crisis that is so deeply bogged down in uncertainty—one that is both an internal power struggle as well as being implicated in regional and international contexts, and enmeshed in nexuses of sectarianism, terrorism and extremism—is an intrinsic challenge. In the following section I will try to highlight how the UN Security Council has faced up this challenge.

The Security Council Perspective: A Convoluted Involvement

The situation in Syria became the true litmus test for the United Nations Security Council's ability to act on the most immediate and threatening international security issues. In 2011, when the conflict in Syria has not yet erupted into violence, the Council adopted a presidential statement on the Syrian conflict on 3 August, which in general expressed concern over the worsening security situation and violations of human rights.⁴ When the situation deteriorated, the Council put to a vote its first resolution on Syria on 4 October 2011, which was vetoed by Russia and China. More will be said on this and the subsequent two vetoed resolutions in the Security Council later in the essay, but at the outset, some chronology of events with regard to the Council's handling of the Syrian case seems necessary.

Mediation Efforts – Joint Special Envoy

As the country slipped further into violence, the Security Council intensified its efforts in quest of a solution. 2012 was marked the designation of a Special Envoy on Syria by General Assembly Resolution A/Res/66/253 on 16 February, which aimed to “provide support to the efforts of the League of Arab States, both through good offices aimed at promoting a peaceful solution to the Syrian crisis, including through the appointment of a Special Envoy....”⁵ Following the resolution, and upon consultation between UN Secretary-General Ban Ki-Moon and the Secretary-General of the League of Arab States Nabil Elaraby, the two announced on 23 February 2012 the appointment of former UN Secretary-General Kofi Annan as the Joint Special Envoy (JSE) of the United Nations

⁴ See S/PRST/2011/16.

⁵ “The situation in the Syrian Arab Republic,” Resolution adopted by the General Assembly, A/Res/66/253 (16 February 2012); available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/66/253.

and the League of Arab States on the Syrian crisis.⁶ On 2 March, the Security Council endorsed Kofi Annan's candidacy as the UN–League of Arab States Envoy on Syria during a roundtable with the latter.

The following six months constitute the most active phase in the UN's quest for a solution to the crisis. On 16 March 2012, during his next briefing to the Council, Kofi Annan informed the members of his "six-point plan," which he had previously submitted to the Syrian president. The plan envisaged active work by the various political parties of Syria together with Annan in an effort towards forging a political dialogue, ending military hostilities, and introducing an international supervision mechanism that would monitor the situation once the ceasefire was in place, guarantee the accessibility of humanitarian aid, provided for the release from prison of arbitrarily detained people, guarantee freedom of movement for media representatives, and ensure the freedom of assembly. The Security Council expressed its support for the efforts of the Joint Special Envoy via adoption of its presidential statement on 21 March, which endorsed the proposed six-point plan and expressed the Council's support for the work of the Envoy: "to this aim, the Security Council fully supports the initial six-point proposal submitted to the Syrian authorities, as outlined by the Envoy to the Security Council on 16 March 2012...."⁷ The Syrian government expressed its agreement to the six-point plan in a letter it sent to the Joint Special Envoy on 25 March 2012.⁸

The endorsement of Annan's six-point plan by the Security Council provided a glimmer of hope for optimists, who believed that international calls on the "conscience and good will" of the conflicting parties might suffice to stop the raging violence in Syria. Controversies within the Security Council were highly pronounced regarding the second provision of the plan, which called for the end of military hostilities and placed the primary responsibility on the Syrian government for that matter:

To this end, the Syrian government should immediately cease troop movements towards, and end the use of heavy weapons in, population centres, and begin pullback of military concentrations in and around population centres..., the Syrian government should work with the Envoy to bring about a sustained cessation of armed violence in all its forms by all parties with an effective United Nations supervision mechanism. Similar commitments would be sought by the Envoy from the opposition and all relevant elements to stop the fighting and work with him to bring about a sustained cessation of armed violence in all its forms by all parties with an effective United Nations supervision mechanism.⁹

⁶ "Kofi Annan Appointed Joint Special Envoy of the United Nations, League of Arab States on Syrian Crisis," Information for Media, Secretary-General SG/SM/14124; available at <http://www.un.org/News/Press/docs/2012/sgsm14124.doc.htm>.

⁷ Statement by the President of the Security Council, S/PRST/2012/6 (21 March 2012); available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2012/6.

⁸ From the briefing of Kofi Annan to the members of the Security Council during closed consultations on 2 April 2012.

⁹ Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States, Annex to S/RES/2042 (2012) (14 April 2012), 4.

The Western members of the Security Council in 2012, including those in the permanent five (P5) and in the elected ten (E10), such as France, the United States, the United Kingdom, Germany, and Portugal unanimously underlined that it was the clear responsibility of the Syrian government to cease the military attacks, which had to be reciprocated by the opposition forces. Russia and China, on the contrary, argued that the cessation of military hostilities should be a simultaneous and reciprocal process, with both the government and opposition forces committing to an armistice and refraining from any provocation. Other members of the Security Council stood somewhere in the middle, without placing too much criticism on either side, and emphasized the responsibility of both sides in attaining a ceasefire. Provisions concerning humanitarian access, freedom of movement for journalists, and an inclusive political process—although less divisive—still occasionally put some Security Council members at cross-purposes. Nonetheless, despite the controversial interpretations of the most critical provisions of the six-point plan within the Council, as well as by the warring sides, at the moment of the plan's endorsement by the Council this was almost seen as a victory of international diplomacy.

In the meantime, the Joint Special Envoy was in active conversation with relevant circles in Syria about the likelihood of implementing a ceasefire. The Council was receiving frequent briefings by Kofi Annan, who during one of his briefings suggested that he was conferring with the parties to the conflict over the possible ceasefire deal in pursuit of the implementation of his six-point plan. He requested the Council's support for his endeavor in order to bolster his entreaties with a clear expression of the Council's will. The Security Council was rather swift in its response, and on 5 April the Council adopted another presidential statement in support of the Joint Special Envoy's efforts, which called the parties to observe a ceasefire by 10 April. More specifically, it noted that the parties have to "(a) cease troop movements towards population centres, (b) cease all use of heavy weapons in such centres, and (c) begin pullback of military concentrations in and around population centres, and to fulfill these in their entirety by no later than 10 April 2012."¹⁰ The presidential statement also denoted the importance of establishing the international supervision mechanism in Syria as stipulated in the six-point plan, and "requested the Secretary-General to provide proposals for such a mechanism as soon as appropriate, after consultations with the government of Syria."¹¹

Calls for a ceasefire finally started to bear fruit on 12 April, when the parties suspended their military onslaught for the first time in the duration of the conflict. However, the pre-existing narratives on the part of the conflicting parties as to who should first drop the gun slowly but surely grew into a resumption of military hostilities. There again, heavy mutual finger-wagging ensued, with the government blaming the opposition forces for provocative actions and non-observation of the ceasefire, and the opposition accusing the government of using heavy weapons and disproportionate military re-

¹⁰ Statement by the President of the Security Council, S/PRST/2012/10 (5 April 2012); available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2012/10.

¹¹ *Ibid.*

sponses. What followed did not help to sustain the initial surge of optimism, as the lull in military activities that lasted for a short period of time was gradually superseded by active military hostilities and increasing human casualties.

United Nations Supervision Mission in Syria (UNSMIS)

However, in promotion of his Security Council-backed six-point plan, Kofi Annan continued to emphasize the necessity of establishing an international supervision mechanism in Syria that would monitor the implementation of the plan and the observance of the ceasefire. His repeated appeals to the Security Council members on the indispensability of such an undertaking engendered heated discussions among the Council (the P5 in particular) as to the safety and plausibility of sending UN peacekeepers to a zone of active military conflict. The skepticism within the Council was especially aggravated by the increasingly distressing news from the ground about the new wave of hostilities being on the rise, despite the declared commitment by the parties to the ceasefire deal brokered by Kofi Annan. Moreover, the failure of the League of Arab States peacekeeping mission some months previous and its subsequent closure¹² in view of the dangerous security situation further intensified the aversion to the idea of launching a UN Mission in Syria.

Prolonged discussions within the Security Council had finally produced results, and with its first Syria resolution (UNSC Resolution 2042) on 14 April 2012, the Security Council authorized the dispatch of an advance UN supervision team to Syria. A week later, on 21 April, the Council adopted its next resolution. Building on the objectives of the preceding Resolution 2042, Resolution 2043 unleashed a full-fledged UN mission on the ground for an initial period of ninety days, formally established the United Nations Supervision Mission in Syria (UNSMIS), and set up a reporting period of fifteen days' interval.¹³ The resolution required the initial deployment of "up to 300 unarmed military observers as well as an appropriate civilian component as required by the Mission to fulfill its mandate."¹⁴

In the weeks ahead the Security Council indeed became flooded with information for its Syria file, receiving fortnightly updates from the UNSMIS, plus regular briefings by Joint Special Envoy Annan. Irrespective of increasingly grim reports from the ground about the fluid and precarious nature of the security situation, and speedy deflection by the parties from their commitments under the six-point plan and UNSC Resolutions 2042 and 2043, some vestige of hope remained that the full-fledged impartial supervision and monitoring arrangement would contribute to a decision by the parties to uphold

¹² At the end of 2012 the League of Arab States (LAS) had proposed a plan for the solution of the crisis which was initially accepted by Syrian authorities, and as a consequence LAS sent its monitoring mission to Syria in December 2012. However, later in January 2013 the monitoring mission was suspended due to the worsening of security situation.

¹³ UN Security Council Resolution 2043, S/RES/2043 (21 April 2012); available at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2043\(2012\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2043(2012)).

¹⁴ Ibid.

their commitments. Expectations were high that the steady expansion of the UNSMIS up to its maximum number (300) would continue to have an important stabilizing effect in terms of safeguarding the cessation of hostilities.

This cautious optimism continued for several weeks despite increasingly harrowing news received on a daily basis from the region. However, the worsening security conditions on the ground rendered the full-fledged operation of the UNSMIS impossible. Although in the short time span following the deployment of the UNSMIS violence had the tendency to subside in the areas where the military observers were present, subsequent developments were accompanied by a stark deterioration of the security situation and a sharp rise in violence. The absence of a propitious security setting made the full-fledged operation of the UNSMIS impossible, and forced it to limit its monitoring activities. The Mission had to sustain its operations following UNSC Resolution 2059, which on 20 July 2012 decided to renew the mandate of UNSMIS for a final period of thirty days, and conditioned the subsequent renewal “only in the event that the Secretary-General reports and the Security Council confirms the cessation of the use of heavy weapons and a reduction in the level of violence by all sides sufficient to allow UNSMIS to implement its mandate.”¹⁵ The UN presence on the ground in Syria thus came to an end, depriving the UN Security Council of the only independent source of on-site information on the events in the country.

Geneva Conference and Final Communiqué

Against all odds, the search for a solution continued with the earnest mediation efforts of Kofi Annan. He proposed to convene an international conference with the participation of the major actors having influence on the conflicting parties, to enable the adoption of a final document that would set forth the basic principles for ceasing military hostilities, forging national reconciliation, and initiating a political process in the country. Some heated discussions about who should be included among the participating states accompanied the run-up to what later became the landmark first Geneva Conference. The most frequently asked question was whether Iran and Saudi Arabia should have been invited as regional states. Although Mr. Annan indicated that inviting those two states could have had a beneficial effect on the outcome of the conference, this proposal was given short shrift by the United States, who rejected Iran’s participation, and Russia, who opposed the Saudi presence based on the argument that the two proposed states were active supporters of the Syrian government and the opposition, respectively. The Geneva meeting finally took place on 30 June 2012 involving the P5, plus Qatar, Iraq, Kuwait, and Turkey.

Without going into too deep detail on the prolonged discussions that predated the final document of the meeting, it should be emphasized that the adoption of the Geneva Communiqué on 30 June 2012 marked the first consensus outcome of the international community that laid out a set of principled objectives for the Syrian-led political transi-

¹⁵ UN Security Council Resolution 2059, S/RES/2059 (20 July 2012); available at [www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2059\(2012\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2059(2012)).

tion process. Beyond reinforcing the calls on the parties to implement their respective obligations under international law, including first and foremost the six-point plan and UNSC Resolutions 2042 and 2043, the Final Communiqué of the Action Group for Syria set guidelines and principles for a Syrian-led political transition that “meets the legitimate aspirations of the Syrian people.”¹⁶ Those principles held that any settlement must provide to the people of Syria a political transition that:

- Offers a perspective for the future that can be shared by all citizens of Syria
- Establishes clear steps according to a firm timetable towards the realization of that perspective
- Can be implemented in a climate of stability, calm, and safety for all
- Is reached rapidly without further bloodshed and violence and is credible.¹⁷

The document also identified the steps to be taken towards the meaningful transition process in the country, such as the establishment of a transitional governing body, initiation of a national dialogue process, review of the constitutional order, and holding free and fair multi-party elections.¹⁸ If implemented, those steps could have become true milestones for the Syrian-led transition process that would have been indispensable for the achievement and sustainability of security and stability in the country. However, existing dissension in the international community regarding the causes of the Syrian conflict and overt side-taking with either the government or the opposition forces by the concerned regional and international powers, including the Security Council P5 members, have also translated into divergent perceptions of the goals set by the Geneva document.

More specifically, the provision in the document about the neutral transitional governing body that “could include members of the present government and the opposition and other groups and shall be formed on the basis of mutual consent”¹⁹ became the prerequisite for multiple interpretations of the eligibility of the incumbent President Bashar al-Assad to be the part of a new Syrian transitional government. The language of the said provision was aimed at striking a deal that would otherwise have been elusive given the participatory setting of the conference, and therefore, struck a balance by making references both to the government and the opposition members as possible components of the future government. Although keeping the references to both the government and the opposition forces promised to salvage this last-ditch effort by the international community to deliver the hoped-for outcome, it nevertheless opened up a Pandora’s box by kicking off the never-ending controversy over whether President Assad should stay or step down. Once again the efforts of the international community succumbed to the long-persisting divisions that consistently mar its effectiveness and became entrapped in the endless debates over how to resolve the Syrian crisis. For the first

¹⁶ Action Group for Syria Final Communiqué (30 June 2012), 1.

¹⁷ *Ibid.*, 2.

¹⁸ *Ibid.*, 3.

¹⁹ *Ibid.*

time since the outbreak of the conflict, the Geneva Communiqué seemed to offer a light at the end of the tunnel, which unfortunately became dimmed by frictions and efforts to achieve maximum unilateral gains. Despite calls within the international community to conduct a second Geneva Conference that would ensure the participation of the government and opposition forces, the summoning of the conference has been postponed several times since July 2013, mostly because of the parties' extreme positions that exclude the other party's right to participate in the future political process. After consistent efforts of the international community, the US, Russia and L. Brahimi being the vanguard of such efforts, the conference finally took place in two rounds – in 25-31 January and 10-14 February 2014 with the participation of both government and opposition forces. Without too much delving into the conduct and the outcome of the second Geneva conference, which surely could qualify for a separate research, it could be concluded that the conference clearly demonstrated profound gulf between the respective positions of government and opposition forces that remain at extreme ends as to forging a political solution to the Syrian crisis.²⁰

The ultimate blow to the operability and effectiveness of the Geneva Communiqué was dealt by the inability of the UN Security Council to adopt a supporting resolution under Chapter VII that would make the implementation of the Geneva document binding. Irrespective of the repeated calls by Kofi Annan on the Council to adopt a supporting Chapter VII resolution that would endorse the Geneva document and render his efforts effective, the adoption of such a resolution became impossible due to strong opposition by Russia and China who, drawing their own conclusions from the Libyan case, continued to refuse any Chapter VII resolution on Syria.²¹ Under these circumstances,

²⁰ The conference witnessed highly hostile rhetoric on both sides against each other. Moreover, the first round of the conference ended without being able to secure an agreement on easing blockage for the besieged city of Homs. The deal was achieved later on 6 February 2014 with the UN brokering, on the same day when Russia made clear its intention to block action on a Western and Arab-backed draft resolution in the Security Council that aimed to pressure the government and opposition to allow aid into the country. (See: "Russia opposes humanitarian resolution on Syria," 6 February, 2014, <http://gulffnews.com/news/region/syria/russia-opposes-humanitarian-resolution-on-syria-1.1287283>; Liz Sly and Ahmed Ramadan, "Syrian regime, rebels reach deal to aid besieged Homs," *The Washington Post*, 6 February 2014, http://www.washingtonpost.com/world/syrian-regime-rebels-reach-deal-to-aid-besieged-homs/2014/02/06/8905b0f8-8f6c-11e3-878e-d76656564a01_story.html.) On 7 February a three day ceasefire was agreed in order to evacuate the civilians from the city of Homs and supply humanitarian aid to the remaining citizens. Despite the violence that broke out on the very first day of the ceasefire that interrupted the delivery of aid and evacuation of besieged people, the parties nevertheless managed to extend the ceasefire to allow aid to more people and enable the evacuation of hundreds from Homs. The Geneva conference held in two rounds failed to deliver any tangible results in reaching a political solution to the conflict.

²¹ The Security Council's Resolution 1973, adopted on 17 March 2011 enacted a "no-fly zone" over Libya, which resulted in NATO's campaign of air strikes against Gaddafi's forces. Russia and China voted for this resolution; however, later they argued that their agreement to the establishment of "no-fly" zones by Resolution 1973 was a mistake, as it later was exploited by

feeling abandoned and not receiving adequate support from the Security Council, Kofi Annan refused to further extend his mandate after the end of August 2012 and resigned from his position as Joint Special Envoy.

The period of Mr. Annan's mediation activity marked the period of the most intense activity in the Security Council with respect to Syria and the search for a political solution to the crisis. His initiatives account for the most remarkable international documents adopted on Syria, in particular UNSC Resolutions 2042 and 2043 and the Geneva Communiqué. Nonetheless, as he understood and repeatedly emphasized, his mediation efforts—including frequent interactions with the conflicting sides in Syria—were by themselves insufficient and could not take the place of actions by the UN Security Council, which should have demonstrated a more unified and decisive stance by adopting a binding decision that would oblige the parties to abide by their international commitments, cease military hostilities, and implement the six-point plan and the relevant UNSC resolutions.

*Joint Special Representative and Moderation of Intensity in the Security Council*²²

Renowned Algerian diplomat Mr. Lakhdar Brahimi took after Mr. Annan as the UN–League of Arab States Special Representative, and was formally appointed on 17 August 2012. As a seasoned diplomat, Mr. Brahimi fully understood the complexity of the task and was reluctant to succeed Mr. Annan. Prior to undertaking his responsibilities he repeatedly voiced a hope for enhanced support from the Security Council for his forthcoming activities. In his media interviews he described his task as “nearly impossible” and said: “I’m coming into this job with my eyes open, and no illusions.”²³ Being thoroughly conversant with the circumstances in the region and having seen the most serious efforts of his predecessor fail, he perfectly fathomed that his efforts alone would not suffice to bring about peace to such a deadly conflict. He conveyed this message at each and every briefing that he delivered to the Security Council, and underlined the importance of the Council’s unity to take a more formidable stance on the Syrian case. He too stressed the necessity of the Council’s adoption of the Chapter VII resolution that would make the implementation of the Geneva Communiqué a binding obligation upon the parties.

Despite the obvious hurdles that challenged his work right from the start, Mr. Brahimi spent all possible efforts to mediate the conflict, negotiate with the parties, and seek rapprochement between the Russian and United States positions that were and still remain on the extremes of the discussion of how to achieve a political settlement of the Syrian crisis. Brahimi repeatedly parried intensifying queries in some international circles about whether he as a new Syrian mediator was going to develop his own plan by

the NATO members to justify the military intervention in Libya and enforcement of regime change.

²² This time the word “Envoy” was replaced by “Representative.”

²³ “UN Envoy Brahimi says Syria Mission ‘Nearly Impossible’,” *BBC News* (3 September 2012); available at <http://www.bbc.co.uk/news/world-middle-east-19460919>.

hinting that the objective was not to develop a plan as such but to achieve the implementation of the already existing documents: "I am sure that the Geneva conference held in June this year includes elements that are sufficient for a plan to end the crisis in the next few coming months. It was clear in Geneva and is now clearer that the change required is not cosmetic...."²⁴ Moreover, during one of his briefings to the Council he emphasized that the solution to the Syrian crisis would be reached through rushing into a new plan just for the sake of having a plan and without ensuring that necessary prerequisites exist for the effectuation of such a plan.²⁵

In mid-October 2012, Mr. Brahimi made an emotional appeal to the conflicting parties on the occasion of Eid-al-Adha to stop the military hostilities and killings on that day, with the hope that if his calls were heeded and the parties agreed to an armistice, this transient lull could further be extended to the achievement of a lasting peace and political solution. In support of his initiative, the Security Council issued a press statement on 24 October 2012, where it "welcomed the important and timely initiative of the Joint Special Representative of the United Nations and the League of Arab States ... for a ceasefire and a cessation of violence in all its forms during the period of Eid-al-Adha...."²⁶ Unfortunately, once again calls for a ceasefire did not materialize into the expected termination of hostilities that would create the prerequisites for a final peace. Both parties to the conflict continued to play the blame game by shirking the responsibility for not observing the ceasefire appeal. The vicious circle continued to turn, and the conflict dragged on, taking more lives and forcing many into destitution.

Although in his capacity as the Special Representative Mr. Brahimi continued his mediation efforts, his frustration over perpetual divisions in the international community, continuing arms supplies that fuelled the conflict, and lack of consensus in the Security Council to take more forceful steps toward forging a political solution to the Syrian crisis was becoming increasingly obvious. However, the Arab League's decision on 12 November 2012 to recognize the opposition Syrian National Coalition as the legitimate government of Syria appeared to be the final game changer. Rumors about Brahimi's intention to resign in May 2013 were littering the news media, and he also hinted at the possibility of his resignation during interactions with the Security Council. However, repeated appeals were made by the P5 members as well as the UN Secretary-General Ban Ki-moon for Brahimi to stay on, which he did.²⁷ However, after this point his interactions with the Security Council as a unitary entity and his regular briefings to this

²⁴ Ned Parker and Sergei L. Loiko, "Lakhdar Brahimi Works to Revive Syria Peace Plan," *Los Angeles Times* (27 December 2012); available at <http://articles.latimes.com/2012/dec/27/world/la-fg-syria-diplomacy-20121228>.

²⁵ Briefing by L. Brahimi to the UN Security Council on 24 September 2012 (closed consultations).

²⁶ UN Security Council, press statement on Syria, SC/10800 (24 October 2012); available at <http://www.un.org/News/Press/docs//2012/sc10800.doc.htm>.

²⁷ "Brahimi to Stay on as Syria Envoy after Russia-U.S. Bid," *Al-Arabiya* (9 May 2013); available at <http://english.alarabiya.net/en/News/middle-east/2013/05/09/Brahimi-to-stay-on-as-Syria-envoy-after-Russia-U-S-bid.html>.

UN body lessened, as he preferred to stick to bilateral mediation tactics with the conflicting parties in Syria, working directly with regional powers and the members of the Security Council that have influence and leverage on the parties.

Chemical Weapons Controversy

The deadly events of 21 August 2013 involving the use of chemical weapons in an attack on Ghouta, on the outskirts of Damascus, that killed over a thousand people sparked international outrage and became another challenge for the Security Council in taking a united stand. The Council condemned the attack and urged the UN Chemical Weapons Investigation Team that arrived in the country on 17 August to immediately start an investigation of the case in Damascus.²⁸ The Mission, under the supervision of Dr. Åke Sellström, carried out the investigation and compiled its report in record time. In line with intelligence information gathered by some UN Security Council states (namely the United States and United Kingdom) that a chemical attack had indeed taken place involving the use of sarin gas, the UN Commission independently concluded that the attack had taken place and that sarin was used. The final conclusions were as follows: “on August 21, chemical weapons have been used in the ongoing conflict between the parties in the Syrian Arab Republic, also against civilians, including children, on a relatively large scale ... surface-to-surface rockets containing the nerve agent Sarin were used in Ein Tarma, Moadamiyah, and Zamalka in the Ghouta area of Damascus.”²⁹

In parallel to the efforts of the UN investigation team, the probability of a military strike on Syria by the United States and its allies was the subject of acrimonious debates in the international community. President Obama’s drawing of a “red line” while assessing the probability of military strikes against Syria defined the usage of chemical weapons as the last possible straw that might ignite the superpower’s wrath. Ironically, this prescience was quite quickly fulfilled, causing much headache and hand wringing over whether the promised military strike as a “punishment measure” might indeed materialize. While the proponents of carrying out such an attack decisively pronounced it to

²⁸ The UN team of experts was sent to Syria to investigate the previous allegations on the use of chemical weapons in Syria. The team conducted long deliberations with the Syrian government to gain access to the country and to the sites to investigate allegations of previous chemical attacks. The U.S. averred that Assad’s forces had used them previously on a small scale, while Russia argued that rebels used sarin gas near Aleppo in March. Syrian authorities originally insisted that the UN team should only investigate claims of chemical weapons use in Khan al-Assal, near Aleppo, but the UN team was tasked to also investigate other incidents, mainly around Damascus, Homs, and the northern town of Saraqeb.

See “UN Chemical Weapons Investigators Arrive in Syria,” *NBC News* (18 August 2013); available at http://worldnews.nbcnews.com/_news/2013/08/18/20076560-un-chemical-weapons-inspectors-arrive-in-syria.

²⁹ “United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic Report on the Alleged Use of Chemical Weapons in the Ghouta Area of Damascus on 21 August 2013,” Letter from the Secretary-General addressed to the President of the Security Council (S/2013/553) (16 September 2013), 5.

be only “a shot across the bow” and limited in time and scope, others were not so optimistic about the chances of beginning a military operation in such narrow limits, and argued that once started, a military strike would be hard to confine to the predetermined scope in such a messy civil war. Moreover, opponents also argued that an operation that was sharply limited in time and scope would be unlikely to yield any plausible results in terms of stopping Syria’s civil war and would carry great risks of accidentally hitting Syria’s chemical weapons storage sites, thus causing leakages of poisonous material.

For President Obama, as the anti-war president and Nobel Peace Prize winner who had assumed office in a domestic atmosphere of heavy “war fatigue,” and who had built his election campaign on anti-Iraq war slogans, continuing with the development of plans for military strikes on Syria was a tough decision to make. Things got more complex when on 29 August 2013 the United Kingdom Parliament voted against the country’s involvement in any new war abroad, thus upsetting David Cameron’s case for the legitimacy of a military action as a punishment measure for the use of chemical weapons, and stripping the United States’ leadership of its primary ally’s support. The U.S. later expressed its readiness to carry on with the planned operation alone,³⁰ and the French reiterated their continued support for the planned military strikes, even without the United Kingdom’s participation.³¹ However, it was clear that the United Kingdom’s unexpected exit from the circle of allies dealt a weighty blow to the likelihood of any military action and raised questions about the plausibility of a military strike, especially since the U.S. would have to both face the potential for overseas entanglement alone as well as foot the entire bill for the war. Although President Obama affirmed his right to go ahead with a military strike, even without the congressional approval, under circumstances where he alone should shoulder the primary responsibility for the use of force, he opted to seek Congress’ approbation:

As commander in chief I always preserve the right and the responsibility to act on behalf of America’s national security. I don’t believe that I was required to take this to Congress.... I believe Congress will approve it because I think that America recognizes that as difficult as it is to take any military action, even one as limited as we’re talking about, even one without boots on the ground. That’s a sober decision.³²

However, what kind of outcome might have come from a vote in the U.S. Congress was highly debatable, given the fact that prevailing public opinion as well as the mood in the Congress was largely skeptical. But the hearings in Congress never happened.

³⁰ Peter Foster and Raf Sanchez, “America Is ‘Livid’ with the British and Could Launch Syria Strikes on its own,” *Business Insider* (29 August 2013); available at <http://www.businessinsider.com/america-could-launch-military-strikes-against-syria-without-waiting-for-britain-2013-8>.

³¹ “Live Blog: Syria crisis, UN chemical weapons team leaves Syria paving way for attack,” *Haaretz* (31 August 2013); available at <http://www.haaretz.com/news/middle-east/1.544477>.

³² “Obama Asserts Right to Strike Syria without Congressional Approval,” *RT.com* (4 September 2013); available at <http://rt.com/usa/obama-syria-strike-congress-415/>.

An about-face ensued with the Russian proposal in early September 2013 for the establishment of international supervision over Syria's chemical weapons arsenal, which was almost immediately accepted by the Syrian authorities. The idea was to offer a plausible compromise to avoid impending military strikes against Syria, a compromise that was later endorsed by President Barack Obama. The existing rifts among the Western allies, the alleged faltering on the part of President Obama to solely shoulder the responsibility for plunging the U.S. into a new and unpredictable war abroad (and therefore bringing the matter to Congress), as well as subsequent controversies within the U.S. Congress over whether to support or reject strikes against Syria have all conduced to the Russian proposal's success. Many in fact saw the Russian initiative as salvation for Syria's incumbent leadership and an "unexpected rescue plan" for the divided West, the United States' President in particular, who was seemingly reluctant to give the go-ahead for the rumored military strike. Things quickly moved from proposal to actualization when the U.S. Secretary of State John Kerry and Russian Foreign Minister Sergey Lavrov hammered out an agreement in Geneva on 14 September 2013 that further reinforced the objective of Assad submitting his chemical weapons arsenal to international supervision and set out the basis for carrying out the relevant work to eliminate all chemical weapons in Syria by mid-2014. The whole initiative carried an utterly ambitious and unprecedented goal of eliminating a country's entire chemical weapons arsenal in an active war zone through the active involvement of the Organization for Prohibition of Chemical Weapons (OPCW) within very short timeframes, and contained a promise of measures under Chapter VII of the UN Charter in the event of non-compliance.³³

Guided by the 14 September Geneva document, the relevant draft resolution was presented by Russia and the United States to the UN Security Council and was unanimously adopted by the Council on 27 September 2013 as UNSC Resolution 2118.³⁴ The resolution maintained the clear objectives and deadlines of the 14 September Geneva agreement regarding the process for the elimination of Syria's chemical weapons stockpiles and supported the relevant decision of the OPCW of 27 September, which laid out special procedures for the destruction of Syria's chemical weapons stockpiles. Moreover, the resolution also authorized the dispatch of an advance UN team to assist the OPCW efforts on the ground.³⁵ Quick action followed after the adoption of UNSC Resolution 2118. In his 7 October 2013 letter to the Security Council (S/2013/591), UN Secretary-General Ban Ki-Moon proposed the establishment of the UN-OPCW Joint Mission that "would operate in areas of their particular competences, taking into account

³³ "Washington Wire: The U.S.-Russia Agreement on Syria's Chemical Weapons," *Wall Street Journal Online* (14 September 2013); available at <http://blogs.wsj.com/washwire/2013/09/14/the-u-s-russia-agreement-on-syrias-chemical-weapons/>.

³⁴ An analysis of the circumstances surrounding the adoption of UNSCR 2118 will be offered below.

³⁵ UN Security Council Resolution 2118, S/RES/2118 (2013), 3; available at [www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2118\(2013\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2118(2013)).

the necessary and complimentary roles that each Organization has in supporting and conducting the Mission....”³⁶

During its deliberations the Security Council supported the proposed Joint Mission initiative, and the process was jump-started by the appointment of Ms. Sigrid Kaag (Netherlands) to the post of civilian Special Coordinator who would head the mission.³⁷ The Joint Mission had to implement its tasks in three phases. During the first phase, a preliminary presence in Damascus and the team’s necessary operating capability had to be established. In the second phase, which should have lasted until 1 November 2013, the OPCW had to complete initial inspections of all chemical production and storage facilities in Syria and supervise the destruction by Syrian authorities of all chemical weapons production, mixing, and filling equipment. In phase three, which is the most complex one, the destruction of Syria’s chemical weapons program in the multiple sites that are dispersed across the war-torn country should take place. The last phase is the most difficult one, given that the relevant operations are to be carried out in an active war zone and within a short time frame.³⁸ The OPCW Executive Council adopted a final detailed plan on 15 November 2013, according to which “all declared chemical substances and precursors except for isopropanol will be removed from Syria no later than February 5, 2014.”³⁹

In sum, without delving too much into all of the discussion about whether the agreement to act on Syria’s chemical weapon program should have superseded the planned military operation, as well as into the speculations as to the risks and possible effectiveness of the chemical weapons elimination program, it should be emphasized that with chemical weapons entering the stage, principled issues pertaining to a political solution of the Syrian conflict moved onto the back burner of international efforts. Developments associated with the enforcement of international supervision and later, destruction of Syria’s chemical weapons stockpiles in some sense marked a new phase in handling of the Syrian crisis and hence topped the agenda of the UN Security Council.

³⁶ Letter from the Secretary-General addressed to the President of the Security Council, S/2013/591 (7 October 2013); available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/591.

³⁷ Letter from the Secretary-General addressed to the President of the Security Council on the appointment of Ms. Sigrid Kaag, Special Coordinator, OPCW/UN Joint Mission, S/2013/608 (13 October 2013); available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/608.

³⁸ Letter from the Secretary-General addressed to the President of the Security Council, S/2013/591 (7 October 2013); available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/591.

³⁹ “OPCW Executive Council Adopts Plan for the Destruction of Syria’s Chemical Weapons Programme in the First Half of 2014,” *OPCW Official Website* (15 November 2013); available at www.opcw.org/news/article/opcw-executive-council-adopts-plan-for-the-destruction-of-syrias-chemical-weapons-programme-in-t/.

Why a Political Solution has Eluded the UN Security Council: Overview of Obstructing Factors and Comparisons with Other Cases

A quick sketch of the developments in the UN Security Council related to the Syrian conflict shows that making any assessments of the effectiveness or ineffectiveness of this world body in tackling the crisis is quite difficult. Although labeling the Council's work as either "effective" or "ineffective" would be much easier and more straightforward, the many layers of related factors in the situation cannot be overlooked. The following section will focus on the internal determinants that impeded the effectiveness of the Council to facilitate a political solution to the conflict.

Institutional Challenges

Before moving to the heart of the matter, a brief digression regarding the Council and its working methods may be necessary. The UN Security Council is one of six principal UN bodies, and holds primary responsibility for safeguarding international peace and security. As a comparatively limited club, it only has fifteen member states: five permanent members, and ten elected members, who each hold two-year terms. China, France, Russia, the United States, and the United Kingdom are the veto-wielding permanent members, the P5. The composition of the elected membership of the Council, though, changed several times in 2011–13 during the height of the events in Syria.⁴⁰ Nonetheless, as ironic as it may sound, the institutional fabric of the Security Council and its *modus operandi* do not change significantly with the rotation of the seats of five elected members every year. On highly controversial issues that involve certain conflicts of interests among the P5, good will and a constellation of concurring interests of the E10 can hardly enable the Council to deliver expected and effective solutions to the most pressing international security problems. This, "backpedalling" feature of the Council's decision-making process has been a major obstacle to its effectiveness over the decades of its existence and continues to be so.

The expression of Security Council's will on the issues of its agenda happens through the adoption of various instruments of different binding potency. In order of strength, they include a note by the President, letter from the President, press statements, presidential statements, and resolutions. All forms of the enumerated types of action, except the latter, require the consensus of all fifteen members and carry no obligatory power; therefore, it is relatively easy to forge a consensus on these types of documents. Resolutions, however, are the most important (and legally binding) decision-making instruments of the Council, and they do not require a consensus. To adopt a resolution of the Security Council, an affirmative vote of nine members is needed (including the concurrent votes of the P5). The necessity of having all the permanent members on board

⁴⁰ In 2011, the E10 was composed of Bosnia and Herzegovina, Brazil, Columbia, Gabon, Germany, India, Lebanon, Nigeria, Portugal, and South Africa. In 2012, the E10 consisted of Azerbaijan, Colombia, Germany, Guatemala, India, Morocco, Portugal, Pakistan, South Africa, and Togo. In 2013, it included Azerbaijan, Australia, Argentina, Guatemala, Luxembourg, Morocco, Pakistan, Republic of Korea, Rwanda, and Togo.

for a resolution renders the adoption of politically controversial resolutions very difficult, especially if they imply invoking Chapter VII measures. Any of those resolutions that might seem to cut across the interests of any among the P5 could be vetoed by the concerned state. This form of decision making can seriously disrupt the operability of the Council when it has to act on critical security issues. No wonder that this august body has often been depicted and referred to as the international scene of power politics, as its permanent members keep on manipulating within the Council to pursue their own advantage.

When there is an urgent threat to international peace and security, Chapter VII of the UN Charter envisages certain actions in response, including "partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations" (Article 41). Furthermore, "should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security" (Article 42).⁴¹ However, reaching an agreement to make these provisions operational is an uphill battle, especially when the positions of certain members of the P5 are diametrically opposed.

There have been three attempts in the Security Council to adopt a legally binding Chapter VII resolution on Syria: on 4 October 2011, 4 February 2012, and 19 July 2012. The draft resolution of 4 October 2011 envisaged "unspecified measures" against the regime after thirty days if the government failed to end the violence, underlining the possibility of economic and diplomatic sanctions. The text of the 4 February 2012 resolution was drafted along similar lines, this time setting a deadline of twenty-one days before the authorization of "further measures." The third and final draft resolution clearly acting under Chapter VII encompassed a wide range of issues, and this time included accountability, set forth a transition process, and endorsed the Geneva Communiqué to make its implementations binding. However, all three resolutions were vetoed by Russia and China, who have made clear throughout the whole period of the Council's handling of the Syrian crisis that they would not allow the Libyan scenario be repeated in Syria. All three drafts were highly critical of the Syrian government and put the onus of responsibility for the violence in the country and the dismal conditions of the Syrian people primarily on the Assad regime.

All in all, the Security Council is typically able to agree upon only on the matters that are acceptable to all five of its permanent members, thus relegating its outputs to the least ambitious minimum threshold. Initiating stronger actions that would require activating the existing Chapter VII instruments has proved to be nearly impossible due to the institutional make-up of the Security Council. The inability to agree on the issues of hard politics has gradually diminished the overall level of discussion within the Security Council about potential paths to a political solution to the conflict in Syria. The focus very quickly shifted to the humanitarian aspects of the crisis and later, issues related to

⁴¹ United Nations Charter, Chapter VII.

the elimination of chemical weapons. Frequent briefings by OCHA Head Ms. Valeri Amos, as well as UNHCR's High Commissioner Mr. Antonio Gutierrez and by SRSB for Sexual and Gender Based Violence Ms. Zainab Hawa Bangura superseded the previously regular briefings given by the Joint Special Envoy (Representative), who since 19 April 2013 has not briefed the Council. The straightforward statement by UNHCR's High Commissioner Mr. Antonio Gutierrez during a briefing to the Council on 18 April 2013 later became a "club adage" in the Council, especially among those who favored a stronger Security Council action. He said the following: "Let us be very clear: there is no humanitarian solution for the Syrian crisis. That is why it is so tragic that we are not even seeing an inch of progress towards a political solution."⁴² On 2 October 2013, the Council adopted a presidential statement that dealt purely with the humanitarian aspects of the conflict and called for undertaking immediate measures to allay the sufferings of the portion of the Syrian population affected by the conflict.⁴³ After long deliberations and contradictions in the wake of the second Geneva conference, on 22 February 2014 the Council was finally able to adopt its first humanitarian resolution S/RES/2139 on Syria.⁴⁴

As was noted previously, with Syria's chemical weapons elimination program entering the picture, conversation in the Security Council started to revolve around this particular matter. Although repeated calls were made by an extensive circle of pundits and policy makers (as well as some Security Council members) to not allow the chemical weapons issue to overshadow the necessity of bringing about a political solution to the conflict, those calls so far seem to have gone unheeded. Unfortunately, in the case of Syrian conflict, agreements on highly political and potentially divisive matters were best reached outside the Council, probably because the concerned P5 members (especially Russia and China) did not feel the immediate pressure of Chapter VII measures. Two vivid examples are the Geneva Communiqué of 30 June 2012, which was the first genuine attempt to establish the principles for the political process and a transition government in Syria, and the Geneva agreement of 14 September 2013 between Russia and the U.S. that set in motion Syria's chemical weapons elimination program.⁴⁵

⁴² "Statement by UNHCR's High Commissioner Mr. Antonio Gutierrez to the Security Council on April 18, 2013," *Official records of the 6949th meeting of the UN Security Council*, 5 (18 April 2013); available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.6949.

⁴³ UN Security Council presidential statement S/PRST/2013/15 (2 October 2013).

⁴⁴ Russia and China were opposed to the adoption of a binding resolution on humanitarian issues due to concerns that in such a resolution it might not be possible to bypass political elements, a no go for these states. However, after the debacle of the second Geneva conference to deliver results not only on political solution but also on providing humanitarian aid to needy population, the two states conceded to the idea of resolution. Due to what seems to be a painful compromise, the resolution is purely technical and does not contain political elements.

⁴⁵ Although the Geneva agreement of 14 September contained the probability of Chapter VII measures in case of non-compliance, in the preparation phase of the subsequent UNSC Resolution 2118, the Russians were said to oppose the inclusion of any reference to Chapter VII in the resolution. However, in its final version, Resolution 2118 contains a threat of measures under Chapter VII, apparently reflecting the outcome of much heated pre-adoption

Actors

So what are the considerations behind the positions of the most influential actors within the Security Council, the P5 that define the Council's effectiveness level? The United States, United Kingdom, and France have been utterly clear in their demands that President Assad step down from power to honor the legitimate aspirations of the Syrian people for democratic change. They emphasize primary responsibility to the Assad regime for all the calamities the Syrian people have suffered, and have repeatedly called for a stronger Security Council action invoking relevant Chapter VII measures. They support the opposition forces and render all possible assistance to increase their resilience. This approach is also shared by Syria's neighbors in the region, such as Saudi Arabia, Qatar, and Turkey.

Russia and China, who have been traditional naysayers to stronger Council action on the Syrian conflict, have their own set of considerations. Both are opposed to what they perceive as externally driven attempts at regime change in Syria, which could create an unacceptable precedent for similar cases in other parts of the world. Moreover, their consistent repudiation of the spread of Western values and their rejection of what they perceive as meddling in the resource-rich contiguous region stands as a matter of principle. The Syrian port Tartus hosts the only Russian military naval base in the Mediterranean, which is the last Russian military installation outside the former Soviet Union's geographic area. In addition, Russia has economic interests in Syria, who is a substantive importer of Russian arms, to the tune of USD 4 billion.⁴⁶ Similarly, China is also proceeding from its trade and financial interests, as it is one of the biggest exporters of goods to Syria. The disappointment of letting UNSC Resolution 1973 pass through the Security Council—the resolution that served as the basis for NATO's military action in Libya—is yet another highly very potent reason why Russia and China do not want the Libyan scenario be replicated. Both reject the imputation of a lopsided amount of blame on the incumbent Syrian government for the raging violence, and both underline the responsibility of the opposition forces for disruptive and provocative actions that have necessitated responses in kind by the government.

Clearly, extant disagreements and fundamental conceptual differences within the P5 club, which seem immune to any change and approximation of positions, diminishes the Security Council's ability to demonstrate a stronger and more unified position as requested by the Special Envoy/Representative and the majority of the international community. This evinces the extent to which this world body may be susceptible to its own

discussion and an attempt to strike a balance between the Western and Russian positions in view of the overall context and developments preceding the 14 September Geneva agreement and Resolution 2118. Nonetheless, no matter what, the Geneva Communiqué of 30 June—which, as opposed to the Geneva agreement of 14 September, offers solutions to purely political issues—proved impossible to gain endorsement with the Chapter VII resolution.

⁴⁶ Holly Yan, "Syria Allies: Why Russia, Iran and China are Standing by the Regime," *CNN.com* (29 August 2013); available at <http://www.cnn.com/2013/08/29/world/meast/syria-iran-china-russia-supporters>.

institutional and representative limitations, which consistently undermines the probability of arriving at solutions to the world's most pressing security issues.

Attempts to Manipulate the Security Council

The developments within the Security Council on the Syrian issue often begged the immediate question about whether a unified Security Council as such even existed. Impressions from the unfolding events suggested that, if it were deemed necessary, the P5 could easily dispense with conferring with the E10 on matters of high politics, and could simply *post facto* offer for approval texts that had already been negotiated among the P5. “Unity” and “consensus” within the Council in such cases, therefore, would only be applicable to the P5, which has to be buttressed by the E10 as required by the working procedures. For example, while the texts of all the resolutions and presidential statements on Syria previously adopted by the Council were the subject of preliminary discussions among all the members of the Council, including the E10, the text of Resolution 2118 was prepared and negotiated by the U.S. and Russia, who upon the agreement of the other P5 members submitted the draft to the whole Council on very short notice—only a few hours before the actual adoption of the resolution on 27 September 2013—which left no time for the other Council members to participate adequately in shaping the document. Moreover, Resolution 2118 was needed to grant legally binding power to the 14 September Geneva agreement between Russia and the United States, inasmuch as the agreement considered undertaking Chapter VII measures in case of non-compliance by the Syrian authorities. The whole Council in this case played the role of “supporter” and “endorser” rather than the initiator and propeller of a given course of action.

Efforts to utilize the Council for the purposes of domestic politics should also not be overlooked. When the whole world was engrossed with discussions about the brewing military strike on Syria in response to chemical weapons controversy, the United Kingdom initiated another draft resolution in the Council just a day before the hearings in the United Kingdom Parliament on military intervention in Syria were scheduled to take place. According to insider sources, the draft resolution was a political one, and stipulated the use of the measures under Chapter VII. The flip side of the whole exercise was that the discussions were limited only to the P5; no information was leaked to the E10, even at the attempts of the elected members to get some idea of what was going on. The draft resolution was blocked by Russia and China, who in line with their perpetual stance on Syria appeared inexorable in refusing to invoke Chapter VII. The outcome should not have been unexpected, as the previous similar attempts to agree on a Chapter VII resolution containing political elements had all fizzled out. But many asserted that, although the whole undertaking of a new Chapter VII resolution was a foregone conclusion, David Cameron's government needed to embark on this exercise just to showcase another debacle of the UN Security Council to justify his case in favor of military strikes on Syria before the impending parliamentary hearings.

Comparisons to the Libyan and Yemeni Cases

The above section is definitely not intended to suggest that the Security Council is incapable of delivering solutions to issues that constitute threats to international peace and security. Without digging too much into the Security Council's success cases, if compared to the historically and geographically similar cases of Libya and Yemen, the debacle in Syria has indeed become the Council's Achilles Heel. In Libya, for instance, the Security Council expressed its initial position by adopting Resolution 1970 on 26 February 2011, which established the sanctions regime against the Gaddafi regime in Libya through putting in place extensive instruments such as asset freezes, travel bans, arms trade bans, and designation criteria.⁴⁷ The relevant committee of the Security Council established pursuant to Resolution 1970 has been institutionalized, which provides oversight of the implementation of the resolution, manages issues stemming from the tasks and obligations laid out by the resolution, and implements liaison functions among the member states with regard to the fulfillment of the resolution's core objectives.

However, the continuation of the civil unrest in Libya that was accompanied by increasing numbers of civilian casualties necessitated further action on the part of the Security Council, which adopted its next measure (UNSC Resolution 1973) on 17 March 2011. The resolution demanded "an immediate ceasefire" and authorized the international community to establish a no-fly zone and "to take all necessary measures ... to protect civilians and civilian populated areas ... while excluding a foreign occupation force of any form on any part of Libyan territory...."⁴⁸ Although skeptical about the concept of no-fly zones over Libya, Russia and China abstained from the vote, declining to exercise their veto right – a decision they later regretted, as the resolution was successfully exploited by the NATO members to justify their military intervention in Libya and enforcement of the regime change.

The legality of NATO's military operation in Libya was not challenged as vigorously as were the NATO operations in Kosovo in 1999 and Iraq in 2003, cases in which any authorization for military action by the Security Council was obviously lacking. However, scholars may continue to disagree over the moral aspects and the interpretation bias of the relevant provisions of UNSC Resolution 1973 concerning the establishment of "no-fly zones." Did the relevant provisions of the resolution indeed aim to authorize

⁴⁷ In Libya it took about ten months of escalating violence and civil war before the fall of Muammar Gaddafi, followed by his assassination in October 2011. The National Transitional Council that was recognized by the UN as Libya's legitimate representative even before the end of Gaddafi's rule took over the government of the country. The Transitional Council continued to fulfill the functions of a caretaker government until July 2012, when the first national elections in Libya in nearly half a century had elected Libya's General National Council. These elections became an indication of the nascent steps towards the democratic transition and set up an important landmark for this process. Nonetheless, many hurdles still remain on the path of Libya's democratic transition process, the resolution of which may take many years.

⁴⁸ UN Security Council Resolution 1973, S/RES/1973 (2011) (17 March 2011), 3; available at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011)).

the military action in Libya? Were Russia and China, who had more entrenched political and economic interests in the preservation of the status quo and stability in Libya than the remaining P5, fully aware that their consent to Resolution 1973 through abstention would later be exploited as a legitimization to forcefully overthrow the Gaddafi regime? There are no definitive answers to these questions, but much latitude exists for divergent conjectures. However, this does not change the ultimate outcome: the results-oriented consensus within the Council, particularly among the five permanent members, to use the Council's strongest tools in response to a pressing (yet politically controversial) issue of international politics. To judge whether this objective was good or bad, however, is outside the scope of this work.

Compared to the broader picture in the region, the transition in Yemen has happened in a more peaceful and in many ways more successful manner than the cases of Libya and Syria, avoiding civil war, and in fact experiencing no extended hostilities.⁴⁹ Against all odds, Yemen became a success case as the transfer of power and the ensuing initiation of the political transition process have happened in a peaceful manner without deeply entrenched violence in Yemeni society.

So far, Yemen has largely been on track in its implementation of the Transition Agreement that was achieved in accordance with the Gulf Cooperation Council Initiative.⁵⁰ Yemen conducted its National Dialogue from March through October 2013,⁵¹ which became an important milestone of Yemen's transitional political process. Drafting a new constitution and conducting general elections in February 2014 are among the most important tasks that are contingent upon the outcome of the dialogue, which makes the success of the National Dialogue ever more crucial.

While in the case of Libya it was an action by the Security Council that facilitated an end to the extended conflict, in Yemen the Council has mostly played the role of a "supporter" and "endorser" of the solutions negotiated by the efforts of the Gulf Cooperation Council (GCC). With UNSC Resolution 2014 (adopted on 21 October 2011), the Security Council expressed its support for the Yemeni transition process in accordance with

⁴⁹ Uprisings in Yemen carried slogans similar to those other countries of the Arab Spring, highlighting economic conditions, unemployment, and dissatisfaction with the government's policies. Despite long resistance by President Saleh and his entourage, the transfer of power finally happened in November 2011, with brokering by the Gulf Cooperation Council (GCC). According to the GCC Initiative, power had to be transferred from President Saleh to his Vice-President in exchange for immunity from prosecution. Elections were held in Yemen on 21 February 2012 who brought to the office Abd Rabbuh Mansur al-Hadi.

⁵⁰ See the 2011 Yemeni Transition Agreement, at http://www.al-bab.com/arab/docs/yemen/yemen_transition_agreement.htm.

⁵¹ Although the original deadline was October 2013, some remaining disagreements among various political forces (particularly the southern Herak movement) over the future form of the state (federalism) caused a further delay in the timely conclusion of the National Dialogue Conference (NDC), which ended on 25 January 2014. Nonetheless, the overall progress and the country's achievements are not overshadowed by the shifts in the deadline to conclude the NDC. The Security Council welcomed and endorsed the outcomes of the comprehensive National Dialogue Conference in Yemen with the resolution S/RES/2140 of 26 February 2014.

the GCC Initiative and called upon “all parties in Yemen to commit themselves to implementation of a political settlement based upon this initiative...”⁵² Subsequent Security Council documents—the presidential statement of 29 March 2012 and UNSC Resolution 2051 of 12 June 2012—further buttressed the peaceful transition objective in Yemen in accordance with the GCC Initiative.⁵³ However, the reluctance of the previous leadership of the country to give up power and its ongoing interference with the political transition process were the foremost reasons delaying the start of the National Dialogue Conference.

To demonstrate its commitment to furthering the Yemeni political transition process, the Security Council undertook a visit to Yemen on 27 January 2013, in the framework of which numerous meetings with Yemeni state dignitaries were conducted. This visit and the subsequent presidential statement (S/PRST/2013/3) of the Council of 15 February 2013 served as an impetus for the onset of the National Dialogue Conference and as a warning to the spoilers. The overall observation of the Yemeni response raises the assumption that the country has heeded the message of the Security Council, as Yemen proved to be compliant with the Council’s respective documents. Perhaps this pliancy was conditioned by the threat of enacting the Chapter VII measures contained in two UN Security Council documents (Resolution 2051, passed on 29 March 2013, and the presidential statement of 15 February 2013) in case the attempts to undermine the political transition continue. Either way, it very soon became clear that the Security Council was able to make a great difference in the way the events unfolded in Yemen and in setting up a future strategy for a political transition. As a matter of principle, it was easier to reach a consensus within the Security Council on the Yemeni case, absent conflicting interests among the P5 on how to handle the situation there, which lamentably was not the case when it came to the Syrian crisis.

As we have seen, the Security Council has unfortunately not achieved any outcome to end the Syrian conflict and facilitate the political transition in the country through a meaningful political process. The conflict has raged since 2011, becoming exponentially militarized, but taking a new turn with the chemical weapons issue entering into the picture in August 2013. This is not to suggest that the Security Council stood completely idle when the flames of the Syrian war were first springing up. The description and analysis presented here show that in fact the Council produced several resolutions and presidential statements on Syria from 2011 to 2013, some of which contain crucial political elements that support the negotiated solution of the conflict and the subsequent political process in the country. However, all those outputs of the Council vis-à-vis Syria were lacking the fundamental element that was present in handling the Libyan and Yemeni cases and, as it appears, became instrumental in forging a political solution: the enactment of the provisions of Chapter VII of the UN Charter. While I am in no way arguing for putting into action Chapter VII measures in order to achieve a political solu-

⁵² UN Security Council Resolution 2014, S/RES/2014 (2011) (21 October 2011); available at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2014\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2014(2011)).

⁵³ See the relevant documents S/PRST/2012/8 (2012) and S/RES/2051 (2012) at www.un.org.

tion to the Syrian crisis,⁵⁴ I would infer that the effectuation or non-effectuation of the Chapter VII provisions was a significant differentiating factor that influenced the Council's overall ability to bring about a solution in the Syrian, Libyan, and Yemeni cases.

Findings and General Conclusions

This article has made an attempt to provide an insight to the internal dynamics within the UN Security Council and to analyze challenges to its efforts to forge a political solution to what has become the deadliest conflict in the entire Middle East – the civil war in Syria. The general findings are as follows:

- The initial phase of the Syrian conflict did not draw much attention from the Security Council, which became more tuned in once the increasing militarization and brutality of the conflict became apparent.
- The most active phase in the Security Council's efforts to bring about a political solution to the crisis was between March and August 2012, which coincided with the tenure of the UN–Arab League Joint Special Envoy Kofi Annan, and was sustained mostly due to his initiatives (the “six-point plan” and the Geneva Communiqué being the landmark documents of this period).
- The Council's inability to reach a consensus on the most contentious issues, including the endorsement of the Geneva Communiqué under the Chapter VII resolution, contributed to the increasing frustration of Mr. Annan, whose resignation led to the next stage in the Council's efforts.
- Fully aware of all the pitfalls, including those related to the adoption of Chapter VII measures obligating the implementation of the Geneva Communiqué, the new Joint Special Representative Lakhdar Brahimi, although reluctantly, kept fulfilling his functions. However, his efforts were primarily directed toward searching for potential solutions outside the Council via frequent meetings with the conflicting parties themselves as well as with states with particular influence with the parties in Syria. This marked the waning of on the discussion of the political aspects of the Syrian crisis within the Security Council.
- After this point, the Council's attention was mostly focused on humanitarian and, subsequently, chemical weapons-related issues that eschewed the political dimension of the conflict.
- The institutional nature of the Security Council, with its veto-wielding P5 structure, renders the attainment of a political solution impossible.
- The actors' positions—that is, the major schisms among the P5—diminishes the Council's ability to act in a unified manner and accounts for its failure to speak in stronger terms.

⁵⁴ I do not mean UNSC Resolution 2118, which contains a reference to Chapter VII, since this document does not deal with the political aspects of the crisis.

- Comparisons with the Security Council's actions in the Libyan and Yemeni cases show that the Security Council could be seen as a more successful actor in the above cases when compared to its handling of the Syrian crisis. The Council has at its disposal a wide range of the most potent policy instruments that allow it to adopt swift and effective actions in response to the most pressing challenges to international peace and security. However, the courses of action employed by the Council in the cases of Libya, Syria, and Yemen differed in their essence, and were conditioned by the ability and willingness of the Council to duly respond to these cases via effectuation of its policy instruments. Enactment or the threat of enactment of Chapter VII appears to be the primary differentiating factor having contributed to the relative success of the Libyan and Yemeni cases in stark contrast with the Council's behavior regarding the Syrian conflict.
- Depending on the developments on the ground, further research on the dynamics within the Security Council is indispensable.

Bibliography

Action Group for Syria Final Communiqué., 2012.

Brahimi to Stay on as Syria Envoy after Russia-U.S. Bid. *Al-Arabiya* (2013).

Briefing by L. Brahimi to the UN Security Council In closed consultations., 2012.

Foster, Peter, and Raf Sanchez. *America Is 'Livid' with the British and Could Launch Syria Strikes on its own* In *Business Insider.*, 2013.

Kofi Annan Appointed Joint Special Envoy of the United Nations, League of Arab States on Syrian Crisis In *Information for Media*. Secretary-General, 2012.

Lederer, Edith. "Death Toll in Syria Rises to 100,000, UN Chief Ban Ki-Moon Says." *Huffington Post* (2013).

Letter from the Secretary-General addressed to the President of the Security Council., 2013.

Letter from the Secretary-General addressed to the President of the Security Council., 2013.

Letter from the Secretary-General addressed to the President of the Security Council on the appointment of Ms. Sigrid Kaag, Special Coordinator, OPCW/UN Joint Mission., 2013.

Live Blog: Syria crisis, UN chemical weapons team leaves Syria paving way for attack. Haaretz, 2013.

Obama Asserts Right to Strike Syria without Congressional Approval. RT.com, 2013.

OPCW Executive Council Adopts Plan for the Destruction of Syria's Chemical Weapons Programme in the First Half of 2014. OPCW Official Website, 2013.

Parker, Ned, and Sergei L. Loiko. "Lakhdar Brahimi Works to Revive Syria Peace Plan." *Los Angeles Times* (2012).

Russia opposes humanitarian resolution on Syria., 2014.

Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States In *Annex to S/RES/2042 (2012).*, 2012.

Sly, Liz, and Ahmed Ramadan. "Syrian regime, rebels reach deal to aid besieged Homs." *The Washington Post* (2014).

Statement by the President of the Security Council., 2012.

Statement by UNHCR's High Commissioner Mr. Antonio Gutierrez to the Security Council on April 18, 2013 In *Official records of the 6949th meeting of the UN Security Council.*, 2013.

THE QUARTERLY JOURNAL

The situation in the Syrian Arab Republic In Resolution adopted by the General Assembly., 2012.

UN Chemical Weapons Investigators Arrive in Syria. NBC News, 2013.

UN Envoy Brahimi says Syria Mission 'Nearly Impossible'. BBC News, 2012.

UN Security Council Resolution 1973 In S/RES/1973 (2011)., 2011.

UN Security Council Resolution 2014., 2011.

UN Security Council Resolution 2043., 2012.

UN Security Council Resolution 2059., 2012.

UN Security Council Resolution 2118., 2013.

UN Security Council, press statement on Syria., 2012.

United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic Report on the Alleged Use of Chemical Weapons in the Ghouta Area of Damascus on 21 August 2013., 2013.

Washington Wire: The U.S.-Russia Agreement on Syria's Chemical Weapons. *Wall Street Journal Online* (2013).

Yan, Holly. *Syria Allies: Why Russia, Iran and China are Standing by the Regime.* CNN.com, 2013.

Yemeni Transition Agreement, 2011., 2011.