

Selective Humanitarian Interventions, Structural flaws and UNSC Reforms: A critique of UNSC Approach towards Syria



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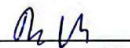
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DEDICATION

I would like to dedicate this thesis to my parents and my siblings for assisting me and encouraging me to complete my thesis. I am thankful to Supervisor, Dr Bakare Najimdeen Ayoola, for his guidance.

ABSTRACT

The research highlights the structural flaws in the UNSC and how these flaws render a selective character to humanitarian interventions. The UNSC's ability to block any resolution despite the intensity of the humanitarian crisis is the fundamental obstacle in the effective management of the humanitarian crisis. The research delved into the Syrian crisis which further reinforced the need for reforms in the UNSC. Reforms such as limiting the use of veto power, increasing transparency, and strengthening the role of the General Assembly would help to ensure that the UNSC is more effective in preventing and resolving humanitarian crises. This study makes comparison of the UNSC's responses to the humanitarian crises in Libya, Mali, and Syria which reveals that several factors are crucial in determining whether or not the UNSC intervenes. The UNSC has the responsibility to prevent and resolve humanitarian crises, but as a political body, its decisions are influenced by the interests of its member states. This makes it difficult for the UNSC to take decisive action, especially in cases where there are competing interests. The research's findings are based on a qualitative analysis of the existing scholarly work and review of the literature that explore and understand selective humanitarian interventions and UNSC structural flaws that contribute to the ineffectiveness as well as failure to intervene in humanitarian crises.

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Introductory Chapter

Background

The Westphalian state system emphasizes the sanctity of the state frontiers and symbolizes states as the embodiment of sovereignty. However, in a continuously evolving global landscape, the norms of international relations have also adapted to address the persistence of intra-state wars and civil conflicts. Protection of civilians and prevention of human rights violations have compelled the international community to respond to civil wars through humanitarian interventions. Humanitarian interventions are guided by the principles of just war and responsibility to protect (R2P).

The United Nations Security Council (UNSC) holds the authority to take the steps that must be taken to sustain world peace and Stability, however, the response of UNSC to humanitarian crises can be criticized. There exist inconsistencies and anomalies that characterize the pattern of the interventions made, with interventions occurring in some conflicts while others with severe human rights abuses and genocide go unaddressed.¹ The actions in some and inactions in others raise questions about factors that drive the international community to initiate a response through intervention and whether there are specific considerations beyond humanitarian impulses.

The unfolding of the Syrian crisis has underscored the pressing requirement for substantial reforms within the United Nations Security Council (UNSC), as the Syrian conflict is a case that required intervention, given its humanitarian concerns, but none was made. The crisis involved severe human rights violations, including the use of chemical weapons, targeting of civilians, displacement of millions of people, and widespread suffering. These conditions met the criteria often associated with justifying humanitarian intervention, which are, the need to protect human lives, prevent mass atrocities, and alleviate human suffering.² However, despite these factors, the international response, particularly through the UNSC, faced significant challenges and did not lead to a decisive humanitarian intervention. This complexity raises questions

¹ Gabriele Lombardo, "The Responsibility to Protect and the Lack of Intervention in Syria between the Protection of Human Rights and Geopolitical Strategies," *The International Journal of Human Rights* 19, no. 8 (2015): 1190–98.

² Holmes, Kim, "The Weakness of the Responsibility to Protect as an International Norm," *The Heritage Foundation*, 2014.
<https://www.heritage.org/defense/commentary/the-weakness-the-responsibility-protect-international-norm>.

about the role of geopolitics, international interests, and the limitations of the global governance system in responding effectively to such crises.

The findings of the research are based on a qualitative analysis of the existing scholarly work and review of the literature that explore and understand selective humanitarian interventions and UNSC structural flaws that contribute to the ineffectiveness as well as failure to intervene in humanitarian crises. This study explores the selective nature of humanitarian interventions and the structural flaws within the United Nations that hinder their effectiveness. By conducting a comparative analysis of successful interventions in Libya and Mali, and contrasting them with the case of Syria, which lacked intervention, despite intense violence and civilian casualties, the study aims to understand the complexities of humanitarian intervention. The findings of the research can inform policy decisions and further highlights the pressing need for UN reforms.

Problem Statement

The effectiveness and consistency of humanitarian interventions conducted by the UNSC in response to conflicts and crises have been a subject of debate and criticism. Despite the evolving norms of international relations and the emergence of principles such as the R2P and just war, interventions have been inconsistent, with some conflicts receiving intervention while others with grave human rights abuses and genocides go unaddressed. This raises questions about the factors and motivations that drive the international community's decision to intervene, beyond purely humanitarian concerns. The UNSC structure and decision making procedure that involves the influence of veto power held by its permanent members, further complicate the situation.

Furthermore, the Syrian conflict, characterized by intense violence, civilian casualties, and a complex political landscape, serves as a poignant case study to explore the inconsistencies in humanitarian interventions. Despite the humanitarian crisis unfolding in Syria, interventions were not made, revealing gaps and limitations in the UNSC's ability to effectively respond. Understanding the dynamics behind successful interventions, such as those in Libya and Mali, and comparing them with the Syrian case can shed light on the structural flaws within the UN and the impact of geopolitical interests on decision-making.

Research Questions

Question 1: What are the flaws in UNSC's approach to responding to humanitarian crises, and what reforms could improve UNSC's role in such a crisis?

Question 2: How much does geopolitical interest explain the reluctance of UNSC vis-a-vis humanitarian intervention?

Question 3: Why was there no UNSC resolution for humanitarian intervention in Syria and what role was played by the UNSC in this crisis?

Research Assumptions

- Humanitarian interventions are driven by a range of factors including self-serving national interests and geopolitical interests not mere humanitarianism.
- The inconsistent application of R2P makes interventions selective, prompting action in some cases while ignoring other cases marked by grave humanitarian crises.
- The structure of UNSC is flawed which allows P-5 to prioritize national interests over global interests.

Research objective

- To identify structural flaws in UNSC and suggest reforms that would improve UNSC response to humanitarian crises
- To investigate the extent to which geopolitical interests take precedence over humanitarian impulses and the principles of R2P in the decisions regarding interventions
- To examine the role of UNSC in the Syrian conflict and analyze the reasons for non-intervention and the UNSC's involvement in the crisis.

Significance

The findings of the study contribute to a deeper understanding of the factors that influence the UNSC's decision-making in humanitarian crises, particularly the role of geopolitical interests. The analysis of why the UNSC did not pass a resolution for humanitarian intervention in the Syrian crisis, despite its magnitude, will provide

valuable insights into the complexities of global politics and the challenges of pursuing humanitarian actions within this context.

Furthermore, this research offers recommendations for potential reforms that could enhance the UNSC's effectiveness in responding to humanitarian crises. These recommendations could have practical implications for international institutions, policymakers, and humanitarian organizations, offering insights into how to navigate the political dynamics that often hinder decisive and timely interventions. Ultimately, the significance of this study goes beyond the Syrian crisis itself, serving as a case study that can inform discussions on the responsibilities and capabilities of international bodies in addressing crises that threaten human rights and global stability.

CHAPTER ONE

1.1 Literature Review

Humanitarian intervention stands as a foremost contemporary global security concern. Within international political discourse, the matter of humanitarian intervention emerged as a subject of intense contention. Security discussions post the Cold War era have been dominated by themes encompassing civil conflicts, conflict mediation, preemptive conflict strategies, and in extreme instances, humanitarian interventions. The period following the Cold War has witnessed a surge in the discourse surrounding human rights and its advancement on the global stage, aligning with an increasing inclination to perceive a connection between breaches of human rights and international security.³ Described as the use or potential use of military power by a nation, a coalition of nations, or international entities to halt or mitigate egregious human rights transgressions within a sovereign state, humanitarian intervention has stirred substantial debate. While the notion of employing military might to curtail human rights abuses holds ethical appeal and boasts a historical presence spanning centuries in statecraft, its execution has been sporadic, hinging largely upon global regulations governing the application of power. Thus, the position granted to humanitarian intervention has been subject to alteration, influenced by shifts in the international framework and the resultant changes in principles governing the legitimacy of engaging force within the global society.⁴

Adam Roberts defines humanitarian intervention as a “military intervention in a state, without the approval of its authorities, and to prevent widespread suffering or death among the inhabitants.”⁵ According to Knudsen, humanitarian intervention can be characterized as “dictatorial or coercive interference in the sphere of jurisdiction of a sovereign state motivated or legitimated by humanitarian concerns.”⁶ As per Finnemore's analysis, humanitarian intervention signifies a “military intervention to protect the lives

³ Fixdal, Mona, and Dan Smith, “Humanitarian Intervention and Just War,” *Mershon International Studies Review* 42, no. 2 (1998): 283. <https://doi.org/10.2307/254418>.

⁴ Kardas, Saban, “Humanitarian Intervention: The Evolution of Ideas and Practice,” *JOURNAL OF INTERNATIONAL AFFAIRS* VI, no. 2 (2021). <http://sam.gov.tr/pdf/perceptions/Volume-VI/june-july-2001/SabanKardas2.pdf>.

⁵ Roberts, Adam, “Humanitarian War: Military Intervention and Human Rights,” *International Affairs* (Vol. 69, No. 3, July 1993), 426.

⁶ Knudsen, Tonny Brems, “Humanitarian Intervention Revisited: Post-Cold War Responses to Classical Problems” in Michael Pugh (editor), *The UN, Peace and Force* (London: Frank Cass, 1997), 146.

and welfare of foreign civilians.”⁷ Parekh defined humanitarian action as “an act of intervention in the internal affairs of another country to end the physical suffering caused by the disintegrations or gross misuse of authority of the state and help create conditions in which a viable structure of civil authority can emerge.”⁸ From a legal standpoint as expounded by Verwey, it is comprehended that “as referring only to coercive action taken by states, at their initiative, and involving the use of armed force, to prevent or put a halt to serious and wide-scale violations of fundamental human rights, in particular the right to life, inside the territory of another state.”⁹

The Syrian conflict, marked by a relentless cycle of violence, displacement, and humanitarian suffering, has raised significant ethical, political, and legal questions about the role of the international community in responding to such crises. The United Nations Security Council (UNSC), as the primary international body responsible for maintaining peace and security, has grappled with the challenge of determining when and how to intervene in the Syrian conflict to alleviate human suffering and promote stability. The UN Charter attempted to define and impose restrictions on the use of force in international society, introducing a new approach to its use in international relations. For the first time in history, it first established the theory of non-intervention applicable to all states. In addition, it restricted the use of force to self-defense and collective security actions authorized under Chapter VII of the Charter. As a result, it eliminated all other potential justifications for interfering in the internal affairs of a state, leaving the threat to global peace and security as the sole remaining option. Additionally, the UN, which represents the global community, had to approve any involvement before it could take place.¹⁰

As we delve into the literature on humanitarian intervention in Syria by the UNSC, this review aims to critically analyze the diverse perspectives, debates, and outcomes that have shaped this critical discourse. By examining the motivations, successes, failures,

⁷ Finnemore, Martha, “Constructing Norms of Humanitarian Intervention,” in Peter Z. Katzenstein (editor), *The Culture of National Security: Norms and Identities in World Politics* (New York: Columbia Univ. Press, 1996), 154.

⁸ Parekh, Bhikhu, “Rethinking Humanitarian Intervention”, in Jan Nederveen Pieterse (editor), *World Orders in the Making* (London: Macmillan Press Ltd, 1998), 147.

⁹ Verwey, Wil. D., “Humanitarian Intervention in the 1990s and Beyond: An International Law Perspective” in Pieterse (editor), op.cit., 180

¹⁰ Kardas, Saban, “Humanitarian Intervention: The Evolution of Ideas and Practice,” *JOURNAL OF INTERNATIONAL AFFAIRS* VI, no. 2 (2021).
<http://sam.gov.tr/pdf/perceptions/Volume-VI/june-july-2001/SabanKardas2.pdf>.

and complexities of past UNSC actions or inactions, we aim to gain a comprehensive understanding of the intricate dynamics surrounding this multifaceted issue.

1.1.1 Just war and Humanitarian intervention

The concepts of humanitarian intervention and just war have been the subjects of intense debate among scholars, policymakers, and ethicists for decades. Both concepts involve the use of military force for what is considered morally justifiable reasons, but they differ in their underlying principles and justifications. Humanitarian intervention focuses on preventing or stopping egregious violations of human rights, while the just war theory provides a framework for evaluating the ethical considerations before resorting to armed conflict. Following literature arguments put forth by different authors on both humanitarian intervention and just war, considering their perspectives, ethical foundations, and implications.

Saban argues that the real subjects of international law and international relations are people. However, the states' agencies allow them to exercise these rights. This entails the notion that respect for individual rights is the foundation of state sovereignty. This means that the state's claims to sovereignty and domestic jurisdiction are rendered outdated when it breaches people' rights or fails to provide the required protection. Then, it becomes necessary for the global society (whether it be a nation, a collection of nations, or a worldwide organization) to act in order to uphold the fundamental rights of people. Thus, he contends that human rights violations are issues of international importance and may invalidate claims of protection made by a government.¹¹ Samantha Power, in her seminal work, contends that when mass crimes occur, the global civilization has a moral obligation to take action, such as genocide, are being perpetrated. She emphasizes the failures of the international community to respond effectively to instances of genocide in the 20th century, such as the Holocaust, Rwandan genocide, and Bosnian war. Power advocates for a "responsibility to protect" principle, asserting that states have a duty to protect their own citizens and that the international community should intervene when

¹¹ Kardas, Saban, "Humanitarian Intervention: The Evolution of the Idea and Practice," *JOURNAL OF INTERNATIONAL AFFAIRS* VI, no. 2 (2021).
<http://sam.gov.tr/pdf/perceptions/Volume-VI/june-july-2001/SabanKardas2.pdf>.

states fail to fulfill this responsibility. She calls for the use of force as a last resort to prevent or stop mass atrocities and safeguard human dignity.¹²

Michael Walzer, a prominent just war theorist, provides a nuanced perspective on humanitarian intervention. He argues that there are moral limits to the use of military force, even in the face of gross human rights violations. Walzer suggests that intervention should be carried out under certain conditions: there must be a just cause, legitimate authority, and proportionality in the use of force. He acknowledges the need for intervention in extreme cases but cautions against unilateral actions or interventions without proper authorization from international bodies.¹³ Weiss provides a comprehensive argument for humanitarian intervention based on the need to prevent human suffering and uphold fundamental human rights. He contends that state sovereignty should not serve as a shield for governments engaged in gross violations of human rights. The author advocates for a more flexible interpretation of sovereignty that permits intervention when a government's actions constitute a threat to global peace and security.¹⁴ Kenneth underscored that the Iraq invasion did not meet the criteria for humanitarian intervention. The atrocities in Iraq at that time did not reach an exceptional threshold to warrant such action, and alternative options to address the ongoing crimes were available. The intervention's primary motivation was not driven by humanitarian concerns. The invasion lacked full compliance with international humanitarian law, lacked Security Council approval, and lacked a central focus on Iraqi interests during planning and execution. Despite its initial rationale, the intervention's shortcomings underscored the need for clear international guidelines to prevent misuse and safeguard the potential benefits of humanitarian intervention.¹⁵

According to Kapil Kek, large powers' operations in pursuit of their geopolitical and strategic goals frequently result in significant security vulnerabilities, especially in emerging nations and tiny states. Despite human rights abuses, social inequalities, and economic distress, interventions that disrespect sovereign rights may not be the best

¹² Power, *A Problem from Hell: America and the Age of Genocide*, London, England: William Collins, 2021.

¹³ Walzer, Michael, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 5th ed. London, England: Basic Books, 2015.

¹⁴ Weiss, Thomas G, "Researching Humanitarian Intervention: Some Lessons," *Journal of Peace Research* 38, no. 4 (2001): 419–28. <https://doi.org/10.1177/0022343301038004001>.

¹⁵ Roth, Kenneth, "War in Iraq: Not a Humanitarian Intervention," In *Human Rights in the "War on Terror"*, edited by Richard Ashby Wilson, 143–56. Cambridge: Cambridge University Press, 2005.

course of action, especially if they are made unilaterally and outside of the UN system. According to him, some of the big nations place a high importance on their sovereignty, while others combine their sovereignty for greater national benefit. Therefore, interventions should only be made in exceptional circumstances, with broad public support, and with UN Security Council approval. The extensive provisions of Chapters VI and VII of the Charter have produced conflicting effects over the previous 55 years, raising questions about the UN's efficiency in upholding international peace and security as stated in its charter. Clearly, there is a need for reform in the top echelons of the UN, especially the UN Security Council. The UN would have to focus far more on pre-emptive action than on reactive measures. Another issue that requires significant attention is the significant menace to global peace and security stemming from the spread of highly potent, compact weaponry.¹⁶

Initiating the discourse, Dr. Taylor B. Seybolt inquired, "Have past instances of military interventions for humanitarian purposes yielded positive outcomes?" Success is defined as the preservation of lives, and a mechanism is established to quantify the lives preserved through specific military actions. Among the 17 military endeavors across six conflict regions that defined the 1990s (comprising northern Iraq after the Gulf War, Somalia, Bosnia and Herzegovina, Rwanda, Kosovo, and East Timor), a majority can be deemed successful based on this criterion. Within the spectrum of the examined conflicts, some interventions met their objectives, while others fell short. This prompts the inquiry, "What factors distinguish the effectiveness of historical interventions?" The author contends that the fundamental variables affecting the success of a humanitarian intervention are the intervention's aims and the military tactics adopted by the participating powers. There are four sorts of humanitarian military action available: assisting in the delivery of emergency relief, defending aid activities, rescuing victims of violence, and fighting perpetrators of violence. The emphasis on strategy within these four categories allows for an examination of the political and military components of humanitarian intervention, as well as the benefits and drawbacks of each of the four types.¹⁷

¹⁶ Kak, Kapil, "Humanitarian Intervention and the Changing Role of the UN," *Strategic Analysis* 24, no. 7 (2000): 1235–45.

¹⁷ Seybolt, Taylor B, "Humanitarian Military Intervention: The Conditions for Success and Failure." Oxford, England: Oxford University Press, 2008.

St. Augustine, a foundational figure in the development of just war theory, asserted that wars could be morally justified under specific conditions. He argued that a just war must have a just cause, such as defending against aggression or restoring peace, and must be waged by a legitimate authority. Augustine also introduced the principle of proportionality, suggesting that the potential benefits of the war must outweigh the harm inflicted. His writings laid the groundwork for the later development of just war theory in Western thought.¹⁸ Thomas Aquinas further refined the concept of just war by introducing the idea of "right intention." He argued that the primary objective of a just war should be to reestablish justice and promote peace, rather than pursuing revenge or conquest. Aquinas emphasized the importance of discrimination, suggesting that the use of force should be targeted at combatants rather than civilians.¹⁹ Mona Fixdal and Dan Smith put forth the contention that the Just War tradition offers a valuable framework for contemplating humanitarian intervention. They pinpoint four prerequisites for a war to be classified as just: just cause, right intention, last resort, and proportionality. The Just War concept is divided into two categories, namely *jus ad bellum* and *jus in bello*. The former pertains to the circumstances warranting justifiable recourse to war, while the latter delves into how the conduct of war can be morally justified. Their central standpoint was that humanitarian intervention stands as an intricate and challenging subject, yet it remains a moral obligation that cannot be disregarded. They advocate for a more meticulous application of the Just War tradition within the discourse surrounding humanitarian intervention. Furthermore, they advocate for the establishment of fresh international norms and institutions designed to oversee the employment of force for humanitarian purposes.²⁰

Jeff McMahan challenges traditional just war principles by emphasizing the moral distinction between combatants and non-combatants, irrespective of whether they are fighting for a just or unjust cause. He argues that soldiers on both sides of a conflict should be held morally accountable for their actions and that the principle of discrimination should be extended to include combatants who are not directly participating in hostilities.²¹ Jennifer argues that the use of military force for humanitarian

¹⁸ Augustine, *The City of God*, New York, NY: Modern Library, 1977.

¹⁹ Aquinas, Divi Thomas, "*Summa Theologica*," Charleston, SC: BiblioLife, 2009.

²⁰ Fixdal, Mona, and Dan Smith, "Humanitarian Intervention and Just War," *Mershon International Studies Review* 42, no. 2 (1998): 283. <https://doi.org/10.2307/254418>.

²¹ McMahan, Jeff, "The Ethics of Killing in War," *Ethics* 114, no. 4 (2004): 693–733. <https://doi.org/10.1086/422400>.

purposes is a complex and difficult issue, but that it can be justified in some cases. She identifies four criteria that must be met for a military intervention to be considered justified: there must be a clear just cause, such as genocide or ethnic cleansing, the intervention must be undertaken with the right intention, namely to protect innocent civilians, it must be a last resort, meaning that all other peaceful options have been exhausted, and the intervention must be proportional, meaning that the harm caused by the intervention would not be greater than the harm that it is trying to prevent.²²

1.1.2 Responsibility to Protect (R2P)

The concept of Responsibility to Protect (R2P) was formulated by the International Commission on Intervention and State Sovereignty in the year 2001 under the supervision of then UN Secretary-General Kofi Annan.²³ R2P emphasizes the collective duty of the international community to defend people against crimes against humanity, such as genocide and war crimes, as well as ethnic cleansing and genocide. According to Annan, the international community has a responsibility to act by peaceful methods or, in extreme circumstances, with armed force when governments fail to defend their own populations. R2P aims to strike a compromise between the precepts of state sovereignty and the need to avert mass crimes.²⁴ According to Kim R2P emerged in response to the United Nations' perceived failures in preventing mass atrocities. The concept gained recognition in 2005 with a non-binding resolution from the UN General Assembly, and it was cited by the Obama administration to justify the intervention in Libya. The author delves into whether R2P aligns with the purposes of warfare, international law, and the national interests. The tension between national sovereignty and international intervention is explored, particularly in relation to the authority of the UN Security Council. The author argues that while R2P is an aspiration, it lacks the practical strength to consistently guide international actions due to contradictions, practical challenges, and its susceptibility to political interests. According to the author, R2P's weaknesses and

²² Szende, Jennifer, "Humanitarian Military Intervention." In *Encyclopedia of Global Justice*, 516–19. Dordrecht: Springer Netherlands, 2011.

²³ Global Centre for the Responsibility to Protect, "What Is R2P?" October 27, 2019. <https://www.globalr2p.org/what-is-r2p/>.

²⁴ Kikoler, Naomi, "Responsibility to Protect," Ox.ac.uk. Accessed August 13, 2023. <https://www.rsc.ox.ac.uk/files/files-1/dp-responsibility-to-protect-2009.pdf>.

contradictions make it an ineffective guiding principle for international intervention against mass atrocities.²⁵

Sophia Gore acknowledges the symbolic significance of R2P as an ideological commitment by the United Nations to human rights, challenging traditional notions of sovereignty. However, the author argues that in practice, R2P falls short of its aims. The author emphasizes the bureaucratic inadequacy of R2P, highlighting instances like the Darfur crisis where the concept's implementation failed due to a lack of international commitment. The author critiques the lack of clarity and authority in R2P's institutional frameworks, allowing for manipulation and misinterpretation. The article further underscores the military bias inherent in the concept's language, which diverts attention from more effective, non-military solutions. The author argues that while R2P has moral and ideological value, its practical implementation is flawed, making it an insufficiently positive step for human rights promotion.²⁶

As stated by Taylah Stretton, the R2P concept presents both risks and benefits when embraced. The benefits lie in its encouragement of states to protect human rights and prevent mass atrocities. The concept serves as an instrument to pressure states to fulfill their responsibility to protect citizens, even if intervention doesn't occur. However, she argues that there are risks associated with self-interest influencing intervention decisions. Humanitarian interventions often have underlying motives, such as economic or strategic interests, which might undermine the altruistic purpose of protecting civilians. The concern is that self-interest could overshadow the genuine intent of preventing mass atrocities. Yet, the argument is made that accepting the presence of self-interest is necessary, as it can ensure government accountability and political commitment. She suggested that as long as self-interest doesn't override altruistic intentions, it can be balanced effectively. In conclusion, embracing the R2P concept holds potential benefits in encouraging human rights protection, but the risks associated with self-interest must be managed to maintain the concept's altruistic goals.²⁷ Palmieri points out that while R2P's

²⁵ Holmes, Kim, "The Weakness of the Responsibility to Protect as an International Norm," *The Heritage Foundation*. 2014.

<https://www.heritage.org/defense/commentary/the-weakness-the-responsibility-protect-international-norm>.

²⁶ Gore, Sophia, "Does the R2P concept Represent a Positive Step for Human Rights?" *E-International Relations*, February 22, 2014.

<https://www.e-ir.info/2014/02/22/does-the-r2p-concept-represent-a-positive-step-for-human-rights/>.

²⁷ Stretton, Taylah, "What Are the Risks and Benefits of Embracing the Responsibility to Protect concept? Should We Do So?" LinkedIn.com, 2019.

<https://www.linkedin.com/pulse/what-risks-benefits-embracing-responsibility-protect-should-stretton-1-f>.

intention is to prevent mass atrocities, it has faced criticism due to its vague guidelines and lack of enforcement mechanisms. He argues that R2P's effectiveness is hindered by the inconsistency in its application, citing cases in Libya where intervention did not yield positive outcomes. Palmieri also highlights the challenge of striking a balance between intervention and sovereignty, which can lead to skepticism and reluctance among states. He recommends refining R2P's criteria for intervention, strengthening international cooperation and consensus-building, and enhancing preventive measures to address conflicts before they escalate to atrocities. Additionally, Palmieri suggests a focus on transitional justice and post-conflict reconciliation as part of R2P's implementation. He concludes that R2P's potential can be realized through clearer criteria, stronger enforcement mechanisms, and a holistic approach that encompasses prevention, intervention, and recovery.²⁸

Karen Smith illustrates that R2P is fundamentally about preventing and protecting people from heinous atrocity crimes. She addresses criticisms of R2P's implementation deficits, arguing that such debates shouldn't discredit the principle entirely. Smith highlights the gap between the commitment made by UN member states in 2005 and the inconsistent application of R2P, leading to ongoing atrocities due to political arguments. She counters the perception of R2P as a Western concept by tracing its development and global collaboration, and she emphasizes the role of regional responses in preventing atrocities. Smith also discusses R2P's ethical foundation and its alignment with various cultural and religious traditions that emphasize responsibility toward others. Smith advocates for collective action and cooperation in preventing atrocity crimes, underlining that R2P begins at home and extends globally. She clarifies that R2P doesn't validate unilateral coercive action and stresses the need to prioritize early preventive action despite political differences. Ultimately, Smith underscores the shared humanity that should guide the commitment to protecting populations from atrocities.²⁹

Bellamy discusses how R2P emerged as a response to the international community's failure to prevent mass atrocities, emphasizing its primary focus on prevention. He

²⁸ Palmieri, Nicholas F, "The Responsibility to Protect: Weaknesses and Recommendations," *Researchgate.net*, 2019.

https://www.researchgate.net/publication/332353528_The_Responsibility_to_Protect_Weaknesses_and_Recommendations.

²⁹ Smith, Karen, "A Reflection on the Responsibility to Protect," *ReliefWeb*, 2020.
<https://reliefweb.int/report/world/reflection-responsibility-protect-2020>.

explores the three pillars of R2P and highlights the controversial issue of employing armed force as a final option within the third foundational aspect. Bellamy argues that while R2P promotes non-coercive measures and dialogue, military intervention might be necessary in certain cases to prevent or halt atrocities. He acknowledges the inherent tension between R2P's non-coercive intentions and the possibility of military intervention, and he underscores the significance of upholding proportionality standards, legality, and legitimacy when considering forces. Bellamy also addresses criticisms that R2P is a cover for powerful states' political agendas, emphasizing the need for transparency and adherence to international law to maintain R2P's credibility.³⁰

Auf highlights the tension between the theoretical framework of R2P and its practical application in international politics. He argues that while R2P is intended to prevent mass atrocities and protect populations, its implementation is hindered by political considerations, power dynamics, and differing interpretations among states. Auf discusses the difficulties of intervention decisions, emphasizing that the use of force for humanitarian purposes requires navigating between legal justifications and political realities. He also addresses the role of regional organizations and their varying capacities to enforce R2P. Auf points out the challenges of reconciling R2P's moral imperative with the interests of states, often leading to selective application and potential manipulation of the principle. He emphasizes the need for clearer guidelines, stronger international consensus, and improved coordination among states and organizations to bridge the gap between the normative ideals of R2P and its practical challenges in the real world.³¹

1.2 Research Methodology

1.2.1 Research Design

This study is qualitative research that is entirely based on secondary data to gain a comprehensive understanding of the factors influencing humanitarian interventions and the role of UNSC. This methodology allows for an in-depth analysis and provides insights into the motivations of the actors involved in the decision-making processes. The data is collected from a variety of sources, including academic journals, news articles,

³⁰ Bellamy, Alex J, "R2P and the Use of Force," *Global Responsibility to Protect* 14, no. 3 (2022): 277–80. <https://doi.org/10.1163/1875-984x-20220011>.

³¹ Auf, Omar, "Navigating R2P between Norm and Practice," *The Cairo Review of Global Affairs*, 2022. <https://www.thecairoreview.com/essays/navigating-r2p-between-norm-and-practice/>.

government reports, and non-governmental organization (NGO) reports. The data is analyzed using a thematic analysis approach. These sources offer a wealth of information and analysis on humanitarian intervention, the role of UNSC, and the cases of Syria, Libya and Mali. This research aims to utilize the existing body of literature and provide critical insights into selectivity of humanitarian interventions.

1.2.2 Data Collection

The data for this study was collected from a variety of sources, including:

Academic journals: Articles from academic journals are used to gain a theoretical understanding of the concept of humanitarian intervention and the structural flaws of the United Nations.

News articles: News articles are used to track the events of the Syrian conflict and the decision-making process of the United Nations Security Council (UNSC).

Government reports: Government reports are used to gain insights into the political dynamics of the Syrian conflict and the interests of the permanent members of the UNSC.

NGO reports: NGO reports are used to document the human rights abuses that have been committed in the Syrian conflict and the impact of the conflict on civilians.

1.2.3 Data Analysis

The data is analyzed using a thematic analysis approach. Thematic analysis is a qualitative research method that is used to identify, analyze, and interpret patterns in qualitative data. The analysis conducted through a thematic approach identifies key themes and factors related to humanitarian interventions, such as political complexities, geopolitical interests, and perceived authority, across the cases. The findings are supported by evidence and examples drawn from the selected secondary sources. The research also involves a comparative analysis of the successful cases of Libya and Mali, where interventions were carried out, and the case of Syria, where intervention was not made despite the humanitarian crisis. The comparative approach allows for a detailed examination of the similarities and differences between these cases, shedding light on the factors that influenced the decision-making processes and the role of geopolitical dynamics.

1.2.4 Research Limitations

This study has a number of limitations. First, the study is based on secondary data, which means that the data is not original. Moreover, the study is limited by the availability of data.

1.3 Theoretical Framework

Humanitarian interventions by the United Nations Security Council are a complex issue that can be viewed through the lenses of both neorealism and neoliberalism. Neorealism is a theoretical framework that emphasizes the role of the state in international relations, and argues that states are driven by self-interest and the pursuit of power. Neoliberalism, on the other hand, emphasizes the role of international institutions and cooperation in promoting global security and prosperity.

From a neorealist perspective, humanitarian interventions by the Security Council can be seen as a way for powerful states to assert their dominance and pursue their own interests. Neorealists argue that states are the primary actors in international relations, and that they are driven by self-interest and the pursuit of power. In this view, the Security Council's actions in authorizing humanitarian interventions can be seen as a way for powerful states to assert their dominance and pursue their own interests. For example, a powerful state might use the Security Council to authorize an intervention in a weaker state in order to protect its own economic or strategic interests.³²

However, from a neoliberal perspective, humanitarian interventions by the UNSC can be perceived as a means for the international community to promote global security and prosperity. Neoliberals argue that international institutions and cooperation are essential for promoting global security and prosperity, and that states should work together to address common challenges. In this view, the Security Council's actions in authorizing humanitarian interventions can be seen as a way for the international community to promote global security and prosperity by addressing the needs of vulnerable populations.

³² Kirdim, Şahin Eray, "A Neo-Realist Case Study of U.n.-Authorized Humanitarian Interventions in the Post- Cold War World," Org.tr. Accessed January 22, 2023. <https://dergipark.org.tr/en/download/article-file/459328>.

For example, the Security Council might authorize an intervention in a state facing a humanitarian crisis in order to protect the rights and well-being of its citizens.³³

Both neorealism and neoliberalism have their own assumptions, which are important to understand when analyzing humanitarian interventions by the Security Council. According to neorealism, nations are the main players in international affairs and are motivated primarily by personal gain and the desire for dominance. Neoliberalism, on the other hand, assumes that international institutions and cooperation are essential for promoting global security and prosperity.³⁴

One example of a humanitarian intervention by the UNSC is the intervention in Somalia in 1992. From a neorealist perspective, this intervention can be seen as a way for powerful states, such as the United States and the United Kingdom, to assert their influence and protect their own national interests. For example, America was anxious about the threat of terrorism and the potential for Somalia to become a safe haven for extremist groups. Additionally, the U.K. was interested in protecting its economic interests in the region, such as access to oil and other resources.³⁵

However, a neoliberal perspective would argue that the intervention in Somalia was a form of cooperation among states to address a common problem. The intervention was authorized by the UNSC under the principles of responsibility to protect and the desire to uphold human rights and dignity. Additionally, NGOs and civil society performed a crucial part in shaping the UNSC's decision to intervene and in the implementation of the intervention.³⁶

The UNSC humanitarian interventions are guided by the principles of the just war tradition, which seeks to minimize harm and ensure that the force is only used as a last option and proportionate to the threat. The UNSC has authorized several humanitarian

³³ Schwartz, Michael, "Military Neoliberalism: Endless War and Humanitarian Crisis in the Twenty-First Century," Case.edu. Accessed January 22, 2023.

<https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1100&context=swb>.

³⁴ Boke, Cem, "Third-Party Intervention to Civil Wars: Realist, Liberalist and English School Theoretical Perspectives," Behorizon.org. *Beyond the Horizon* ISSG, April 11, 2019.

<https://behorizon.org/third-party-intervention-to-civil-wars-realist-liberalist-and-english-school-theoretical-perspectives/>.

³⁵ Peacekeeping.un.org, "UNITED NATIONS OPERATION IN SOMALIA I (UNOSOM I) - Background (Full Text)," Accessed January 22, 2023.

<https://peacekeeping.un.org/sites/default/files/past/unosom1backgr2.html>.

³⁶ Marchal, Mubarak, Buono, "Globalization and Its Impact on Somalia," *ReliefWeb*, 2023.

<https://reliefweb.int/report/somalia/globalization-and-its-impact-somalia>.

interventions in recent history, including in Somalia, Kosovo, and Libya. In each of these cases, the council determined that the situation on the ground posed a threat to regional and international peace and security. They then authorized the use of force to protect civilian populations and restore order.³⁷

³⁷ Chesterman, Simon, "Just War or Just Peace? Humanitarian Intervention, Inhumanitarian Non-Intervention, and Other Peace Strategies," Oxford University Press, 2002.

CHAPTER TWO

2.1 UNSC Structure and Structural Flaws

With the mandate and the power to address threats to international security and stability, UNSC's response to crises of global security is not efficient. The Syrian conflict, for example, has become one of the most devastating humanitarian crises of the 21st century. The UNSC has struggled to provide a resolution to the conflict, with its members deeply divided on how to approach the situation. This chapter examines the limitations and structural flaws of the UNSC in addressing humanitarian crises, with a focus on the Syrian conflict. The chapter specifically discusses the significant flaw of veto power held by permanent members, which has hindered the adoption of resolutions and impeded humanitarian actions in Syria. Recognizing the need for reforms, the chapter explores proposals and reforms are suggested as potential means to enhance the UNSC's ability to respond to humanitarian crises and improve its overall effectiveness in addressing such situations.

2.1.1 UNSC Structure

To keep the peace among the 193 UN member states, the Security Council, the primary UN crisis management body, has the power to impose binding legal obligations. Regular sessions of the council's five permanent members and its ten elected members are held to talk about threats to international security such terrorism, civil wars, and natural disasters. The council has generally had the same organization since it was founded in 1946.

The five permanent members of the Security Council are known as the P5: China, France, Russia, the United Kingdom, and the United States. Any of them has the power to veto a proposal. The ten nominated members of the council, who serve staggered two-year terms, lack veto power. The P5 has had a unique position ever since the United Nations was founded in the years that followed after the Second World War. The Soviet Union, the United States, and the United Kingdom were the war's clear winners, and they all contributed to the development of the postwar political order.³⁸

³⁸ The National WWII Museum, "The Big Three," The National World War II Museum, June 23, 2017. <https://www.nationalww2museum.org/war/articles/big-three>.

The P5 members have employed their veto power to varying extents. If we consider the years when the Soviet Union occupied its seat, Russia has emerged as the most frequent wielder of the veto, obstructing over a hundred resolutions since the council's inception. The council's presidency undergoes a monthly rotation, ensuring a certain degree of influence in setting the agenda for the ten non-permanent members. These members are elected via a two-thirds vote from the UN General Assembly, with a key qualification being their contribution "to the maintenance of international peace and security." This criterion is often assessed based on financial or troop support for peacekeeping endeavors, or their leadership role in regional security matters likely to be addressed by the council.³⁹

Another factor to bear in mind is the principle of "equitable geographical distribution," which led to the establishment of regional groups employed in elections since 1965. These groups are as follows: the African Group holds three seats; the Asia-Pacific Group has two seats; the Eastern European Group possesses one seat; the Latin American and Caribbean Group enjoys two seats; and the Western European and Others Groups (WEOG) maintain two seats. Each of these groups adheres to its distinct electoral standards. An Arab seat rotates between the African and Asian blocs through an informal agreement. Notably, Turkey and Israel, the latter of which has never served on the council, engage in consultations with the WEOG.⁴⁰

The procedures described in Chapters VI, VII, and VIII of the United Nations Charter serve to carry out the functions of the system that gives rise to this organization. In this sense, it is without a doubt the Council's obligation to spot instances of possible acts of aggression or threats to international peace and to immediately call the parties concerned to the table for peaceful discussions. The Council's role also involves formulating and suggesting approaches and terms aimed at resolving the situation. The United Nations Charter solidified the duties and authority of the Security Council. Consequently, the Charter designates this body with the exclusive authority for granting approval to coercive actions, whether military or non-military, while upholding the right to individual or collective self-defense. Actions carried out under Chapter VII represent the sole instances where the Security Council exercises its authoritative power, as these actions

³⁹ Council on Foreign Relations, "The UN Security Council," September 16, 2020.

<https://www.cfr.org/backgrounder/un-security-council>.

⁴⁰ Council on Foreign Relations, "The UN Security Council".

can be undertaken without necessitating consent from other stakeholders within the international arena.⁴¹

2.1.2 Security Council Decisions

Decisions reached by the Security Council stand as formal declarations reflecting the collective intent of the Council. Differing from resolutions put forth by the General Assembly, those originating from the Security Council bear legal obligations. As specified in Article 25 of the UN Charter, "The Member States of the United Nations concur to recognize and execute the Security Council's resolutions according to the present Charter." Similar to the General Assembly, the majority of resolutions endorsed by the Security Council are established through a consensus-building process. However, in situations where consensus is elusive and resolutions are subjected to a vote, the required number of votes varies based on the nature of the matter at hand, whether procedural or substantive. As per Article 27 of the UN Charter, each member of the Security Council possesses one voting privilege. Decisions concerning procedural matters necessitate a minimum of nine affirmative votes. Conversely, for resolutions addressing other subjects, a minimum of nine affirmative votes, including agreement from the permanent members, is essential. Any member entangled in a dispute is expected to abstain from voting.⁴²

Any action related to a topic presented before the Security Council is hampered if any of the five members votes "no," with the exception of voting results on procedural matters, which depend on a simple majority. The "veto power" refers to a permanent member's ability to prevent the approval of the proposed resolution by voting "no." There are fascinating complexities in the difference between an administrative judgment and an important one. The General Assembly provided suggestions to the Security Council in A/RES/267 (III), which was approved in April 1949, based on its jurisdiction as stated in Article 10 of the UN Charter and outlining standards for classifying decisions as procedural or substantive.⁴³

⁴¹ Guimarães, Fernanda, and Patrícia Nasser De Carvalho, "A ATUAÇÃO DO CONSELHO DE SEGURANÇA DAS NAÇÕES UNIDAS NA GUERRA CIVIL SÍRIA: CONFLITOS DE INTERESSE E IMPASSES ENTRE OS P5 E A CONSEQUENTE FALTA DE RESOLUÇÃO PARA A QUESTÃO," *Austral Brazilian Journal of Strategy & International Relations* 6, no. 12 (2018). <https://doi.org/10.22456/2238-6912.76055>.

⁴² United Nations, "Security Council, United Nations," Accessed February 24, 2023.

<https://www.un.org/en/model-united-nations/security-council>.

⁴³ United Nations. "Security Council | United Nations".

Each of the five permanent members has exercised the veto power on distinct occasions. When a permanent member does not fully endorse a proposed resolution yet aims to avert utilizing the veto, it has become an established practice for that member to abstain (in other words, refrain from voting either in favor or against the proposal). By adopting this approach, the resolution can be adopted if it secures the necessary nine affirmative votes. Functioning within the framework of Chapter VII, the Council possesses the capability to uphold its resolutions and ensure adherence to mandates. This can entail the imposition of economic sanctions or the implementation of an arms embargo. In exceptional situations, the Council has authorized Member States to employ "all necessary means," which encompasses collective military intervention, to guarantee the fulfillment of its decisions.⁴⁴

2.2 Structural Flaws of the UNSC Approach

The UNSC is the primary organ responsible for maintaining international peace and security. However, the UNSC has been criticized for its inability to respond to humanitarian crises effectively. Following are the main issues with the structure of UNSC.

2.2.1 Veto power: the Achilles heel

The abuse of veto power has led to accusations of obstructionism and the Council's inability to take meaningful action to address the Syrian crisis. In the case of the Syrian conflict, the use of the veto power by Russia and China has prevented the Council from taking meaningful action to address the conflict. Firstly, the veto power can be used to protect the interests of individual states, rather than to maintain international peace and security. This is evident in the case of Syria, where Russia has used its veto power to protect the Assad regime. In 2017, Russia vetoed a resolution that would have condemned the use of chemical weapons in Syria and called for an investigation into the attacks. Russia has also vetoed several other resolutions that would have imposed sanctions on the Syrian government or established a ceasefire. By using the veto power to protect its own interests and the interests of the Assad regime, Russia has prevented the UNSC from taking meaningful action to address the crisis.⁴⁵

⁴⁴ United Nations, "Security Council, United Nations".

⁴⁵ The guardian, "Russia Uses Veto to End UN Investigation of Syria Chemical Attacks." 24, 2017. <https://www.theguardian.com/world/2017/oct/24/russia-uses-veto-end-un-investigation-chemical-attacks>.

Secondly, the use of the veto power can lead to a lack of accountability for the actions of the permanent members. The permanent members are not accountable to the rest of the council or to the international community for their use of the veto power. This lack of accountability has allowed the permanent members to use the veto to protect their own interests, rather than to maintain international peace and security.

Thirdly, the use of the veto power can lead to a lack of legitimacy for the decisions of the UNSC. When a resolution is vetoed, it is seen as a failure of the council to address a particular issue. This can lead to a lack of legitimacy for the council and can undermine its ability to maintain international peace and security. This lack of legitimacy has made it more difficult for the council to take meaningful action.⁴⁶

Fourthly, the use of the veto power can lead to a lack of cooperation between the members of the UNSC. When a resolution is vetoed, it can create tensions between the members of the council and can make it more difficult to reach consensus on future issues. This lack of trust has made it more difficult to reach consensus on future issues and has undermined the effectiveness of the council.

Reform in the UNSC structure is necessary to ensure that the Council is more democratic and representative of the changing global power structure, and to enable it to fulfill its mandate to maintain international peace and security.⁴⁷

2.2.2 Lack of Representation in UNSC

The UNSC has been heavily criticized for its underrepresentation of developing nations and areas, notably in Asia, Africa, and Latin America. One of the main reasons the UNSC was unable to adequately handle the Syrian situation was the lack of representation on the body. The United States, Russia, China, France, and the United Kingdom, the council's five permanent members, have been unable to reach consensus on a coordinated approach to the crisis, which has rendered the council ineffectual in dealing

⁴⁶ Binder, Martin, and Monika Heupel, "The Legitimacy of the UN Security Council: Evidence from Recent General Assembly Debates," *International Studies Quarterly: A Publication of the International Studies Association* 59, no. 2 (2015): 238–50. <https://doi.org/10.1111/isqu.12134>.

⁴⁷ Haque, Ehteshamul, "The Role and Effectiveness of United Nations Security Council (UNSC) Today: A Case Study on Syria," *INGLOBE*, 2018. https://www.academia.edu/35619135/The_Role_and_Effectiveness_of_United_Nations_Security_Council_UNSC_Today_A_case_Study_on_Syria.

with the Syrian issue.⁴⁸ The lack of representation in the UNSC has also been criticized for being biased towards the interests of the permanent members.

There is dire need for the expansion of membership to make UNSC more representative. One of the main arguments for expanding the membership of the UNSC is to ensure that it better reflects the current global power balance. Several countries, including India, Brazil, and South Africa, have emerged as major global players in recent years and have expressed their desire to have a greater role in the Council's decision-making processes. The inclusion of these countries in the Council would enhance its legitimacy and credibility, as they would bring their unique perspectives and experiences to the table.⁴⁹

There are challenges to expanding the membership of the UNSC. One of the main challenges is the difficulty of reaching a consensus on the new members. Any expansion of the Council would require an amendment to the UN Charter, which would need to be approved by two-thirds of the General Assembly, as well as all five permanent members of the Council. This could be a difficult process, as the permanent members may be reluctant to give up their privileged position in the Council.⁵⁰

There have been various proposals for the enlargement of the Council's membership to ensure that it better represents the diverse range of countries and regions in the world. One proposal is to expand the number of permanent members of the Council. This proposal has been put forward by various countries, including Germany, Japan, India, and Brazil, who argue that their economic and political influence justifies their inclusion as permanent members. This proposal, however, has met with resistance from the current permanent members, who may be reluctant to give up their privileged position in the Council.⁵¹

A different suggestion is to increase the number of non-permanent Council members. Several nations, notably Italy, Pakistan, and Mexico, have put up this suggestion,

⁴⁸ Ağlarıcı, Merve Gül Aydoğan, "UNSC Has Serious Inequalities in Terms of Representation: Expert," Com.tr, 2022.
<https://www.aa.com.tr/en/world/unsc-has-serious-inequalities-in-terms-of-representation-expert/2475782>.

⁴⁹ McDonald, Kara C, "UN Security Council Enlargement and U.s. Interests." Council on Foreign Relations, November 10, 2010.
<https://www.cfr.org/report/un-security-council-enlargement-and-us-interests>.

⁵⁰ Merrill, Jon, Muhammad Sinatra, Puteri Nor Ariane Yasmin, "UNSC Challenges and Opportunities," *Institute of Strategic and International Studies*, 2015.

⁵¹ Blum, Yehuda Z, "Proposals for UN Security Council Reform," *The American Journal of International Law* 99, no. 3 (2005): 632–49. <https://doi.org/10.2307/1602295>.

claiming that the addition of more non-permanent members will increase the Council's efficacy in tackling issues of international security. Some of the present Council members have expressed support for this idea, although there are worries that adding more non-permanent members would cause the Council to become more polarized and fragmented.

A third suggestion is to establish a new class of members called semi-permanent members. France is the author of this plan, and they contend that semi-permanent members would fill the void between permanent and non-permanent members and provide a more equitable representation of nations on the Council. Despite having shorter tenure than non-permanent members, semi-permanent members lack veto power.⁵²

Another proposal is to rotate membership on the Council. This proposal has been put forward by various countries, including Canada, who argue that rotating membership would ensure that all regions of the world are represented on the Council and that no country is permanently excluded from membership. This proposal, however, has met with resistance from the current members of the Council, who may be reluctant to give up their privileged position in the Council.

Finally, there have been proposals to create regional groupings on the Council, which would ensure that all regions of the world are represented. This proposal has been put forward by various countries, including Nigeria, who argue that regional groupings would enhance the Council's effectiveness in addressing regional security challenges. This proposal has received some support from the current members of the Council, but there are concerns that regional groupings could lead to increased polarization and fragmentation within the Council.⁵³

2.2.3 Lack of Transparency in UNSC

Transparency is essential for ensuring the credibility and legitimacy of the council's decision-making process, as well as for promoting public trust in the council's actions.⁵⁴

⁵² Blum, Yehuda Z, "Proposals for UN Security Council Reform," *The American Journal of International Law* 99, no. 3 (2005): 632–49. <https://doi.org/10.2307/1602295>.

⁵³ Blum, Yehuda Z, "Proposals for UN Security Council Reform".

⁵⁴ Tzanakopoulos, Antonios, "Transparency in the Security Council," In *Transparency in International Law*, edited by Andrea Bianchi and Anne Peters, 367–91. Cambridge: Cambridge University Press, 2013.

Here are some of the reasons why the UNSC has been criticized for its lack of transparency in the Syrian crisis:

Closed-door Meetings: The UNSC often conducts closed-door meetings, which are not open to the public or the media. While closed-door meetings can be useful for sensitive discussions, they also limit the transparency of the council's decision-making process.

Lack of Access: The media and civil society organizations often have limited access to information about the council's decision-making process. This can lead to a lack of transparency in the council's actions, as well as a lack of accountability for its decisions.

Lack of Disclosure: The UNSC often does not disclose the details of its discussions or the reasons for its decisions. This can make it difficult for the public to understand the council's actions and to hold it accountable for its decisions.

Confidentiality: The UNSC often uses confidentiality to protect sensitive information, such as details of negotiations or military operations. While confidentiality is necessary in some cases, it can also limit the transparency of the council's decision-making process.

The public has a right to know how decisions that affect global peace and security are being made and to hold the council accountable for its actions. The lack of transparency has also limited civil society organizations' ability to contribute to the council's decision-making process and to hold it accountable for its actions.⁵⁵

2.3 Reforms in UNSC: An uphill battle

Historical precedent reveals that the veto power has, on numerous occasions, proven capable of entirely obstructing Council initiatives, even in instances where it is established that the ongoing circumstance represents a menace to global peace and security according to Article 39, such as the situation in Palestine.⁵⁶ This also applies to the circumstance in Rwanda, when the Council's veto prevented it from passing a resolution to halt the slaughter.⁵⁷ In this context, it's noteworthy that scholars contend that the inability of the Council's permanent members to act is perilous, given their self-interested political and economic motives. Hence, there exists a call for a rational

⁵⁵ Tzanakopoulos, Antonios, "Transparency in the Security Council."

⁵⁶ Ury, Scott, "1948: A History of the First Arab-Israeli War," *Religious Studies Review* 38, no. 3 (2012): 182–83. <https://doi.org/10.1111/j.1748-0922.2012.01628.6.x>.

⁵⁷ Gasimova, Shafa V, "The Security Council's Endless Enlargement Debate," Cejiss.org. Accessed February 24, 2023. https://www.cejiss.org/images/issue_articles/2012-volume-6-issue-3-4/article-05-0.pdf.

overhaul of the Council to enable it to fulfill its obligations and functions in a more efficient manner.⁵⁸

The lack of reforms in the UNSC has been a major barrier to addressing the Syrian crisis as well as responding to the challenges to International security and thus are necessary to be made. It is suggested that strengthening the role of the general assembly as well as reforming the working methods of the UNSC could ameliorate the crisis.

The United Nations General Assembly (UNGA) is the main deliberative body of the UN and is responsible for promoting international cooperation on a wide range of issues, including peace and security. Strengthening the role of the General Assembly in responding to conflicts and in the decision making regarding humanitarian intervention would have several benefits. The General Assembly is a more representative body than the Security Council, as all member states have an equal voice and vote. If the General Assembly were more involved in the decision-making process, it would increase the legitimacy of the UN's actions in addressing the crisis.

Second, strengthening the role of the General Assembly would increase the potential for a more coordinated and comprehensive response to the crisis. The General Assembly has a wider mandate than the Security Council and can address a range of issues related to the crisis, such as human rights, humanitarian aid, and the promotion of a political solution. If the General Assembly were more involved in the decision-making process, it could help to coordinate the efforts of the UN and its member states in addressing the crisis.⁵⁹

Third, by giving the General Assembly a bigger role, the UN and its member states would be held more accountable for how they handled the situation. In comparison to the Security Council, the General Assembly is a more open and inclusive body that may provide the civil society, regional players, and non-permanent members a voice in decision-making. The General Assembly's participation in decision-making would raise the UN's and its member states' accountability for handling the issue.⁶⁰

⁵⁸ Cameron, Ian, "Reforming the UN Security Council: Analyzing Obstacles to Reform," *American Security Project*, September 29, 2022.

<https://www.americansecurityproject.org/reforming-the-un-security-council-analyzing-obstacles-to-reform/>.

⁵⁹ Aral, Berdal, "Enhancing the Role of the UN General Assembly in the Preservation of International Peace and Security1," Accessed February 25, 2023. <https://dergipark.org.tr/tr/download/article-file/421943>.

⁶⁰ Aral, Berdal, "Enhancing the Role of the UN General Assembly in the Preservation of International Peace and Security," *Türk International and Cooperation Agency. Avrasya Etudleri* , 7-19 (2010).

The General Assembly could establish a special committee or working group to address the crisis. This would provide a dedicated forum for member states to discuss the crisis and propose solutions. This would also increase the coordination of the UN and its member states in addressing the crisis.

The General Assembly could support the efforts of regional actors to address the crisis. The General Assembly could work with regional organizations such as the Arab League and the Organization of Islamic Cooperation to coordinate their efforts and provide support for their initiatives. This would increase the effectiveness of the UN and its member states in addressing the crisis.

Lastly, the Council's working methods have come under scrutiny in recent years, particularly in the context of the Syrian crisis. The Council's working methods have been criticized for being reactive rather than proactive. The Council often responds to crises after they have occurred, rather than taking preemptive action to prevent them.⁶¹ Adopting a more proactive approach to addressing crises could be achieved through the establishment of early warning mechanisms, the deployment of fact-finding missions, and the consideration of preventive diplomacy. This would enable the Council to take preemptive action to prevent crises, rather than only responding to them after they have occurred.⁶²

⁶¹ Aral, Berdal, "Enhancing the Role of the UN General Assembly in the Preservation of International Peace and Security."

⁶² Aral, Berdal, "Enhancing the Role of the UN General Assembly in the Preservation of International Peace and Security."

CHAPTER THREE

3.1 UNSC Motivations to Intervene in the Past

The UNSC has been propelled to interfere in several conflicts and crises throughout history for a variety of reasons. These reasons should ideally be based on the core values established in the United Nations Charter, such as the encouragement of peace, defense of human rights, and avoidance of aggression. Interventions by the UNSC must be directed at addressing dangers to world peace, alleviating humanitarian crises, upholding the rule of law, and defending the rights and wellbeing of impacted communities. This chapter evaluates prior UNSC interventions and the motives behind them. It also examines if elements of those effective measures existed in the case of Syria. While there are many interventions, two cases of Libya and Mali are used as reference points because conflict in Mali, Libya and Syria erupted in the similar timeframe and hence the comparison analyzes factors that influenced interventions during that period. Another compelling reason to choose these cases is that Mali and Libya share geopolitical contexts. The comparison of these dynamics can reveal how geopolitical interests interact with humanitarian concerns.

3.1.1 Libya

In 2011, Libya underwent an uprising that ignited on February 15 in Benghazi following the apprehension of a human rights advocate by Libyan authorities. The situation escalated rapidly subsequent to a loyalist assault on the funeral of a protest victim on February 18. Across the month of February, a mounting number of Libyan military, diplomats, and politicians shifted allegiance to the opposition, leading to the seizure of several towns by rebel forces. In response, Qadhafi initiated a military counterattack employing artillery, tanks, and aircraft. On February 26, the UN Security Council adopted an initial resolution denouncing the violence, enforcing global sanctions on Libya and the Qadhafi family, and referring Libya's suppression of rebels to the International Criminal Court. By March, the National Transitional Council (NTC) proclaimed itself as the sole representative of the entire Libyan populace, expressing this in a letter to the UN General

Assembly. The NTC urged the international community to safeguard the Libyan people without engaging in direct military intervention on Libyan territory.

Resolution 1970 was endorsed by the UNSC on February 26, 2011, as a response to the escalating crisis unfolding in Libya. Its purpose was to address the unfolding situation and hold the Qathafi-led government accountable for alleged crimes against humanity. This resolution encompassed various actions such as freezing the assets belonging to Qathafi and his close associates, implementing travel restrictions on them, and directing the case to the jurisdiction of the International Criminal Court (ICC).

In a parallel development, Resolution 1973 was ratified on March 17, 2011, just a few days following the initial resolution. This subsequent resolution authorized member states, in accordance with Chapter VII of the UN Charter, to undertake any requisite measures to safeguard civilians and areas inhabited by civilians that faced the imminent threat of attack within Libya, including the city of Benghazi. This resolution called for an immediate establishment of a cease-fire, an unambiguous halt to violence against civilians, and the enforcement of a no-fly zone and embargo on arms.

These resolutions were crucial in establishing the rules and approving NATO's operation in Libya. Resolution 1973 permitted military action to safeguard people and impose a no-fly zone, whereas Resolution 1970 concentrated on freezing assets, enforcing travel restrictions, and submitting the matter to the ICC. Internally, Muammar Gaddafi's Libya was viewed as an unstable and troublesome government with ties to terrorism and a track record of violating human rights. Due to the regime's violent repression in response to the 2011 uprising against Gaddafi's rule, which resulted in a considerable loss of civilian life and a humanitarian disaster, there was a window of opportunity for intervention.

International support and consensus for intervention: The global community, which includes entities like the United Nations, assumed a condemnatory position regarding the activities of the Libyan government and exhibited readiness to enforce stringent sanctions against the nation. The emergence of the Transitional National Council, representing Libya's political opposition alongside its own military forces, added credibility to the intervention and furnished a distinct collaborator for the international community.

Favorable external factors for the intervention: Positive outside influences also made the Libyan involvement easier. The invading military forces found it simpler to determine

targets and prevent civilian casualties due to the climatic and geographical circumstances, such as limited population density and new building construction. Additionally, the Mediterranean Sea's closeness made it possible to deploy a plan based on very precise airstrikes.

Minimal risk failure: Moreover, the NATO forces held a significant upper hand compared to the Libyan government's forces, thereby diminishing the likelihood of intervention failure. This intervention garnered backing from global organizations like the League of Arab States, the European Union, and the Organisation of Islamic Cooperation. Additionally, public sentiment within the intervening nations leaned favorably towards resolute measures against Gaddafi and a collective endorsement for democratic transformations in North Africa.

Economic interests and strategic importance: It is believed that rather than being motivated by humanitarian concerns, the intervention was largely motivated by the national interests and geostrategic considerations of the intervening states. Due to the intervention, Libya was unable to transition to democracy and experienced an upsurge in violence and violations of human rights. Geopolitical and economic concerns drove the intervention, especially the strategic value of Libya's oil deposits and their ability to threaten Western economic hegemony.⁶³

Selective application of R2P: NATO went above what was required of it by trying to overthrow the government and arming the rebels. It is suggested that the intervention was motivated by realist goals and that its credibility has been damaged by the R2P principle's selective implementation. A similar pattern to other US-NATO military operations, such those in Yugoslavia and Iraq, was followed in Libya. It is believed that rather than just being motivated by humanitarian concerns, the intervention was largely motivated by national interests, geostrategic factors, and the desire to overthrow the current government. the irregular and selective use of the R2P standard.⁶⁴

In a nutshell, the intervention in Libya was driven by a combination of factors, including the internal situation in Libya, international support, and the perceived minimal risk of

⁶³ Stanley, "An Assessment of the Motivations for the 2011 NATO Intervention in Libya and Its Implications for Africa," *Canadian Social Science* 13, no. 4 (2017): 1–12.

⁶⁴ Stanley, "An Assessment of the Motivations for the 2011 NATO Intervention in Libya and Its Implications for Africa."

failure. The opportunity presented by the uprising against Gaddafi's regime, the formation of a recognized opposition, and the favorable external conditions contributed to the decision to intervene. Interventions should be determined by the Human Rights Council and focus solely on stopping genocide, without propping up alternative governments.

3.1.2 Mali

The decision to intervene in Mali was largely motivated by the worsening security conditions within the nation, which were deemed to pose a danger to global peace and security. The National Movement for the Liberation of Azawad (MNLA), led by the Tuareg tribe, engaged in conflict against government troops with backing from Islamist groups such as Al Qaeda in the Islamic Maghreb (AQIM) and the Movement for Oneness and Jihad in West Africa (MOJWA). This conflict led to the occupation of northern Mali and the establishment of an autonomous Azawad republic.

Consensus and unified response: The United Nations Security Council (UNSC) reiterated its determination to react to the international military aid request made by the transitional authorities in Mali in light of the deteriorating crisis there. An African-led International Support Mission in Mali (AFISMA) was allowed to be deployed after the UN Security Council (UNSC) Resolution 2071, which was enacted in October 2012, proclaimed the situation in Mali to be a danger to global peace and security. The UNSC overwhelmingly backed the resolution, with no nation or organization voicing opposition.

The UNSC's permanent members agreed that the use of force was required to calm the situation and stop the development of extremism, which led to their backing for the involvement in Mali. In this instance, the geopolitical goals and interests of the permanent members coincided, resulting in a coordinated UNSC reaction.

Geo political and EU interests: The outbreak of the Mali crisis was a setback and blow to the interests of the EU in that region. The EU chose to start a Common Security and Defense Policy training mission to deal with the situation even though a military option was never really contemplated. The EU's best alternative is still a unified Mali, notwithstanding the fact that it was useless. The attainment of EU political, security, and economic goals would be jeopardized if this crisis led to broader geopolitical dynamics of

disintegration in the area.⁶⁵ As part of a larger plan to strengthen its position in Africa, Russia sought access to these nations' natural resources in order to expand its influence in Mali.⁶⁶

Overall, the intervention in Mali was prompted by the threat posed by Islamist militants and the occupation of northern Mali. The UNSC recognized the situation as a threat to international peace and security and authorized the deployment of an African-led mission with the support of French forces. The intervention was driven by a consensus among the permanent members of the UNSC, who saw military intervention as necessary to stabilize the situation and counter the influence of extremist organizations.

UNSC was unable to find consensus on how to respond to conflict in Syria. In the cases of Libya and Mali the international community had responded with a unified response. The resolve of all members to intervene made the intervention possible. Secondly external and internal situations were favorable in cases on Libya and Mali as discussed above, however in Syria Russian alliance, lack of strong opposition, a relatively stronger military position as well as regional implications compelled UNSC to intervene despite genocide and humanitarian crisis.

Prospects of success in the cases of Libya and Mali were high compared to Syria. The international system is guided by cost benefit analysis and calculations instead of humanitarianism alone. Therefore, UNSC lacked the political will and failed to intervene in the Syrian crisis.

⁶⁵ Cristiani and Fabiani, "From Dysfunctionality to Disaggregation and Back?" *The Malian Crisis, Local Players and European Interests Rome: Istituto Affari Internazionali* (2013).

⁶⁶ Samuel Ramani, "Why is Russia a geopolitical winner in Mali's coup?" *Foreign policy research institute*, 2020

CHAPTER FOUR

4.1 Humanitarian Intervention in Syria and UNSC Role – Selective?

The Syrian crisis has raised numerous questions about the role of the UNSC and the use of humanitarian intervention to protect civilians. The UNSC has been criticized for its failure to take decisive action to protect civilians in Syria, despite the ongoing violence and humanitarian crisis. In this section, the focus is on examining the role of the UNSC in responding to the Syrian crisis and the key failures that have hindered effective action. Overall, the findings shed light on the shortcomings of the UNSC's response to the Syrian crisis, which has perpetuated the conflict and led to continued suffering for the Syrian people.

4.1.1 The Syrian Crisis: A compelling call for Intervention

The Syrian crisis, originating as a 2011 uprising against President Bashar al-Assad's government, evolved from peaceful protests demanding political freedom and an end to corruption into a complex conflict marked by violence. The government's brutal crackdowns on protests triggered armed resistance and a multifaceted struggle involving diverse factions. These include armed opposition groups, ranging from Islamists to secular and Kurdish entities, while the Syrian government, supported by Russia and Iran, has faced allegations of severe human rights abuses, including chemical weapon use, indiscriminate bombing, and political oppression. Non-state actors like ISIS also committed civilian atrocities.⁶⁷

This conflict has caused around 400,000 deaths and mass displacement, profoundly impacted Syria's economy and resulted in dire humanitarian conditions with limited access to essentials. External actors, including Russia, Iran, and the United States, have further complicated the crisis through support for opposing sides. Neighboring countries absorbed millions of refugees. Despite efforts for peace talks by the International community, diplomatic solutions faltered due to divisions and a lack of progress. International debate was divided over intervention, with some advocating for civilian protection and others emphasizing risks of escalation. Amidst these complexities, the Syrian crisis remains a deeply entrenched and pressing global concern.⁶⁸

⁶⁷ Unicef.org, "Syrian Crisis," Accessed February 25, 2023.

<https://www.unicef.org/emergencies/syrian-crisis>.

⁶⁸ Unicef.org, "Syrian Crisis".

The human misery caused by the Syrian crisis since February 2011 is clearly a problem of international involvement, but it is also first and foremost a tragedy for the Syrian people. The vast number of people who are being murdered, injured, brutalized, bereaved, displaced, or reduced to poverty by the violence have not been protected or helped by the international community. This failure, however, is not unexpected given the dominant strategy for foreign engagement since the conclusion of the Cold War.⁶⁹ However, no single intervention by external parties, based on the criteria of humanitarian intervention, effectively and comprehensively addressed the conflict and its complexities.

4.1.2 UN resolutions for intervention in Syria

The situation in Syria has highlighted the complexities surrounding the use of UN resolutions, including both those advocating for intervention and those vetoed by powerful member states. As the global community grapples with the balance between the Responsibility to Protect (R2P) concept and the principle of state sovereignty, examining these UN resolutions provides insights into the challenges, motivations, and limitations that shape the international response to humanitarian crises. This literature sets the stage for a comprehensive exploration of the diverse perspectives and implications surrounding UN resolutions related to intervention, revealing the intricate interplay of political interests, humanitarian concerns, and the ever-evolving dynamics of the international stage.

According to a report, unanimous adoption of UN Security Council (UNSC) Resolution 2139 in February 2014 initially raised hopes for improved conditions in Syria and the wider Middle East. The resolution was aimed at facilitating increased humanitarian aid access in Syria while demanding an immediate halt to attacks on civilians, the cessation of arbitrary detentions and torture, and the lifting of sieges in populated areas. Subsequent resolutions, namely 2165 and 2191 in July and December 2014 respectively, granted authorization for UN aid operations from neighboring countries without requiring approval from the Syrian government. However, a review of the actual impact of these resolutions reveals a starkly contrasting reality. Despite the resolutions, violence within Syria has intensified, leading to heightened casualties, while humanitarian access has

⁶⁹ Aaronson, Michael, "Syria and the Crisis of Humanitarian Intervention," *E-International Relations*, February 11, 2014. <https://www.e-ir.info/2014/02/11/syria-and-the-crisis-of-humanitarian-intervention/>.

become more restricted. Furthermore, the humanitarian response remains significantly underfunded, failing to adequately address the dire needs of the population. The report underscores the discrepancy between the intended effects of the UNSC resolutions and their actual outcomes, emphasizing the ongoing challenges faced in achieving meaningful protection of civilians, enhancing humanitarian access, and fostering political solutions amidst the complex Syrian conflict.⁷⁰

According to Eminue and Dickson, Russia, as a historical ally of the Syrian government, has consistently utilized its veto power in the UN Security Council to block resolutions that could lead to more significant intervention or regime change in Syria. This is driven by Russia's strategic interests, including its desire to maintain its influence in the region and its support for the Assad regime as a counterbalance to Western influence. Similarly, China's motivations are rooted in its commitment to non-interference in the internal affairs of other nations and its concerns about the potential precedent set by international interventions. China's own history of sovereignty and territorial disputes has shaped its stance on respecting national sovereignty and opposing any measures that could be perceived as foreign interference. Additionally, China's economic interests and partnerships with various Middle Eastern countries have contributed to its cautious approach in the Syrian context. Eminue and Dickson argue that these motivations, while aligned with each country's individual interests, have hindered the capacity of the world community to address the humanitarian crisis in Syria effectively. By consistently blocking or opposing resolutions, Russia and China have contributed to the continued violence and suffering of the Syrian people. The authors emphasize the need for a more comprehensive understanding of the geopolitical factors driving these decisions in order to find diplomatic avenues for resolving the Syrian conflict and providing the necessary humanitarian assistance.⁷¹

Margherita D'Ascanio in her analysis of UN Security Council Resolution 2139 (2014), delves into the implications and limitations of this resolution in addressing the humanitarian crisis in Syria. Adopted in February 2014, Resolution 2139 aimed to

⁷⁰ Hartberg, Martin, Dominic Bowen, and Daniel Gorevan, "Failing Syria: Assessing the Impact of UN Security Council Resolutions in Protecting and Assisting Civilians in Syria," *Oxfam Policy & Practice*, June 22, 2023.

<https://policy-practice.oxfam.org/resources/failing-syria-assessing-the-impact-of-un-security-council-resolutions-in-protoc-346522/>.

⁷¹ Eminue, Okon, and Monday Dickson, "The United Nations Resolutions on Syria: Exploration of Motivation from Russia and China," Core.ac.uk, 2013. <https://core.ac.uk/download/pdf/234670498.pdf>.

enhance humanitarian access, protect civilians, and cease attacks on non-combatants. D'Ascanio critically examines the effectiveness of the resolution, highlighting both its achievements and shortcomings. While the resolution did prompt some improvement in humanitarian aid delivery, including access to hard-to-reach areas, it encountered challenges in implementation due to the lack of enforcement mechanisms and non-compliance by warring parties. The continued violence and atrocities committed against civilians indicate the limited impact of the resolution on the ground. D'Ascanio underscores the importance of a comprehensive approach which would have addressed the Syrian crisis, which goes beyond humanitarian considerations and includes a focus on political negotiations and conflict resolution. The case of Resolution 2139 serves as a reminder of the complex dynamics at play in the Syrian conflict and the need for a more robust international response to protect civilians and alleviate human suffering in the region.⁷²

Rebecca Barber's exposition on the UN Security Council's veto power highlights the deeply concerning implications of repeated vetoes by certain member states on resolutions aimed at addressing the Syrian crisis. She asserts that the deadlock caused by these vetoes has not only perpetuated the conflict's devastation but has also eroded the validity and adequacy of the Security Council itself. By focusing on the case of Syria, Barber underscores the moral imperative of the Responsibility to Protect (R2P) concept, which was intended to prevent mass atrocities. The recurring use of the veto, often driven by political interests and alliances, has overshadowed the Council's primary responsibility of maintaining international peace and security. Barber argues that the veto has become a weapon to shield perpetrators from accountability, allowing impunity to thrive. She advocates for reform within the Security Council to prevent the veto's misuse and calls for greater international pressure to ensure that humanitarian considerations take precedence over geopolitical calculations. Ultimately, Barber's assessment underscores the urgent need for a reevaluation of the Security Council's veto power, particularly in situations where its use contradicts the Council's fundamental purpose of safeguarding human rights and preventing egregious crimes against humanity.⁷³

⁷² D'Ascanio, Margherita, "UN Security Council Resolution on the Conflict in Syria," Ircr.org, 2014. <https://casebook.icrc.org/case-study/un-security-council-resolution-conflict-syria>.

⁷³ Layton, Peter, and James Goldrick, "Syria: The Disgraceful Stain Left by the UN Security Council Veto," Lowyinstitute.org, 2019. <https://www.lowyinstitute.org/the-interpreter/syria-disgraceful-stain-left-un-security-council-veto>.

According to Scott Lucas and Chris Doucouliagos Russia's consistent vetoing of resolutions aimed at addressing the Syrian crisis has not only obstructed potential avenues for ending the conflict but has also enabled the perpetration of mass atrocities. By analyzing specific instances of Russian vetoes, the authors highlight the international community's frustration and condemnation of these actions, as they obstruct humanitarian efforts and accountability measures. The authors underscore the urgent need for reform within the Security Council to address the misuse of veto power and to ensure that the Council fulfills its primary mission of maintaining global peace and security. It also calls for collective efforts to hold those employing veto power for geopolitical gains accountable for the devastating consequences that follow, particularly in cases like Syria where the cost in human lives is catastrophic.⁷⁴

According to Graham Melling and Anne Dennett, "Uniting for Peace" resolution, also known as Resolution 377, is presented as an alternative mechanism to bypass the Security Council's gridlock and authorize collective action. The main arguments revolve around the potential of the "Uniting for Peace" resolution to empower the General Assembly to take substantial measures when the Security Council fails to do so due to a veto. The authors explore the historical context of the "Uniting for Peace" resolution and its potential application in the context of the Syrian crisis. They emphasize that the General Assembly's involvement could facilitate action even without unanimous Security Council support, as demonstrated by its past use in conflicts such as the Korean War. By examining the challenges, legality, and precedent associated with invoking the "Uniting for Peace" resolution, the article suggests that this approach could offer an avenue to circumvent the veto system and provide a more effective response to mass atrocities like those in Syria.⁷⁵

In conclusion, the literature review on UN resolutions for intervention in Syria, the Responsibility to Protect (R2P), and humanitarian intervention within the framework of just war ethics highlights the complex interplay between international law, politics, and ethics in addressing humanitarian crises. The UN resolutions pertaining to Syria

⁷⁴ Doucouliagos, Chris, and Scott Lucas, "How Russia's UN Vetoes Have Enabled Mass Murder in Syria," *The Conversation*, October 2, 2018.

<http://theconversation.com/how-russias-un-vetoes-have-enabled-mass-murder-in-syria-103565>.

⁷⁵ Melling, Graham, and Anne Dennett, "The Security Council Veto and Syria: Responding to Mass Atrocities through the 'Uniting for Peace' Resolution," *Indian Journal of International Law* 57, no. 3–4 (2017): 285–307. <https://doi.org/10.1007/s40901-018-0084-9>.

underscore the challenges posed by the Security Council's veto system, particularly the repeated veto by Russia and China, which has hindered timely and effective action. The debate surrounding R2P explores the tension between the responsibility to protect civilians from mass atrocities and the sovereignty of states. While R2P presents a moral imperative, its implementation is fraught with challenges related to state interests and differing interpretations of the concept. Moreover, the discourse on humanitarian intervention and just war ethics raises questions about the conditions under which military intervention is justified to prevent or alleviate human suffering. The principles of proportionality, right authority, and legitimate cause are crucial elements in determining whether an intervention conforms to the principles of just war ethics. In the context of Syria, the ethical and legal considerations have been intertwined with geopolitical interests, further complicating the decision-making process. The convergence of these discussions reflects the ongoing struggle to strike a balance between preserving state sovereignty, preventing mass atrocities, and upholding international norms in a changing global landscape. As the world continues to grapple with such crises, these debates remain at the forefront of international discourse, requiring thoughtful consideration of moral imperatives, political realities, and legal frameworks.

4.1.3 Responsibility to Protect (R2P) in case of Syria

The concept of responsibility to protect (R2P) was embraced by the global community in 2005 to address the pressing concern of widespread atrocities, encompassing acts like genocide, war crimes, ethnic cleansing, and crimes against humanity. R2P posits that each nation bears the primary responsibility to safeguard its populace from these heinous acts, and concurrently, the international community possesses a duty to support states in upholding this obligation. R2P functions as a normative framework designed to forestall large-scale atrocities. It achieves this by motivating states to fulfill their duties and by furnishing a structure for international involvement when states fall short. Notably, R2P isn't legally binding but rather a political commitment that mirrors the collective values and aspirations of the global community.⁷⁶

⁷⁶ “United Nations Office on Genocide Prevention and the Responsibility to Protect,” www.un.org. Accessed February 25, 2023.
<https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml>.

Several attempts have been made to invoke R2P in Syria, including the establishment of safe zones and the authorization of humanitarian intervention. However, these attempts have been met with resistance by the Syrian government and its allies, as well as by some members of the international community who view R2P as a pretext for military intervention.⁷⁷

The application of the principle remains controversial, with debates over its scope, the point at which intervention becomes warranted, as well as the part played by the global community in upholding this principle. Syrian conflict has been framed differently by P-3 and P-2 through employing different semantics and rhetoric. To frame human rights violations words such as repression, torture, tyranny, humanity were used by P-3 whereas P-2 used words such as crisis or struggle, reference to unspecified parties, clashes etc were used. It is inferred that the western allies favored intervention by observing the war through the prism of violations of human rights, whereas P-2 projected it as a struggle that should be managed through nonintervention policies.⁷⁸ Additionally, it is claimed that the legal foundation for R2P's application may not be the same, since states weigh the prospects of success and in cases where intervention is less likely to achieve its goals, it's not carried out at all.⁷⁹

Responsibility to protect triggers humanitarian interventions in countries with significant geopolitical positions and lack of any powerful ally. The intervention was carried out in Libya and it is noteworthy that Libya had low International standing and was backed up by no powerful ally. On the other hand, Iran and Russia were allies of Syria, hence R2P is considered as a form of imperialism by some states as demonstrated by the case of Libya and Syria.⁸⁰

⁷⁷ “United Nations Office on Genocide Prevention and the Responsibility to Protect.”

⁷⁸ Juraj Medzihorsky, Milos Popovic, and Erin K. Jenne, “Rhetoric of Civil Conflict Management: United Nations Security Council Debates over the Syrian Civil War,” *Research & Politics* 4, no. 2 (2017): 2053168017702982.

⁷⁹ Gabriele Lombardo, “The Responsibility to Protect and the Lack of Intervention in Syria between the Protection of Human Rights and Geopolitical Strategies,” *The International Journal of Human Rights* 19, no. 8 (2015): 1190–98.

⁸⁰ Johanna Damboeck, “Humanitarian Interventions: Western Imperialism or a Responsibility to Protect? An Analysis of the Humanitarian Interventions in Darfur,” *Multicultural Education & Technology Journal* 6, no. 4 (2012): 287–300.

4.1.4 Challenges in intervention in Syria

Since the issue arose in 2011, the UNSC has been active in efforts to settle it, but has been criticized for its failure to take effective action. Along with passing 11 resolutions, there were 9 presidential statements, 33 special meetings of UNSC, 16 UN human rights council decisions, 5 General Assembly resolutions and 4 sanctions committee documents, yet UNSC failed and remained ineffective in implementation of these resolutions.⁸¹ The resolutions faced difficulties in compliance and accountability from the parties to the conflict. The complex nature of the conflict and the involvement of multiple factions and external actors posed a challenge for effective implementation. Additionally, the resolutions also lacked a clear mechanism through which accountability could be established. While resolutions called for investigations of the use of chemical weapons, no concrete steps were taken to ensure accountability.⁸²

Interventions in some conflicts while inaction in others suggest that there exists a basis of some sort that makes humanitarian interventions selective. Since the threshold for violence and human rights violations persisted in the Syria conflict, yet no intervention was made. It is argued that the prospects for success is among the criteria that guides the states during the decision making process. The chances of success in the case of Syria were low because of several reasons. The Syrian conflict posed a complex political situation involving multiple actors with different agendas, including the Syrian government, various opposition groups, and international powers. There was a lack of cohesion among the opposition groups both inside and outside Syria which made it difficult to negotiate a peace agreement and find a common strategy to challenge the government.

Analysis of UNSC approach towards Syrian crisis through the lens of neorealism-neoliberalism framework provides following insights:

Lack of consensus and opposition from powerful allies: The lack of consensus within the international community and opposition from powerful allies of the Syrian government have hindered the implementation of effective measures and interventions. Neorealism argues that states act based on their own national interests and alliances. The

⁸¹ “Security Council Report, “UN Documents for Syria,” accessed July 12, 2023, [UN Documents for Syria \(securitycouncilreport.org\)](https://www.un.org/peace/mediacenter/pressreleases/2023/230712-sc-report-syria)

⁸² Odeyemi, “Re-Emerging Powers and the Impasse in the UNSC over R2P Intervention in Syria.”

opposition from powerful allies of the Syrian government, such as Russia and Iran, can be understood from a neorealist perspective as their support for the regime aligns with their strategic interests in the region. This highlights the influence of power dynamics and alliances in shaping the responses of states.⁸³

Complex political situation and challenges in finding a common strategy: The Syrian conflict presented a complex political situation with multiple actors involved, including the Syrian government, opposition groups, and international powers. Neorealism emphasizes power struggles and security concerns among states. The diverse interests and agendas of these actors made it difficult to negotiate a peace agreement and find a common strategy to challenge the government. The neorealist perspective highlights how power dynamics and security considerations among states can hinder effective resolution of conflicts.

Selective application of R2P and humanitarian interventions: Neoliberalism argues that states' actions are driven by rational self-interest and the pursuit of their own national interests. In the case of Syria, the application of the principle of Responsibility to Protect (R2P) has been selective. Geopolitical considerations, such as alliances and strategic calculations, have affected how states made their judgment on intervening.⁸⁴ The prospects of success in achieving their desired goals have also played a significant role in determining whether to intervene. This demonstrates how neoliberal principles of self-interest and rational decision-making shape humanitarian interventions.

UNSC's failures and lack of accountability: The failures of the UNSC in the Syrian crisis, including the inability to agree on a political solution, enforce ceasefires, protect civilians, and address the humanitarian crisis adequately, can be analyzed through both neoliberal and neorealist lenses. Neoliberalism emphasizes the role of self-interest and rational decision-making, which can lead to limited cooperation and coordination among states. Neorealism highlights power struggles among states and the challenges of reaching consensus when interests diverge. The lack of accountability and ineffective

⁸³ Nadin, Peter, "How the UN Security Council Failed Syria," Accessed February 25, 2023.

<https://www.lowyinstitute.org/the-interpretor/how-un-security-council-failed-syria>.

⁸⁴ Graham-Harrison, Emma, "UN Security Council to Meet on Syria as Assad's Troops Tighten Grip on Aleppo," *The Guardian*. September 25, 2016.

<https://www.theguardian.com/world/2016/sep/24/aleppo-siege-tighten-bashar-al-assad-water-two-million>.

implementation of resolutions also reflect the complex power dynamics and political realities at play.

CHAPTER FIVE

Non-intervention or selective intervention

The overarching purpose of humanitarian intervention is to mitigate suffering and preserve lives. Humanitarian action centers on individuals and adopts a rights-based approach. Humanitarian interventions are meant to be carried out in instances of indiscriminate violence on civilians and atrocities such as genocide inflicted on civilians at a massive scale. Yet there are many cases where despite humanitarian disaster, intervention was not made. This entails that humanitarian intervention is a well calculated practice where costs and benefits are anticipated.

The political will to intervene on humanitarian basis is dependent on the chances of the success of the intervention, hence prevention of atrocities and killings is not the prime and only factor to drive humanitarian intervention.⁸⁵ The political will is guided by considerations of national interest. The lack of national interest in an armed conflict compels major states to exhibit reluctance to intervene even when humanitarian crises are soaring.⁸⁶ Kofi Annan has asserted that for humanitarian intervention to be credible it must be applied fairly and consistently. National interests, geopolitical considerations and strategic calculations can overshadow the commitment to purely humanitarian concerns, where interventions may occur in some situations but not in others.

The crisis in Syria, Rwanda did pose a threat to International stability as a threat was perceived by the crisis in Libya, Mali, Bosnia. The inaction in the former and the action in the later cases manifests inconsistencies or factors that play a role in decisions about interventions. Geopolitical dynamics play a significant role in determining whether interventions take place. Factors such as alliances, regional power dynamics and geopolitical rivalries can shape the decision making process. In situations where multiple

⁸⁵ Arkadiusz Domagala, "For and Against: Analyzing the Determinants of Humanitarian Intervention. Libya (2011) and Syria (2011–2013) Compared," *Polish Political Science Review* 6, no. 1 (2018): 34–49.

⁸⁶ Aleksandar Lukić, "Consequences of Humanitarian Interventionism," *Theoria, Beograd* 62, no. 3 (2019): 145–54.

powerful actors have conflicting interests, reaching a consensus for interventions becomes challenging. When the perceived interests and geopolitical vision of P-5 members do not converge in a particular conflict, interventions do not occur. The interests of the permanent members of (UNSC) often take precedence over the mandated concerns of international peace and security, reflecting dominant geopolitical visions.⁸⁷

The response to a particular conflict is also framed by the perceptions of P-5 regarding their authority. Given that no changes or amendments are made to the charter, the effectiveness of the UNSC can still vary depending on how P-5 perceives its role and authority in that conflict. A notable illustration of this phenomenon is observed in contrasting situations such as the Gulf War, where the P5 considered the UNSC as the legitimate body for initiating action, and the US-Iraq war of 2003, during which certain members held differing perceptions regarding the role of the council. This underscores the crucial role that perceived authority plays in shaping the effectiveness of the UNSC. In the Syrian conflict, members were divided on the questions of sanctions and intervention.⁸⁸

There is also a relationship between legitimacy of the UNSC and its effective response to humanitarian crises. It is argued that in case of apprehensions about the failure of UNSC to ameliorate human suffering or genocide, it will lose its legitimacy.⁸⁹ The Syrian conflict is characterized by a complex political situation in which multiple actors with different agendas are involved, including the Syrian government, various opposition groups, and international powers. There were disagreements on the interpretation of the situation in Syria and how to address the crisis left the UN Security Council unable to pass a resolution for more than a year after the crisis escalated. The complexity of the conflict itself rendered inaction as chances of success of interventions were perceived very low by the UNSC. This highlights how the complexity of conflicts, characterized by

⁸⁷ Gabriele Lombardo, "The Responsibility to Protect and the Lack of Intervention in Syria between the Protection of Human Rights and Geopolitical Strategies," *The International Journal of Human Rights* 19, no. 8 (2015): 1190–98.

⁸⁸ Debidatta Aurobinda Mahapatra, "The Mandate and the (in) Effectiveness of the United Nations Security Council and International Peace and Security: The Contexts of Syria and Mali," *Geopolitics* 21, no. 1 (2016): 43–68.

⁸⁹ Michael Barnett, "Eyewitness to a Genocide: The United Nations and Rwanda," (Cornell University Press, 2018).

multiple actors, interwoven interests, and intricate dynamics, can complicate efforts to formulate and implement effective humanitarian interventions.⁹⁰

5.1 Selective non-intervention in Syria: Reasons behind lack of UNSC Action

The Syrian conflict presents a complex and unique case where the motives that have driven UNSC interventions in other conflicts, such as MINUSMA, UNMIBH, MINUSTAH, and UNAMSIL, were not fully present. Following motives were not played out in the case of Syria.

i. P-2 vs P-3 tussle and clash of interests

The lack of consensus among UNSC members, particularly Russia and China, has been a significant obstacle in the case of the Syrian intervention. This lack of consensus has severely hindered the ability of the international community to take decisive action and implement effective interventions. Russia has been a staunch ally of the Syrian government led by President Bashar al-Assad. It has consistently supported the regime politically, militarily, and diplomatically. Russia has argued that the Syrian conflict is primarily an internal matter and has opposed any resolution that could potentially infringe upon Syrian sovereignty. As a result, Russia has vetoed several resolutions.⁹¹

The Syrian conflict has become entangled in broader geopolitical rivalries and interests. Various regional and international actors have their own agendas and strategic considerations in the region. For instance, Russia has sought to maintain its influence in the Middle East and preserve its military presence in the Syrian port of Tartus. Meanwhile, countries like Iran and Saudi Arabia have supported opposing sides in the conflict, further complicating efforts to reach a consensus within the UNSC.⁹² Some UNSC members, including Russia and China, have expressed concerns about the potential consequences of military intervention or actions that could lead to regime

⁹⁰ Jess Gifkins, "The UN Security Council Divided: Syria in Crisis," *Global Responsibility to Protect* 4, no. 3 (2012): 377–93.

⁹¹ Jafarova, Esmira, "Dynamics within the UN Security Council and Challenges to Its Effectiveness," *Connections The Quarterly Journal* 13, no. 2 (2014): 25–50.
<http://www.jstor.org/stable/26326356>.

⁹² Borshchevskaya, Anna, "Russia's Strategic Success in Syria and the Future of Moscow's Middle East Policy," *The Washington Institute*, 2022.
<https://www.washingtoninstitute.org/policy-analysis/russias-strategic-success-syria-and-future-moscows-middle-east-policy>.

change in Syria. They argue that such interventions could create power vacuums, exacerbate the conflict, and result in further destabilization in the region. These concerns have influenced their decisions to veto resolutions that called for stronger measures against the Syrian government or supported military intervention. The Syrian conflict has strained international relations, particularly between Western powers and Russia. The disagreements over Syria have contributed to a broader deterioration of trust and cooperation among UNSC members. The resulting tensions and mistrust have made it challenging to find common ground and compromise on resolutions related to the Syrian conflict.

ii. Geopolitical interests:

The Middle East is a region marked by complex power dynamics and rivalries. In the case of Syria, neighboring countries and regional powers have been involved in supporting different factions, leading to a proxy war-like scenario. For example, Iran and its regional ally Hezbollah have supported the Syrian government,⁹³ while countries like Saudi Arabia and Turkey have backed opposition groups. These competing interests have fueled the conflict and made it difficult to find a unified approach within the UNSC. Syria holds significant strategic value due to its geographic location and resources. Its proximity to the Mediterranean Sea, the presence of military bases, and access to important transit routes make it a focal point for major powers seeking to exert influence in the region. Control over Syria allows for geopolitical advantages and the projection of power, further exacerbating the complexities of the conflict.

The Syrian conflict has been influenced by energy security considerations and pipeline politics. The region is home to major energy resources and transit routes, making it a battleground for competing interests in the energy sector. Different countries have supported factions aligned with their preferred pipeline projects, leading to further divisions and hindering international cooperation to resolve the conflict.⁹⁴ The rise of extremist groups such as ISIS in Syria has created additional geopolitical concerns. Several countries have prioritized countering the influence of these groups and preventing their expansion. As a result, the focus on combating terrorism has sometimes

⁹³ Sadjadpour, Karim, "Iran: Syria's Lone Regional Ally," *Carnegie Endowment for International Peace*, June 9, 2014. <https://carnegieendowment.org/2014/06/09/iran-syria-s-lone-regional-ally-pub-55834>.

⁹⁴ San-Akca, Belgin, S. Duygu Sever, and Suhnaz Yilmaz, "Does Natural Gas Fuel Civil War? Rethinking Energy Security, International Relations, and Fossil-Fuel Conflict," *Energy Research & Social Science* 70, no. 101690 (2020): 101690.

overshadowed efforts to find a comprehensive political solution, as various actors prioritize their own security interests.

iii. Complex and Multifaceted nature:

The Syrian conflict is characterized by its complex and multifaceted nature, which has posed significant challenges to the effectiveness of the UNSC intervention. Understanding the intricacies of this conflict is crucial to comprehending the difficulties faced by the global community in resolving the issue. The fragmentation of actors with competing objectives has made it difficult to establish a unified approach to resolving the conflict. The Syrian conflict has become a battleground for regional and international powers vying for influence. The external interventions have fueled the conflict and further complicated efforts to find a political solution.⁹⁵ The conflict in Syria is influenced by deep-rooted ethnic, sectarian, and regional divisions. The country is composed of diverse ethnic and religious groups, including Arabs, Kurds, Christians, Alawites, Sunnis, and Shiites. These divisions have been exploited by different actors, contributing to the complexities of the conflict and impeding efforts towards reconciliation and peace.⁹⁶

The conflict has presented significant challenges in delivering humanitarian aid and ensuring the protection of civilians. The targeting of civilian infrastructure, such as hospitals and schools, and the use of chemical weapons have violated international humanitarian law. The pursuit of accountability and justice for these crimes has proven difficult amid the ongoing conflict.

iv. Limited access and security concerns:

Limited access and security concerns were significant factors contributing to the complexity of the conflict in Syria. These challenges hindered humanitarian efforts, impeded the delivery of aid, and created an environment of insecurity. The Syrian government imposed restrictions on humanitarian organizations, limiting their access to affected areas. This made it difficult to provide critical aid and assistance to vulnerable populations, exacerbating the humanitarian crisis. The government imposed bureaucratic obstacles, delayed or denied entry permits, and limited access to besieged areas,

⁹⁵ Akhtar, Nasreen, and Hala Nageen, "An Inside-out and Outside-in Approach," *International Journal on World Peace* 36, no. 3 (2019): 7–34. <https://www.jstor.org/stable/26884530>.

⁹⁶ Phillips, Christopher, "Sectarianism and Conflict in Syria," *Third World Quarterly* 36, no. 2 (2015): 357–76. <https://doi.org/10.1080/01436597.2015.1015788>.

preventing the timely delivery of life-saving aid.⁹⁷ Humanitarian organizations and their staff were deliberately targeted during the conflict. Hospitals, medical facilities, and aid convoys have come under attack, leading to loss of life and further limiting the ability to provide assistance. These attacks violated international humanitarian law and hindered humanitarian efforts on the ground. The volatile and unpredictable nature of the conflict posed risks to the safety and security of humanitarian personnel, limiting their ability to operate in certain areas.⁹⁸

Siege and blockade tactics have been employed by various parties involved in the conflict, leading to severe restrictions on the movement of people, goods, and aid. These tactics have resulted in humanitarian crises in besieged areas, with limited access to food, medical supplies, and other essential resources. The deliberate obstruction of aid and the use of starvation as a weapon of war have further exacerbated the humanitarian situation.⁹⁹ The presence of extremist groups such as ISIS and Hayat Tahrir al-Sham has contributed to security concerns in Syria. These groups have engaged in acts of violence, including suicide bombings and targeted attacks, which have created a hostile and dangerous environment. The presence of such groups has made it challenging for humanitarian organizations to operate safely and reach affected populations in areas under their control. The conflict has spilled over into neighboring countries, creating additional security concerns and challenges for humanitarian efforts. The influx of refugees and displaced populations into countries like Turkey, Lebanon, Jordan, and Iraq has strained resources and led to security challenges in managing the refugee population.¹⁰⁰ Cross-border operations have been necessary to provide assistance, but logistical and political challenges have limited their effectiveness.

v. Humanitarian Crisis and Regional Implications:

⁹⁷ Roth, Kenneth, "Syria," "Human Rights Watch," December 14, 2021.
<https://www.hrw.org/world-report/2022/country-chapters/syria>.

⁹⁸ Heydemann, Steven, "Syria's Dissolving Line between State and Nonstate Actors," Brookings, January 27, 2023.
<https://www.brookings.edu/blog/order-from-chaos/2023/01/27/syrias-dissolving-line-between-state-and-nonstate-actors/>.

⁹⁹ Kanfash, Mohammad, and Ali Aljaseem, "Starvation as Strategy in the Syrian Armed Conflict: Siege, Deprivation, and Detention," In *Accountability for Mass Starvation*, 195-C8.N79. London, England: Oxford University PressOxford, 2022.

¹⁰⁰ Laub, Zachary, "Syria's Civil War," *Council on Foreign Relations*, October 15, 2019.
<https://www.cfr.org/article/syrias-civil-war>.

The Syrian conflict has resulted in a severe humanitarian crisis with profound regional implications. The scale and intensity of the crisis have had far-reaching consequences, both within Syria and in neighboring countries. Millions of Syrians were compelled to evacuate their homes as a result of the fighting. Many Syrians have been domestically displaced, while others have fled to nearby nations including Turkey, Lebanon, Jordan, Iraq, and Egypt. Nearly 6.8 million Syrians were still internally displaced within the Syrian Arab Republic (Syria), while 5.4 million more were living as refugees in the region's other nations. Resource, infrastructural, and economic issues in the host nations have been exacerbated by the massive influx of migrants.

The humanitarian needs resulting from the Syrian conflict are staggering. The conflict led to widespread destruction of infrastructure, including hospitals, schools, and basic services. Access to clean water, food, healthcare, and education were severely compromised, particularly in areas affected by fighting. The humanitarian crisis placed a heavy burden on aid organizations, which struggled to meet the immense needs of affected populations.¹⁰¹ The Syrian conflict has had a significant economic impact, not only within Syria but also in neighboring countries. The disruption of trade, infrastructure, and agricultural production has led to a decline in economic activity, increased unemployment, and poverty. Host countries that have absorbed a large number of refugees have faced economic strain, including pressure on labor markets and public services.

The prolonged conflict in Syria contributed to regional instability. The spillover effects of the conflict, such as the rise of extremist groups and cross-border attacks, created security challenges for neighboring countries. Border tensions, the flow of weapons and fighters, and the presence of refugee populations strained relations and heightened geopolitical tensions in the region. The presence of extremist groups, including ISIS, in Syria posed a significant threat to regional and global security. The conflict provided fertile ground for radicalization and recruitment of individuals into these groups.¹⁰² The spread of extremist ideologies and the potential for fighters returning to their home countries heightened

¹⁰¹ The Forum at Harvard T. H. Chan School of Public Health, "The Humanitarian Crisis in Syria," October 1, 2013. <https://theforum.sph.harvard.edu/events/the-humanitarian-crisis-in-syria/>.

¹⁰² Calabrese, John, "The Regional Implications of the Syria Crisis," *Middle East Institute*, 2012. <https://www.mei.edu/publications/regional-implications-syria-crisis>.

security concerns beyond the borders of Syria. The Syrian conflict deepened existing political and sectarian divisions, not only within Syria but also across the region.

UNSC was unable to find consensus on how to respond to conflict in Syria. In the cases of Libya and Mali the international community had responded with a unified response. The resolve of all members to intervene made the intervention possible. Secondly external and internal situations were favorable in cases on Libya and Mali as discussed above, however in Syria Russian alliance, lack of strong opposition, a relatively stronger military position as well as regional implications compelled UNSC to intervene despite genocide and humanitarian crisis.

Prospects of success in the cases of Libya and Mali were high compared to Syria. The international system is guided by cost benefit analysis and calculations instead of humanitarianism alone. Therefore, UNSC lacked the political will and failed to intervene in the Syrian crisis.

5.2 Non-intervention but moderate role in Syria war

Many considerations have made the UNSC's reaction to the Syrian situation challenging, including geopolitical rivalries and disagreements among its permanent members, which have hindered its ability to take decisive action. Some of the key roles the UNSC has played in the Syrian crisis include:

i. Mandating the Providing Humanitarian Relief

Since the crisis began in 2011, getting humanitarian supplies to Syria has been a significant problem. A humanitarian crisis resulted from the Syrian government's restrictions on assistance deliveries to regions under the control of the opposition as the fighting intensified. In response, the UNSC adopted multiple resolutions requiring the distribution of humanitarian relief to individuals in need in Syria.¹⁰³

Resolution 2165, passed in 2014, was a significant resolution in this respect. This resolution gave permission to send humanitarian supplies to Syria without the Syrian

¹⁰³ OHCHR, "Syria: UN Experts Urge Security Council to Extend Life-Saving Aid Delivery into Northwest Syria," Accessed February 25, 2023. <https://www.ohchr.org/en/statements/2023/01/syria-un-experts-urge-security-council-extend-life-saving-aid-delivery-northwest>.

government's permission. It developed a system for cross-border relief transfers, enabling aid agencies to reach those in need without going through the Syrian government.¹⁰⁴

The resolution further demanded that all acts of violence against civilians cease, and that all sides to the conflict permit access to people in need for aid workers. It reiterated the significance of humanitarian law's guiding principles, such as the separation of civilians from combatants and the proscription of assaults on people and civilian targets.

Despite the approval of this resolution, it has remained difficult to send humanitarian relief to Syria, in part because of continuous hostilities and limitations imposed on aid groups by the Syrian government and other combatants. The Covid-19 outbreak has made it more challenging for aid workers to work in Syria, further complicating the situation.

ii. Supporting political negotiations

Political talks to settle the Syrian war have received active backing from the United Nations Security Council (UNSC). The UN Special Envoy for Syria, who is in charge of directing diplomatic attempts to find a political solution to the war, has been one of the main conduits for this assistance.

A number of resolutions have been adopted by the UNSC in support of political dialogue, notably Resolution 2254 from 2015. This resolution demanded a cease-fire, a political change, and the establishment of a transitional government with complete administrative authority in Syria. Additionally, it demanded that a new constitution be created and that free and fair elections be held with UN oversight.¹⁰⁵

The UNSC has also supported the work of the International Syria Support Group (ISSG), which was established in 2015 to bring together key international and regional actors to find a political solution to the conflict. The ISSG has held several rounds of talks, including in Vienna and Geneva, to facilitate negotiations between the Syrian government and opposition groups.¹⁰⁶ In addition to these diplomatic efforts, the UNSC has also supported efforts to create safe zones and de-escalation zones in Syria, aimed at reducing

¹⁰⁴ Unscr.com, "Security Council Resolution 2165 - UNSCR," Accessed February 25, 2023. <http://unscr.com/en/resolutions/2165>.

¹⁰⁵ Council, Security, "S/RES/2254 (2015)," Securitycouncilreport.org, 2015. https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2254.pdf.

¹⁰⁶ Europa.eu, "International Syria Support Group Calls for Cessation of Hostilities," Accessed February 25, 2023. https://www.eeas.europa.eu/node/3663_en.

violence and creating conditions for political negotiations to take place. These efforts have been led by the UN and other international organizations, in coordination with the Syrian government and opposition groups.

Despite these efforts, political negotiations in Syria have been challenging, with the conflict continuing to escalate and opposition groups remaining fragmented. The UNSC has faced criticism for not doing enough to support political negotiations and for failing to hold all parties accountable for human rights violations and other crimes committed during the conflict. Overall, while the UNSC's support for political negotiations in Syria has been important, the ongoing conflict and humanitarian crisis in the country continue to pose significant challenges to finding a sustainable political solution to the conflict.

iii. Imposing Sanctions

The United Nations Security Council (UNSC) has imposed a number of sanctions on Syria in response to the ongoing conflict and human rights abuses committed by the Syrian government and other parties to the conflict. These sanctions are intended to put pressure on the Syrian government to end the conflict and to hold those responsible for human rights abuses accountable.

The sanctions imposed by the UNSC have targeted individuals and entities believed to be involved in the conflict, as well as those involved in human rights abuses and the development of chemical weapons. The sanctions include travel bans, asset freezes, and arms embargoes. In addition to these targeted sanctions, the UNSC has also imposed broader sanctions on the Syrian economy, including restrictions on exports and imports, as well as restrictions on financial transactions with Syria. These sanctions have had a significant impact on the Syrian economy, exacerbating the humanitarian crisis in the country by limiting access to basic goods and services.¹⁰⁷

The effectiveness of these sanctions has been debated, with some arguing that they have not been effective in changing the behavior of the Syrian government or ending the conflict. Others argue that the sanctions have had some impact, but that their effectiveness has been limited by the ability of the Syrian government to find alternative sources of support and by the limited enforcement capacity of the international

¹⁰⁷ Securitycouncilreport.org, "UN Documents for Syria," Accessed February 25, 2023. <https://www.securitycouncilreport.org/un-documents/syria/>.

community. Critics of the sanctions also argue that they have had a negative impact on ordinary Syrians, who have been disproportionately affected by the economic sanctions. These critics argue that the sanctions have made it more difficult for humanitarian aid to reach those in need and have contributed to the humanitarian crisis in the country.

iv. Authorizing the use of force

The use of force in Syria has not been approved by the UN Security Council (UNSC). Through the passage of resolutions aimed at ending the war and safeguarding civilians, the UNSC has contributed to the Syrian crisis, but it has not endorsed the use of military against any parties to the conflict.

The use of chemical weapons in Syria, which was thought to have been carried out by the Syrian government, prompted a request in 2013 for the UNSC to sanction the use of force. Russia and China, who have veto power in the UNSC, opposed the idea, hence it was not accepted. Since then, a number of sides to the conflict—including the Syrian government, opposition organizations, and external powers including the United States and Russia—have used force in Syria. However, the UNSC has not sanctioned these activities, and they have been the focus of ongoing dispute and discussion.¹⁰⁸

The lack of UNSC authorization for the use of force in Syria has been a major factor in the ongoing challenges in resolving the conflict and protecting civilians. Without a clear mandate from the global community, the utilization of military power by any party to the conflict can be seen as illegitimate and can lead to further escalation of the conflict. Overall, while the UNSC has played an important role in the Syrian conflict through the adoption of resolutions aimed at protecting civilians and resolving the conflict, it has not authorized the use of force in the conflict. The lack of such authorization has contributed to ongoing challenges in resolving the conflict and protecting civilians.¹⁰⁹

¹⁰⁸ Beer, Aniel Caro de, and /dire Tladi, “The Use of Force against Syria in Response to Alleged Use of Chemical Weapons by Syria: A Return to Humanitarian Intervention?” Accessed February 25, 2023. https://www.zaerv.de/79_2019/79_2019_2_a_205_239.pdf.

¹⁰⁹ Beer, Aniel Caro de, “The Use of Force against Syria in Response to Alleged Use of Chemical Weapons by Syria: A Return to Humanitarian Intervention?”

Conclusion

The failures of the UNSC in the Syrian crisis highlight the pressing need for comprehensive reforms within the global governance structure, since the failure to respond to humanitarian crises is attributed to the structural flaws of UNSC. Proposals such as limiting the use of veto power, enhancing transparency in decision-making processes, strengthening the role of the General Assembly, and expanding the membership of the UNSC have been put forward as potential remedies. However, the implementation of these reforms has proven to be a formidable challenge, leaving the UNSC's approach to humanitarian interventions to be selective.

The role of UNSC in the Syrian crisis remained narrow and ineffective, despite the attempts of UNSC to intervene. The UNSC has taken various measures in response to the Syrian crisis. It has mandated the delivery of humanitarian aid through resolutions such as Resolution 2165, established mechanisms for aid delivery without Syrian government consent. The UNSC has supported political negotiations through resolutions like Resolution 2254, aimed at achieving a ceasefire and political transition. Sanctions have been imposed on individuals, entities, and the Syrian economy to pressure the government and address human rights abuses. However, the UNSC has not authorized the use of force in Syria; the selective application of the Responsibility to Protect (R2P) principle, driven by geopolitical considerations and the prospects of success, has resulted in a fragmented and inconsistent approach to addressing humanitarian crises. Interventions are well calculated actions and hence prospects of success are weighed. The prospects of success in this intervention were very low owing to several factors, such as complex and protracted conflict, presence of multiple groups each vying for its own agenda, allies and international support to the Syrian government. The inaction of UNSC led to a catastrophic humanitarian crisis in Syria with millions being killed, displaced or plunged into misery.

The primary purpose of humanitarian intervention is to alleviate suffering and protect lives, however, factors beyond the humanitarian impulses play a crucial role in determining whether interventions occur. National interests, geopolitical considerations, and strategic calculations often overshadow purely humanitarian concerns, leading to

inconsistencies in the UNSC's decision-making process. The consensus among UNSC members, International standing of the state to be intervened as well as the perceived role, authority and legitimacy of the UNSC also shape its effectiveness in responding to crises. The complexity of conflicts, involving multiple actors with diverse agendas, further complicates the formulation and implementation of effective interventions.

The comparison of successful interventions in Libya and Mali with the lack of action in Syria highlights these factors influencing the UNSC in its response to humanitarian crises. The UNSC's decisions are influenced by the interests of its member states, making it challenging for decisive action when competing interests are at stake. In the cases of Libya and Mali, a unified international response and favorable external and internal conditions facilitated intervention. However, in Syria, factors such as the Russian alliance, P-3 vs P-2 divergence, lack of a strong opposition, and regional implications hindered UNSC intervention despite the presence of genocide and a humanitarian crisis.

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