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Veto Syria: Explaining the Power of the United Nations Security Council and the Syrian Refugee Crisis

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***VETO SYRIA: Explaining the Power of the
United Nations Security Council and the
Syrian Refugee Crisis***



Hanouf Talal Khallaf

ANALYTICAL PAPER

**An Analytical Paper Presented to the Faculty of the College of Arts and Sciences
University of San Francisco**

**In Partial Fulfillment of the Requirements of the Degree of
MASTER OF PUBLIC AFFAIRS**

by

Hanouf Talal Khallaf

May 2016

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Under the guidance and approval of the committee, and approval by all the members, this
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Executive Summary

This paper provides an analysis of the United Nations Security Council compliance with the Charter of the United Nations and the effectiveness of its Responsibility to Protect innocent civilians from crimes committed against them, particularly within the Syrian region in the Middle East. The following research examines the possible political obstacles that may have been challenging the Council in carrying out its duties and responsibilities in maintaining international peace and security. According to studies conducted by different scholars, the Security Council has failed to maintain international peace and security in different occasions in the past. The most prominent examples are the 1948 Israeli–Palestinian conflict and the 1990 genocide in Rwanda, and today the Security Council is failing to play its role again in Syria. This lack of action since 2011 has resulted in the most extreme refugee crisis in the 21st century.

The research focuses on two arguments. The first argument is on intervention versus the veto power in the Council, the second argument focuses on non-intervention versus human rights violations. This analysis suggests that the Security Council needs reform in order to meet its obligations and function effectively in world crises. In order to achieve this, the research proposes multiple reform recommendations that could be implemented immediately within the system. In addition, this paper includes my own observation from my summer internship (June – August 2015) at the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations in New York. The observation is based on my presence in several Security Council and United Nations General Assembly Fourth Committee (Special Political and Decolonization) meetings relating to various topics on world crises, international peace and security, human rights, and peacekeeping.

Introduction

Studies and recent events have shown that the Security Council (SC), as an executive organ of the United Nations (UN), has failed in multiple occasions to carry out its duties and responsibilities in maintaining international peace and security. Hence, its role as the most powerful United Nations body is questionable. This paper aims to analyze the United Nations Security Council compliance with the Charter of the United Nations and the effectiveness of its Responsibility to Protect (R2P) innocent civilians from crimes committed against them, particularly by using the Syrian refugee crisis of March 2011 as a case study. Also, this paper discusses the possible political obstacles that may have been challenging the Security Council in carrying out its duties by re-examining the veto politics and mapping the Member States votes in the Security Council. This study focuses on two arguments. The first argument is on the Security Council intervention in Syria versus the veto power in the Council, the second argument focuses on the Security Council non-intervention in Syria versus human rights violations.

Therefore, this paper studies interviews and statements accessed from the United Nations news center with officials such as UN Secretary-General Ban Ki-moon, UN High Commissioner for Refugees Filippo Grandi, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein and UN Syria envoy Staffan de Mistura. Scholarly journals and books, news articles, UN Charter, UN meetings coverage, UN audiovisuals, UN diaries from the field, and Security Council press releases are referenced, in addition; communication tools such as charts, graphs and photos will be used to support the argument of this text. Furthermore, this paper aims to propose some democratic reforms that could be implemented in the Security Council to ensure prompt and effective action for the maintenance of international peace and security. Lastly, this paper includes my own observation from my summer internship (June-August 2015) at the

Permanent Mission of the Kingdom of Saudi Arabia to the United Nations in New York. The observation is based on my presence in several Security Council and UN General Assembly Fourth Committee (Special Political and Decolonization) meetings relating to various topics on world crises, international peace and security, human rights, and peacekeeping.

Background

The United Nations is the largest legitimate international organization that is constitutionally dedicated to maintaining peace and preventing war.¹ The United Nations is not only a diplomatic forum, but also a security maintaining institution.² Since the establishment of the UN, the Security Council has been known as the most important UN body and the world's most powerful institution;³ it is comprised of the Permanent Five (P-5) and the Non-permanent Ten (N-10) that not only speaks and decides on behalf of the 193 UN Member States, but also ratifies legally binding resolutions.⁴ The N-10 members are elected by the General Assembly to a two-year non-renewable term. These seats are selected regionally to ensure representation in the Council, such that three members are from Africa, two members each from Asia, Latin America, Western Europe, and one member from Eastern Europe.⁵ The P-5 members are the victors of the Second World War: China, France, Russia, United Kingdom and United States.⁶ These five permanent members make up the core of the Security Council and therefore, are conferred with veto power, which allows any one member to veto or overrides any

¹ Friedrichs, Gordon. Smart Security Council?: *Analyzing the effectiveness of targeted sanctions*. n.p: Hamburg, Germany: Anchor Academic Publishing. (2013), 33. *Ignacio: USF Libraries Catalog*, EBSCOhost. Accessed February 20, 2016.

² Ibid., 35.

³ Oludoun, Temitope. "Peace and Security as a Catalyst for the Reform of the UN Security Council." *Review of International Law and Politics* no. 39 (2014), 65. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

⁴ Friedrichs, Gordon. Smart Security Council?: *Analyzing the effectiveness of targeted sanctions*. n.p: Hamburg, Germany: Anchor Academic Publishing. (2013), 36. *Ignacio: USF Libraries Catalog*, EBSCOhost. Accessed February 20, 2016.

⁵ Oludoun, Temitope. "Peace and Security as a Catalyst for the Reform of the UN Security Council." *Review of International Law and Politics* no. 39 (2014), 66. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

⁶ "Those states had made major contributions to securing military victory in the Second World War." (Brownlie, 1963; Oludoun, 2014).

resolutions or decisions proposed by the Council regardless the majority's perspective. Additionally, the Security Council has the absolute right to determine what constitutes a threat to peace and security.⁷ Chapter V, Article 24 (1) of the Charter of the United Nations on functions and powers states:

“In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.”⁸

In 2005, world leaders at the United Nations World Summit embraced a new doctrine called the “Responsibility to Protect”, which acknowledges that the responsibility of protecting human rights and innocent civilians from genocide, war crimes, ethnic cleansing and crimes against humanity⁹ belonged first to the nations in which violations occurred, but when nations failed to protect such rights from mass atrocities, the international community could take on the responsibility itself.¹⁰ Here, it is important to note that the United Nations Security Council is tasked with keeping the peace among nations through negotiations, sanctions, or military power. Chapter VII, Article 41 of the Charter of the United Nations on governing the use of force states:

“The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include

⁷ Friedrichs, Gordon. *Smart Security Council?: Analyzing the effectiveness of targeted sanctions*. n.p: Hamburg, Germany: Anchor Academic Publishing, (2013), 37. *Ignacio: USF Libraries Catalog, EBSCOhost*. Accessed February 20, 2016.

⁸ United Nations. “Charter of the United Nations, Chapter V, Article 24 (1).” UN. (June 1945). Accessed January 30, 2016. <http://www.un.org/en/charter-united-nations/index.html>

⁹ General Assembly. “2005 World Summit Outcome.” A/RES/60/1. United Nations. (October 2005). Accessed March 10, 2016. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>

¹⁰ Zifcak, Spencer. “The Responsibility to Protect After Libya and Syria.” *Melbourne Journal of International Law*. no. 1 (2012), 59. *HeinOnline, EBSCOhost*. Accessed April 1, 2016.

complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”¹¹

However, if the Security Council considers that the measures indicated in Article 41 could be ineffective by any means considering the situation in hand Chapter VII, Article 42 of the Charter of the United Nations on governing the use of power authorizes the United Nations Security Council to:

“Take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”¹²

Nonetheless, scholars have questioned the Council’s compliance with the Charter of the United Nations and the effectiveness of its Responsibility to Protect, particularly in the case of the Syrian Arab Republic region in the Middle East.

Case Study: Syrian Refugee Crisis

The conflict in Syria started in 2011 with anti-government protests, which initially demanded the release of some teenagers who had been arrested for painting revolutionary slogans on a school wall demanding democracy.^{13 14} Instead of meeting the people’s demands, government forces opened fire on protesters, killing most of them. This violent action by the government forces generated nationwide demonstrations demanding not only democracy, but

¹¹ United Nations. “Charter of the United Nations, Chapter VII, Article 41. UN. (June 1945). Accessed January 30, 2016. <http://www.un.org/en/charter-united-nations/index.html>.

¹² Ibid., Article 42.

¹³ Rodgers, Lucy, David Gritten, James Offer, and Patrick Asare. "Syria: The Story of the Conflict." *BBC News*. (March 2016). Accessed March 30, 2016. <http://www.bbc.com/news/world-middle-east-26116868>.

¹⁴ Abboud, Samer. “How Syria Fell to Pieces.” *Current History* 114, no. 776 (December 2015): 337-342. *Political Science Complete*, EBSCOhost.

also President Bashar al-Assad's resignation.¹⁵ This violence then, deteriorated into a civil war between those for and against Assad, who succeeded his father, former President Hafez al-Assad, in 2000.¹⁶ Investigations conducted by the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic has proven that all parties to the conflict have committed war crimes, including and not restricted to "murder, torture, rape and enforced disappearances."¹⁷ In addition, all parties have been accused of violating international human rights law by using innocent civilians as a method of war through depriving them from food, water, and health services.¹⁸

Since the internal conflict began in Syria, and despite reports on continued violence, aggression, killings, and humanitarian crises, the United Nations Security Council has been unable to implement multiple proposed resolutions to maintain international peace and security. In addition, several peace talks have failed, including Geneva Conference II and Geneva Conference III on Syria, due to lack of agreement among involved parties.¹⁹ Many scholars have argued that this prolonged civil war and insecurity in Syria has created a solid recruiting ground for extremist militant groups and paved the way for the presence of terrorist groups such as Hezbollah, the so-called Islamic State of Iraq and Syria (ISIS), Jabhat al- Nusra (Nusra Front), and other Al-Qaeda affiliates,²⁰ which created a bigger fraction in the internal conflict and the region. In addition, inaction by the international community to stop the war has led to the largest

¹⁵ Rodgers, Lucy, David Gritten, James Offer, and Patrick Asare. "Syria: The Story of the Conflict." *BBC News*. (March 2016). Accessed March 30, 2016. <http://www.bbc.com/news/world-middle-east-26116868>.

¹⁶ Ibid.

¹⁷ "Independent International Commission of Inquiry on the Syrian Arab Republic." Commission of Inquiry. *OHCHR*. Accessed April 09, 2016. <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/AboutCoI.aspx>. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17020&LangID=E>

¹⁸ Ibid.

¹⁹ Oludoun, Temitope. "Peace and Security as a Catalyst for the Reform of the UN Security Council." *Review of International Law and Politics* no. 39 (2014), 73. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

²⁰ Jenkins, Brian M. "The Dynamics of Syria's Civil War." *Rand Corporation*. Accessed April 1, 2016. http://www.rand.org/content/dam/rand/pubs/perspectives/PE100/PE115/RAND_PE115.pdf.

displacement crisis globally in a generation²¹ or as the European Commission describes it “the world’s largest humanitarian crisis since World War II.”²² According to the United Nations High Commissioner for Refugees (UNHCR), 7.6 million people are internally displaced in Syria and 4.3 million people are refugees in neighboring countries such as Jordan, Lebanon, Turkey, Iraq and Egypt.²³

In addition, others are considered “guests”, “workers” or “brothers and sisters in distress” in the Gulf countries such as Saudi Arabia, Kuwait, Qatar, Bahrain, Oman and the United Arab Emirates; this is because the Gulf countries are not signatories to the 1951 Geneva Convention relating to the Status of Refugees and the 1967 Protocol therefore, Syrians are not registered as “refugees.”²⁴ Also, many Gulf scholars have argued that the Gulf Cooperation Council (GCC) countries consider refugees as guests to preserve their dignity and identity.²⁵ In fact, a government source from the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia said, “the Kingdom has received 2.5 million Syrians since the beginning of the conflict”,²⁶ he also stated that the Kingdom have adopted a policy that does not treat the Syrian “brothers and sisters” as refugees or place them in refugee camps to ensure their safety and preserve their dignity. In addition, the Kingdom allows the Syrian brothers and sisters to move around the

²¹ UNHCR. "UNHCR Overview: 2015 Syria Response Plan and 2015-2016 Regional Refugee and Resilience Plan." UNHCR Syria Regional Refugee Response. (December 2014). Accessed February 15, 2016. <https://data.unhcr.org/syrianrefugees>.

²² European Commission. "Syria Crisis." (March 2016). Accessed April 10, 2016. http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf.

²³ UNHCR. "UNHCR Overview: 2015 Syria Response Plan and 2015-2016 Regional Refugee and Resilience Plan." UNHCR Syria Regional Refugee Response. (December 2014). Accessed February 15, 2016. <https://data.unhcr.org/syrianrefugees>.

²⁴ Kayaoğlu, Barın. "Why the Gulf Isn't to Blame for Syrian Refugee Crisis." *Al-Monitor: The Pulse of the Middle East*. (September 2015). Accessed February 25, 2016. <http://www.al-monitor.com/pulse/originals/2015/09/syria-gulf-countries-respond-criticism-over-refugees.html>.

²⁵ Ibid.

²⁶ MOFA. "MOFA Official Source: The Kingdom Receives around 2.5 M. Syrians, since the Outbreak of the Crisis, Official." Ministry of Foreign Affairs of the Kingdom of Saudi Arabia. Accessed April 09, 2016. <http://www.mofa.gov.sa/m/en/info/Pages/viewarticle.aspx?pageurl=/sites/mofaen/ServicesAndInformation/news/MinistryNews/Pages/ArticleID2015913123317975.aspx>.

country and grant legal residency status to those who wish to remain in Saudi Arabia. The government source indicates that residency status provides the Syrians the “right to receive free medical care, join the labor market and attend schools and universities.”²⁷ According to Saudi government statistics, there are more than 100,000 Syrian students in public schools and universities are instructed to incorporate about 3,000 Syrian students.²⁸ Furthermore, according to *The National* newspaper, the United Arab Emirates has received about 100,000 Syrians since the conflict started in 2011.²⁹ As of 2015 the United Arab Emirates government statistical studies indicate a total of a quarter million Syrians reside in the country.³⁰ The government also stated that the Syrian case is a priority in the nation’s foreign policy and therefore, the United Arab Emirates will continue working with its partners domestically and internationally to address the issue in a “sustainable and humane fashion.”³¹ Here, it is important to note that such claims by government officials may be skeptical sometimes.

With the increase of human rights violations and abuses in the context of widespread insecurity and in disregard of international law, international humanitarian law, and human rights law,³² more Syrians are fleeing their country. Scholars have argued that what originally served, for Syrian refugees as transitory migration and irregular migration, is now becoming forced migration, as the countries closest to the borders of Syria are reaching and, in some cases, have

²⁷ Kayaoğlu, Barın. "Why the Gulf Isn't to Blame for Syrian Refugee Crisis." *Al-Monitor: The Pulse of the Middle East*. (September 2015). Accessed February 25, 2016. <http://www.al-monitor.com/pulse/originals/2015/09/syria-gulf-countries-respond-criticism-over-refugees.html>.

²⁸ MOFA. "MOFA Official Source: The Kingdom Receives around 2.5 M. Syrians, since the Outbreak of the Crisis, Official." Ministry of Foreign Affairs of the Kingdom of Saudi Arabia. Accessed April 09, 2016. <http://www.mofa.gov.sa/m/en/info/Pages/viewarticle.aspx?pageurl=/sites/mofaen/ServicesAndInformation/news/MinistryNews/Pages/ArticleID2015913123317975.aspx>.

²⁹ "100,000 Syrians Move to UAE since 2011." *The National*. (September 2015). Accessed March 29, 2016. <http://www.thenational.ae/uae/government/100000-syrians-move-to-uae-since-2011>.

³⁰ Ibid.

³¹ Ibid.

³² Oludoun, Temitope. "Peace and Security as a Catalyst for the Reform of the UN Security Council." *Review of International Law and Politics* no. 39 (2014): 63. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

reached, their maximum capacity for the number of individuals they are able to take in.^{33 34 35} In spite of this, many of those who are allowed to stay are not able to obtain formal housing within those countries, forced to live in tent cities made up of whatever materials are made available to them³⁶. As these nations are forced to turn others away, the migration path of Syrian refugees away from their homes become even longer, as they are forced to continue further away from home. According to *Al-monitor*, a Bahraini analyst said Syrians find it easier to flee to Europe rather than the Gulf because the Gulf States do not share land borders with Syria, unlike Turkey, Jordan and Lebanon and different from Europe, Gulf States are not accessible via the Mediterranean.³⁷

Unlike Jordan, Lebanon and the GCC countries, European States are signatories to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol and therefore have legal obligations toward refugees, Article 1 (A)(2) of the Convention, states:

“A refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country...”³⁸

³³ Gokalp Aras, N. Ela, and Zeynep Sahin Mencutek. "The International Migration and Foreign Policy Nexus: The Case of Syrian Refugee Crisis and Turkey." *Migration Letters* 12, no. 3 (September 2015), 193-208. *Academic Search Index*, EBSCOhost. Accessed March 15, 2016.

³⁴ Ihlamur-Öner, Suna Gülfer. "Turkey's Refugee Regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows." *Perception: Journal of International Affairs* 18, no. 3 (September 2013), 191-228. *Political Science Complete*, EBSCOhost. Accessed February 10, 2016.

³⁵ Mercy Corps. "Quick Facts: What You Need To Know About The Syria Crisis". *Mercy Corps*, (2016). Accessed March 30, 2016. <http://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis>.

³⁶ Ibid.

³⁷ Kayaoğlu, Barın. "Why the Gulf Isn't to Blame for Syrian Refugee Crisis." *Al-Monitor: The Pulse of the Middle East*. (September 2015). Accessed February 25, 2016. <http://www.al-monitor.com/pulse/originals/2015/09/syria-gulf-countries-respond-criticism-over-refugees.html>.

³⁸ "Convention and Protocol Relating to the Status of Refugees, Article 1 (A)(2)." *UNHCR News*, (2012). Accessed March 29, 2016. <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.

Article 31 (1) of the Convention permits any individual who meets the above definition to enter any of the 150 countries that are signatories to the Convention without authorization.³⁹ Also, Article 33 (1) of the Convention does not allow those countries to “expel or return” a refugee to their country of origin.⁴⁰ For this reason, Mark Bixler and Michael Martinez argue, “the number of Syrians seeking safety in Europe has more than doubled in the past year. In fact, many refugees have left Turkey and other countries through the Mediterranean sea to Europe seeking “asylum” – status that allows someone to live and work legally in another country.”⁴¹ Moreover, the United Nations Universal Declaration of Human Rights Article 14 (1) states:

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”⁴²

Despite the refugee crisis, the conflict in Syria rages on seemingly unchecked, with the Russian Federation backing the Assad regime. Notwithstanding criticism from all quarters, Russian President Vladimir Putin continues to bomb areas, killing not only terrorist militant groups and its supporters but also many innocent civilians in the process. The refugee situation from Syria has become a global pandemic, with some countries in Europe straining to absorb the thousands fleeing the conflict and politicians in the United States argue over whether to take refugees in, many insisting that in doing so the United States invites ISIS supporters to enter under the guise of refugee status. In short, the situation in Syria has become so desperate there seems to be no feasible resolution in sight. The natural response then is to question why the UN Security Council has failed so far to intervene in the conflict. The answer lies buried in a

³⁹ "Convention and Protocol Relating to the Status of Refugees, Article 31 (1)." *UNHCR News*, (2012). Accessed March 29, 2016. <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.

⁴⁰ *Ibid.*, Article 33 (1).

⁴¹ Bixler, Mark, and Michael Martinez. "Migrant and Refugee Crisis: War Uproots 1 in 2 Syrians." *CNN*. (September 2015). Accessed March 15, 2016. <http://www.cnn.com/2015/09/11/world/syria-refugee-crisis-when-war-displaces-half-a-country/>.

⁴² "The Universal Declaration of Human Rights | United Nations." *UN News Center*. Accessed April 10, 2016. <http://www.un.org/en/universal-declaration-human-rights/>.

complex tangle of the stated responsibilities of the Council versus conflicting political and economic realities.⁴³

Intervention vs. Veto power

Although the Charter of the United Nations urge a quick response by the Security Council to threat to international peace and security,⁴⁴ many scholars have found the Council to remain ineffective and perhaps corrupt. Here, it is important to understand the veto politics in the Council. The establishment of the veto was implemented at the formation of the United Nations itself in 1945,⁴⁵ when the former Soviet Union insisted on the inclusion of veto powers – recognizing that western interests might often run in opposition to its own. Throughout the Cold War in 1947-1991, the United States and the Soviet Union used their vetoes to block decisions that favored one another and to ensure that actions against their interests did not occur. Today by mapping out the veto politics in the Council, one can see that while the United States has largely backed away from using its veto power, the Russian Federation continues to use its power to block actions that deems beneficial to the United States, but disadvantageous to its own domestic interests. According to the UN Security Council report of 2015, “the veto has been used in relation to a variety of situations in which human rights concerns featured prominently”⁴⁶, and it has prevented the Council from acting against human rights abuses and international crises.

Russia is not the only problem when addressing the Syrian situation, there are many state and non-state actors who are involved in the conflict as well, however Russia’s actions are the most obvious in the Security Council. In order to understand Russia’s veto politics in the

⁴³ The situation of Syrian guests and or refugees in the Gulf, Europe and North America is beyond the scope of this paper. For more information on the subject please refer to appendix.

⁴⁴ Oludoun, Temitope. "Peace and Security as a Catalyst for the Reform of the UN Security Council." *Review of International Law and Politics* no. 39 (2014), 63-96. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

⁴⁵ Security Council. "The Veto." (October 2015), 2. Accessed April 1, 2016.
http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/research_report_3_the_veto_2015.pdf.

⁴⁶ *Ibid.*, 3.

Council, it is important to compare the situation in Libya to the situation in Syria. According to Eugene Ivanov, the Russian decision not to veto Resolution 1973⁴⁷ that aimed to establish a no-fly zone over Libya is because “Russia simply did not have so much at stake in Libya to risk finding itself on the periphery of the Russia-NATO dialogue on the most important national security issue; the European missile defense discussion”⁴⁸ that was discussed at the time. In addition, Russia did not want to be held accountable for the many civilian deaths; this was reflected in the statement of former Russian President Dmitry Medvedev, “All that is going on in Libya is connected with outrageous behavior of Libya’s authorities and the crimes that were completely against their own people. We must not forget about it. Everything else is simply a consequence.”⁴⁹ Ivanov argues that this is just a “vintage example of the pragmatism in the Russian foreign policy.”⁵⁰ This action by Russia, allowed the UN-mandated intervention in Libya⁵¹ that was led by the North Atlantic Treaty Organization (NATO).⁵² Here, the Security Council had acted effectively to address danger to civilians and had, it seemed, prevented atrocities. However, it failed in establishing a concrete transitional government in Libya.⁵³

⁴⁷ “S/RES/1973.” (March 2011). Accessed April 1, 2016.

http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110927_110311-UNSCR-1973.pdf

⁴⁸ Ivanov, Eugene. “Russia’s Response to the Libyan Crisis: A Paradigm Shift?” *Russia Beyond The Headlines*. (March 2011). Accessed March 5, 2016.

https://rbth.com/articles/2011/03/25/russias_response_to_the_libyan_crisis_a_foreign_policy_paradigm_shift_12617.html.

⁴⁹ “Russia Did Not Veto in UN to Protect Libyan Civilians - Medvedev.” *RT International*. (March 21, 2011). Accessed March 30, 2016. <https://www.rt.com/politics/medvedev-un-resolution-lybia/>.

⁵⁰ Ivanov, Eugene. “Russia’s Response to the Libyan Crisis: A Paradigm Shift?” *Russia Beyond The Headlines*. (March 2011). Accessed March 5, 2016.

https://rbth.com/articles/2011/03/25/russias_response_to_the_libyan_crisis_a_foreign_policy_paradigm_shift_12617.html.

⁵¹ “Resolution 1973 in March 2011 established a no-fly zone and the taking of ‘all necessary measures ... to protect civilians and civilian populated areas under threat of attack’ in Libya.” This was the first time in history the UN mandated military intervene in a sovereign state against the express will of its government (Morris, 2013), 1271.

⁵² UN Secretary-General Ban Ki-moon acknowledged the UN-mandated intervention in Libya as a “coming of age” of the UN Security Council “Responsibility to Protect” (Morris, 2013).

⁵³ Morris, Justin. “Libya and Syria: R2P and the spectre of the swining pendulum.” *International Affairs*. (2013), 1271. Accessed January 30, 2016.

https://www.chathamhouse.org/sites/files/chathamhouse/public/International%20Affairs/2013/89_5/89_5morris.pdf

Nevertheless, after the Security Council acted in Libya, Russia's diplomatic stance towards the military implementation mandate became increasingly critical.⁵⁴ Now, in the situation of Syria the issue is much more complicated. In fact, even as the United Nations was averting a crisis in Libya, Justin Morris observes it began to turn its attention to Syria, where UN Secretary General Ban Ki-moon warned there would be a "test of our common humanity." He told the international community to remember that its greatest failure was, "a reluctance to act in the face of serious threats." This reluctance, he said, too often resulted in "a loss of lives and credibility that haunt us ever after".⁵⁵

Taking into consideration the Syrian crisis, the consensus among scholars is that the Russian and Chinese veto is the main political obstacle that is restricting the Security Council from intervening and stopping the civil war in Syria. The two nations view Syria as a strategically in the Middle East and as such would veto any resolutions proposed by the Council to end the conflict in Syria.⁵⁶ For instance, according to UN Security Council voting records, between 2011 and 2015, Russia has vetoed Security Council draft resolutions on Syria four times. Similarly, China used its veto power four times, in every time acting with Russia (see table below).^{57 58}

⁵⁴ Allison, Roy. "Russia and Syria: explaining alignment with a regime in crisis." *International Affairs* 89, no.4 (July 2013), 796. *Business Source Complete*, EBSCOhost. Accessed March 1, 2016.

⁵⁵ Morris, Justin. "Libya and Syria: R2P and the spectre of the swining pendulum." *International Affairs*. (2013), 1265. Accessed January 30, 2016.
https://www.chathamhouse.org/sites/files/chathamhouse/public/International%20Affairs/2013/89_5/89_5morris.pdf

⁵⁶ Oludoun, Temitope. "Peace and Security as a Catalyst for the Reform of the UN Security Council." *Review of International Law and Politics* no. 39 (2014), 63. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

⁵⁷ Security Council. "Voting System and Records." United Nations. Accessed March 29, 2016.
<http://www.un.org/en/sc/meetings/voting.shtml>

⁵⁸ Please see appendix for full text of draft resolutions.

Draft Resolution	Date	Description
S/2011/612 ⁵⁹	4 October 2011	Resolution condemned the Syrian crackdown on protestors.
S/2012/77 ⁶⁰	4 February 2012	Resolution condemned the violence in Syria.
S/2012/538 ⁶¹	19 July 2012	Resolution affirming sanctions on Syria if violence continues.
S/2014/348 ⁶²	22 May 2014	Resolution affirming referral of Syria to ICC. ⁶³

It is evident that the Russian Federation has been diplomatically shielding the Syrian Arab Republic, even in the face of a humanitarian crisis for several reasons. According to David W. Lesch, the alliance between Russia and Syria goes back to the Cold War, when Damascus was supported by and allied with the former Union of Soviet Socialist Republics (USSR). The economic, military and political relationship between the two nations has continued into the present day.⁶⁴ Moscow and Damascus therefore have strong interests in maintaining close economic and political ties. They also share many commercial interests. Lesch notes that Russia's investment in Syria's energy and tourism industries in 2009 totaled more than \$19

⁵⁹ Security Council, "S/2011/612." (October 2011). Accessed May 1, 2016.
<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2011%20612.pdf>

⁶⁰ Security Council, "S/2012/77." (February 2012). Accessed May 1, 2016.
<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2012%2077.pdf>

⁶¹ Security Council, "S/2012/538." (July 2012). Accessed May 1, 2016.
<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2012%20538.pdf>

⁶² Security Council, "S/2014/348." (May 2014). Accessed May 1, 2016.
http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_348.pdf

⁶³ ICC: International Criminal Court.

⁶⁴ Lesch, David W. *Syria: The Fall of the House of Assad*. New Haven: Yale University Press. (January 2012), 136. NUKAT, EBSCOhost. Accessed January 25, 2016.

billion.⁶⁵ Furthermore, after Russia lost billions of dollars due to the overthrow of President Muammar al-Gaddafi in Libya and the implementation of new Iranian sanctions, Russia began focusing on selling more weapons to Syria, which has become Russia's seventh biggest weapon buyer. Lesch argues that Syria is important to Russia geographically because it is home to Russia's last Mediterranean naval base – located in the port city of Tartous. In addition, he notes that China has also invested economic interests in Syria, which has become the nation's third-largest importer.⁶⁶

Roy Allison, on the other hand, argues that the shared history between Russia and Syria cause little other than a feeling of nostalgia and that Syria is not as crucial to Russia's economic interests as some scholars believe. Instead, what is behind Russia's firm support of Syria is politics.⁶⁷ One of the main reasons Russia has resisted calls to demand the overthrow of Assad is that it sees such demands as an imposition of western desires over national sovereignty. Allison suggests that if Russia were to give in to such demands, it would set a precedent, which could mean domestic turmoil in Russia if the Council were to demand a Russian regime change or regime change in another country that is vital to Russia's political or economic interests.⁶⁸ Russia's reasons behind supporting Assad, then, are not only to support its commercial interests, but also to oppose what it sees as western overreach and advance its agenda against the United States agenda.

In regard to the veto, Amnesty International argues that the Security Council's biggest failure is not bypassing Russia and China's veto on the resolution to refer the situation in Syria to

⁶⁵ Ibid.

⁶⁶ Ibid., 137.

⁶⁷ Allison, Roy. "Russia and Syria: explaining alignment with a regime in crisis." *International Affairs* 89, no. 4: (July 2013): 795-823. *Business Source Complete*, EBSCOhost Accessed March 1, 2016.

⁶⁸ Allison, Roy. "Russia and Syria: explaining alignment with a regime in crisis." *International Affairs* 89, no. 4: (July 2013): 795-823. *Business Source Complete*, EBSCOhost Accessed March 1, 2016.

the Prosecutor of the International Criminal Court (ICC)⁶⁹, which was the “only way that would have made this referral possible.”⁷⁰ Also, Amnesty International criticizes the Council for disregarding their call for this referral as well as calls by the UN-mandated Independent International Commission of Inquiry on the Syrian Arab Republic and dozens of UN Member States and numerous Non-Governmental Organizations (NGO’s).⁷¹

In addition, Ban Ki-moon has acknowledged that the Security Council is absent of its power to intervene in Syria due to the disagreement among the P-5 members, which have extremely complicated the issue and resulted in the biggest refugee crisis in a generation.⁷² In an interview with *The Guardian* on September 7, 2015 Ban Ki-moon said, “We need some solidarity, unity of purpose, particularly among the five permanent members of the Security Council, when they are divided, it is extremely difficult for the United Nations to deliver. That is why I’ve been urging the members of the Security Council to look beyond national interest. We have to look for the global interest. When the Security Council members are united we have seen very speedy and tremendous impact in addressing the issues.”⁷³ Ban Ki-moon also expressed his worries on the vetoed resolution by Russia and China in 2014 to refer the Syrian civil conflict for further investigation by the International Criminal Court. He said, “The Syrian people have a

⁶⁹ “ICC officially came into power in July 2002 with the enactment of the Rome Statute. The Statute gives the ICC jurisdiction over the crime of genocide, crimes against humanity, war crimes and the crime of aggression when national judicial systems are unwilling or unable to prosecute (UNGA, 2002; Kramer, n.d.).” See Articles 6-8 of the Rome Statute (2002) on the definition of mentioned crimes.

⁷⁰ Amnesty International. “‘Death Everywhere’ War Crimes and Human Rights Abuses In Aleppo, Syria.” Amnesty.org. (2015), 12. Accessed April 1, 2016.

https://www.amnestyusa.org/sites/default/files/embargoed_5_may_aleppo_report_death_everywhere.pdf.

⁷¹ Ibid.

⁷² McGreal, Chris. “UN Security Council Is failing Syria, Ban Ki-moon Admits.” *The Guardian*. (September 2015). Accessed February 18, 2016. <http://www.theguardian.com/world/2015/sep/07/un-security-council-is-failing-syria-ban-ki-moon>.

⁷³ McGreal, Chris. “UN Security Council Is failing Syria, Ban Ki-moon Admits.” *The Guardian*. (September 2015). Accessed February 18, 2016. <http://www.theguardian.com/world/2015/sep/07/un-security-council-is-failing-syria-ban-ki-moon>.

fundamental right to justice” and this blockage is paralyzing the UN and its “credibility had suffered as a result.”⁷⁴

Also, the United States has accused Russia of threatening the UNSC’s legitimacy, by the latter’s use of a pocket veto towards proposed UN actions – that is the threat of a veto, which can influence other nations even when an actual veto is not used.⁷⁵ According to *The Guardian*, “The Security Council faces a crisis caused by its paralysis over Syria. It has failed to agree concerted action to try to stem the bloodshed, even after more than 220,000 Syrians have died and more than 11 million have been forced from their homes.”⁷⁶ The problem, suggests *The Guardian*, is that “Russia has used its veto powers four times to block resolutions on Syria that Moscow sees as damaging to its ally.” It has also used its veto power to prevent the Security Council from taking action in Ukraine, where it has annexed Crimea and taken military action in support of separatists.⁷⁷

Similarly, Adam Roberts and Dominik Zaum acknowledge that the UN Security Council is a better body than any other to authorize “military intervention for human protection purposes”; however, they suggest that it has many weaknesses.⁷⁸ First, they note it has been persistently criticized for its inaction. In many cases, they say, it has been unable to make decisions about threats or wars – either because member nations lacked interest in certain affairs or because of the threat of vetoes from other nations. They note that the UN Security Council has

⁷⁴ Ibid.

⁷⁵ Okhovat, Sahar. “The United Nations Security Council: Its Veto Power and Its Reform.” *CPACS Working Paper*, No.15/1. Sydney: University of Sydney. (December 2011), 3. Accessed March 10, 2016. https://sydney.edu.au/arts/peace_conflict/docs/working_papers/UNSC_paper.pdf

⁷⁶ Borger, Julian, and Bastien Inzaurrealde. “Russian vetoes are putting UN security council's legitimacy at risk, says US.” *The Guardian* (September 2015). Accessed February 10, 2016. <http://www.theguardian.com/world/2015/sep/23/russian-vetoes-putting-un-security-council-legitimacy-at-risk-says-us>

⁷⁷ Ibid.

⁷⁸ Roberts, Adam and Dominik Zaum. *Selective Security: War and the United Nations Security Council*. New York: Routledge. (June 2008), 68.

also been hampered by intelligence failures, weak assessments, trouble agreeing on appropriate military actions, and corruption and weak control of operations.⁷⁹ They further suggest that the Council has been bogged down by issues that it should not have to deal with. The result of these weaknesses has often been “deplorable handling” of security situations.⁸⁰

Sahar Okhovat observes that the UNSC system has been criticized for years – largely because of its undemocratic structure. Critics, she says, have mainly leveled their criticism at the Council’s veto power, which allows powerful members to “quash” any action that is not in their national interests – no matter how much demand there may be for it in other nations. Okhovat also notes that the P-5 nations influence other nations to vote in certain ways because they have a “pocket veto”.⁸¹ Similarly, Jussi Hanhimaki argues that the right of veto has “complicated the UNSC’s work more than any other issue. He states that the idea of five nations holding a more powerful position than any of the UN’s 193 nations is “absurd” and suggests that the body is often “paralyzed” when only one of the five nations disagree on a resolution.⁸²

Moreover, scholars such as Temitope Oludoun argues that there have been criticisms not only concerning the structure of the Council, but also about the reputation of the P-5 members, whose actions sometimes violate the principles of the UN Charter.⁸³ Likewise, Michael Barnett argues that the Security Council has “little interest in the civilian killings”⁸⁴ since it failed to protect innocent people from dying in multiple occasions in the past. The most prominent

⁷⁹ Ibid., 71.

⁸⁰ Ibid.

⁸¹ Okhovat, Sahar. “The United Nations Security Council: Its Veto Power and Its Reform.” *CPACS Working Paper*, No.15/1. Sydney: University of Sydney. (December 2011), 16. Accessed March 10, 2016. https://sydney.edu.au/arts/peace_conflict/docs/working_papers/UNSC_paper.pdf

⁸² Hanhimaki, Jussi. *The United Nations: A Very Short Introduction*. Oxford: University of Oxford Press. (2015), 52. Accessed April 10, 2016.

⁸³ Oludoun, Temitope. “Peace and Security as a Catalyst for the Reform of the UN Security Council.” *Review of International Law and Politics* no. 39 (2014): 63. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

⁸⁴ Barnett, Michael. “The United Nations Security Council and Rwanda.” *Holocaust Memorial Museum, and the National Security Archive*. George Washington University. (June 2014), 1. Accessed February 10, 2016. <http://nsarchive.gwu.edu/NSAEBB/NSAEBB472/Barnett,%20Michael%20-%20The%20United%20Nations%20Security%20Council%20and%20Rwanda.pdf>

examples are the 1948 Israeli-Palestinian crisis, which killed thousands of Palestinian civilians and reduced the population of the state of Palestine⁸⁵ and the 1994 genocide in Rwanda – that killed about one million Rwandans⁸⁶, and now history seems to be repeating itself in the case of the Syrian crisis. Others like Barry O'Neill are concerned primarily with the lack of equity in the Council since only a handful of states are granted such sweeping powers or in other words the veto power.⁸⁷ It is significant that the present permanent members represent the world's dominant powers today, however the question of equity remains important.

On the other hand, other scholars see purpose in the veto. Some suggest that it does not make sense for a relatively powerless nation like Belgium to stand on the same footing as powerful nations like the United States and China. Others, such as Bardo Fassbender, argue that the veto is an integral part of a system of checks and balances that helps prevent UN member nations from abusing their power. However, Fassbender also observes some problems with the veto. These problems include representativeness, arbitrariness and the prevention of discourse. He suggests that when only five nations are granted veto power, they may make decisions that are not representative of the values and beliefs of UN members or the world at large. He also writes that judicial bodies should “avoid arbitrary acts as much as possible” or their commitment to the rule of law may be questioned. Finally, he states, the UN was established as a body, which was meant to increase discourse among nations in order to prevent unnecessary hostilities.

⁸⁵ Morris, Benny. *1948: A History of the First Arab-Israeli War*. n.p.: New Haven: Yale University Press, (2008). *Ignacio: USF Libraries Catalog*, EBSCOhost. Accessed January 30, 2016.

⁸⁶ Survivors Fund. “Survivors Fund: Statistics.” (2011). Accessed April 1, 2016. <http://survivors-fund.org.uk/resources/rwandan-history/statistics/>

⁸⁷ O'Neill, B. “Power and Satisfaction in the United Nations Security Council.” *The Journal of Conflict Resolution* 40 (1996), 219-220. Accessed March 9, 2016.

Granting five nations veto power, gives them the power to suppress discourse, which may prevent the UN from serving its intended purpose.⁸⁸

David Malone, meanwhile, suggests that the veto power may be more than just part of a checks and balance system for the UN. Instead, he observes it may help the United Nations serves as something more than just “the sum of all its parts” by allowing other nations to veto decisions, the UN effectively keeps the United States hegemony in check, by ensuring that there is some opposition to the United States aspiration in the international community.⁸⁹ Ian Hurd concurs with this viewpoint, noting that agencies like the UN Security Council gives weak nations a leg on which to stand when dealing with stronger powers. When, he notes, Libya protested against sanctions levied on it by UN powers, it was able to use the rules and processes provided by the UN Security Council to fight against these sanctions.⁹⁰

Non-intervention vs. Human Rights Violations

Many scholars have argued the principle of state sovereignty – the question whether the international community should respect Syrian state sovereignty and not intervene in its internal affairs or whether an urgent intervention is required since the state itself is the perpetrator. Chapter I, Article 2 (7) of the Charter of the United Nations on its purposes and principles state:

“Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter

⁸⁸ Fassbender, Bardo. *UN Security Council Reform and the Right of Veto: A Constitutional Perspective*. Cambridge: Kluwer Law International. (1998), 9. Accessed April 5, 2016.

⁸⁹ Malone, David M. *The UN Security Council: From the Cold War to the 21st Century*. Boulder: Lynne Rienner Publishers, (January 2004), 1-5. Accessed April 5, 2016.

⁹⁰ Hurd, Ian. *After Anarchy: Legitimacy and Power in the United Nations Security Council*. Princeton: Princeton University Press, (2007), 136. Accessed April 5, 2016.

VII, Articles 41 and 42 of the Charter of the United Nations on its action with respect to threats to the peace, breaches of peace, and acts of aggression.”⁹¹

This unclear distinction between state sovereignty and human rights caused confusion of Charter principles, therefore, Council members urged UN Secretary-General Ban Ki-moon to “balance between the fundamental principle of state sovereignty and the need to protect human rights” by reviewing the Charter.⁹² Deputy Minister for Foreign Affairs of Argentina Carlos Foradori said that this balance is important so “states could not hide human rights violations behind the principle of sovereignty.”⁹³

According to the 2005 United Nations World Summit, Resolution 60/1 adopted by the General Assembly – the concept of the “Responsibility to Protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity” indicated in paragraph 138-140 states:⁹⁴

- 1) “The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;”
- 2) “The international community has a responsibility to encourage and assist States in fulfilling this responsibility;”
- 3) “The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is

⁹¹ United Nations. “Charter of the United Nations, Chapter I, Article 2 (7).” UN. (June 1945). Accessed January 30, 2016. <http://www.un.org/en/charter-united-nations/index.html>

⁹² Meetings Coverage and Press Releases. “Speakers in Security Council Urge Balance between UN Role in State Sovereignty, Human Rights Protection, But Differ over Interpretation of Charter Principles” United Nations News Center. (February 15, 2016). Accessed February 30, 2016. <http://www.un.org/press/en/2016/sc12241.doc.htm>.

⁹³ Ibid.

⁹⁴ General Assembly. “2005 World Summit Outcome.” A/RES/60/1. United Nations. (October 2005). Accessed March 10, 2016. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>

manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.”⁹⁵

In fact, many politicians argued that non-intervention in Syria has resulted in numerous human rights violations. According to 2015 Human Rights Watch Report on Syria, human rights violations consisted of “serious abuses including attacking civilians, using child soldiers, kidnapping and torture.” Also, Human Rights Watch estimated “at least 450 major damage sites that showed damage consistent with barrel bomb detonations between February 2014 and January 2015”, which is enough to kill thousands of people.⁹⁶ *Al markaz al suri lebhoth al-seyasat*; the Syrian Center for Policy Research (SCPR) concurs this view in its 2015 report on the impact of the Syrian Crisis “Syria Confronting Fragmentation!” in the report it is indicated that there have been an extreme impact on the “demographic status in Syria” due to the civil conflict; there have been a continuous increase in the numbers of “internally displaced people, migrants, refugees, and conflict-related deaths”, this unfortunate escalation of mortalities has excavated out most of the “residential population”, resulting in “changing the demographic structure significantly.”⁹⁷ As stated by the Syrian Center for Policy Research, the extensive instability and unendurable monetary conditions have constrained a great number of the population to resettle inside or outside the nation and to depend entirely on “international humanitarian aid”. This loss of security and stability has compromised human rights and dignity of the Syrian people. In fact, it is evident from statistics conducted by SCPR, that in 2010 the

⁹⁵ General Assembly. “2005 World Summit Outcome.” A/RES/60/1. United Nations. (October 2005). Accessed March 10, 2016. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>

⁹⁶ Human Rights Watch. “Syria Events of 2015.” (2015). Accessed March 30, 2016. <https://www.hrw.org/world-report/2016/country-chapters/syria>.

⁹⁷ Syrian Centre for Policy Research. “Syria Confronting Fragmentation! Impact of Syria Crisis Report 2015.” (February 2016), 40. Accessed April 1, 2016. <http://www.ara.cat/2016/02/11/1520927894.pdf?hash=3a186be3bc9bfb70d11f0241fd49d847f7f0042>.

Syrian population was 21.80 million, by the end of 2015 the population have dropped to 20.21 million. “The total population would have reached 25.59 million inhabitants if the conflict had not emerged, therefore, counterfactually the real population decreased by 21 per cent.”⁹⁸

According to Amnesty International report of 2015, “Death Everywhere: War Crimes and Human Rights Abuses in Aleppo, Syria”, the Syrian government and its forces have “committed crimes against human rights, war crimes and crimes against humanity in Aleppo and in Syria as a whole.” The government and its forces have violated “international human right and humanitarian law affecting civilians on a daily basis.” The city of Aleppo for instance, which was known as Syria’s largest city and one of the most ancient cities that are recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a World Heritage Site continues to be bombarded until this day.^{99 100}

On March 15, 2016 – the tenth anniversary of the Human Rights Council, Ban Ki-moon opened a panel discussion in New York by addressing the humanitarian catastrophe of the Syrian people. He said, “I repeat my call to the Security Council to refer the situation in Syria to the International Criminal Court. In Syria, as elsewhere, peace without justice is not sustainable.” Further, he stated that human rights have been under attack around the world. “Civilians caught up in conflict are treated as collateral damage, or deliberately targeted. Minorities are under assault; refugees are rejected instead of protected.”¹⁰¹

Likewise, UN High Commissioner for Refugees, Filippo Grandi expressed his concerns on “the growing vulnerability and fragility of refugees in the host countries.” He portrayed the

⁹⁸ Ibid., 61.

⁹⁹ Amnesty International. “‘Death Everywhere’ War Crimes and Human Rights Abuses In Aleppo, Syria.” Amnesty.org. (2015), 10. Accessed April 1, 2016. https://www.amnestyusa.org/sites/default/files/embargoed_5_may_aleppo_report_death_everywhere.pdf.

¹⁰⁰ This research has been conducted between January 2016 and May 2016.

¹⁰¹ Meetings Coverage and Press Releases. “Secretary-General, at Event Marking Tenth Anniversary of Human Right Council, Reiterates Call for Syria's Referral to International Criminal Court.” United Nations News Center. (March 15, 2016). Accessed April 5, 2016. <http://www.un.org/press/en/2016/sgsm17596.doc.htm>.

refugee migration into European countries as a “wake-up call.” Furthermore, he explained that the funding provided by world leaders to support the refugees in the Middle-East is not enough and therefore the refugees are choosing to flee north searching for a better opportunity and a better life.¹⁰² As a result, London Conference on Supporting Syria and the Region was held on February 4, 2016 and was co-hosted by the United Nations and the governments of the United Kingdom, Kuwait, Germany and Norway to stress the need of international solidarity. According to the *United Nations News Centre*, this conference exceeded the expected plan and pledged a record of \$10 billion for immediate humanitarian aid, mustering long-term support, and protecting civilians, which were the objectives of this conference.¹⁰³ Also, Ban Ki-moon said in the conference “The promises of long-term funding and loans means that humanitarian and development partners will be able to work together to get children back into school, design employment programs and begin rebuilding infrastructure.”¹⁰⁴ Additionally, Stephen O’Brien, Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator said in London Conference on Supporting Syria and the Region, “This vicious cycle of death and destruction risks being seen as the new normal Syria. However, death, suffering, wanton destruction and disregard for the law should never be seen as normal. Every time we think we have reached the nadir of human suffering in this crisis, it continues to sink deeper and deeper before our eyes.”¹⁰⁵

¹⁰² UNHCR. "Grandi Calls for Action to End War in Syria, Misery for Refugees." UNHCR News. (January 2016). Accessed March 29, 2016. <http://www.unhcr.org/56a24d5a6.html>.

¹⁰³ "Record \$10 Billion Pledged in Humanitarian Aid for Syria at UN Co-hosted Conference in London." United Nations News Centre. (February 2016). Accessed March 29, 2016. <http://www.un.org/apps/news/story.asp?NewsID=53162#.VwHg9hMrKHo>.

¹⁰⁴ Ibid.

¹⁰⁵ "Record \$10 Billion Pledged in Humanitarian Aid for Syria at UN Co-hosted Conference in London." United Nations News Centre. (February 2016). Accessed March 29, 2016. <http://www.un.org/apps/news/story.asp?NewsID=53162#.VwHg9hMrKHo>.

Also, UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein expressed his concerns regarding the situation of refugees in his statement to the Human Rights Council's 31st session on March 10, 2016. He said, "due to the lack of viable avenues of entry, many people have died trying to reach Europe." He further explained that the "violation of the fundamental principles of solidarity, human dignity, and human rights is picking up momentum." Therefore, he urged the European Union (EU) to "adopt a much more rights-complaint and humane set of measures on migration." He further said, "The Syrian conflict has created a vortex of destabilization and violations across the region. There can be no greater or more terrible demonstration of the importance of ensuring respect for human rights and the rule of law – at all times and in all places to prevent such horrors."¹⁰⁶

In the same way, on March 30, 2016 Ban Ki-moon met with world leaders at the High-Level Meeting on Global Responsibility for Syrian Refugees in Geneva. His speech stressed on the importance of global solidarity to help the Syrian refugees in all possible ways. He expressed his emotional feelings regarding the situation in Syria, which reminded him of his own experience in Korea when the country broke up in 1950 and the positive experience he had with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and United Nations Children's Fund (UNICEF). He explained that the UN's commitment helped him and the Korean people in the past and now the UN must do everything in its power to help the Syrian refugees. He said, "the United Nations was with me and we are going to be with you." He then asked world leaders to "act with solidarity, in the same name of our shared humanity, by pledging new additional pathways for the admission of Syrian Refugees. These pathways he explained can include resettlement or humanitarian admission, family reunions, as well as labor

¹⁰⁶ "Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, to the Human Rights Council's 31st Session." *OHCHR*, (March 10, 2016). Accessed March 29, 2016. <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200>.

or study opportunities.” UN Secretary-General ended his speech by saying, “We must do much, much more.”¹⁰⁷

Resolution 2268 (2016): Cessation of Hostilities in Syria

On February 26, 2016 and after nearly five years of war in Syria, the Security Council fifteen Member States have finally agreed to unanimously adopt resolution 2268 (2016) on the “Cessation of Hostilities in Syria.” This resolution demands that all parties must end the attacks and airstrikes in Syria to ease access for United Nations humanitarian aid. According to UN Special Envoy for Syria, Staffan de Mistura this resolution is a “major achievement” after prolonged discussions and intense negotiations with all parties.¹⁰⁸ However, according to *CNN*, even after the “cessation of hostilities agreement” scattered violence between militants and rebel groups was reported around the nation.¹⁰⁹

According to *The Guardian*, on March 24, 2016 de Mistura ended the ten days of talks on the Syrian civil war by the publication of a statement of common principles, which covers “the rejection of terrorism, the rebuilding of the Syrian army, a democratic non-sectarian state, zero tolerance or reprisals, the right of return for refugees, rejection of foreign interference in Syria and a political transition of power.” According to *The Guardian*, de Mistura hopes that his statement of common principles will diplomatically advance the agenda in Geneva on the second week of April 2016.¹¹⁰

¹⁰⁷ Meetings Coverage and Press Releases. “Open Doors Wider, ‘We Must Do Much, Much More’, Secretary-General Tells High-Level Meeting on Global Responsibility for Syrian Refugees.” *United Nations News Center*. (March 30, 2016). Accessed April 5, 2016. <http://www.un.org/press/en/2016/sgsm17635.doc.htm>.

¹⁰⁸ Meetings Coverage and Press Releases. “Security Council Endorses Syria Cessation of Hostilities Accord, Unanimously Adopting Resolution 2268 (2016).” *United Nations News Center*. (February 26, 2016). Accessed February 30, 2016. <http://www.un.org/press/en/2016/sc12261.doc.htm>.

¹⁰⁹ Melvin, Don, and Jason Hanna. “Syria Conflict: Temporary Truce Starts.” *CNN*. (February 2016). Accessed March 5, 2016. <http://www.cnn.com/2016/02/27/middleeast/syria-conflict/>.

¹¹⁰ Wintour, Patrick. “Syria Peace Talks: UN Envoy to Issue Statement of Principles.” *The Guardian*. (March 2016). Accessed March 29, 2016. <http://www.theguardian.com/world/2016/mar/24/syria-peace-staffan-de-mistura-talks-un-envoy-statement-principles>.

Furthermore, according to Grandi, the destiny of masses of Syrian refugees and internally displaced people is in the hands of regional and world powers and they must agree on taking an action to stop the conflict from continuing in Syria.¹¹¹ In addition, in an interview with *Al Jazeera* de Mistura said, “partition is not an option for Syria, the unity of a country is fundamental, the last thing that Syria need and can afford, is a partition: small states, one controlled by a group, sponsored by another, would be unsustainable.”¹¹²

Recommendations: Security Council Reform

Chapter VII, Article 39 of the Charter of the United Nations on action with respect to threats to the peace, breaches of the peace, and acts of aggression states:

“The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”¹¹³

It has been evident in the past that the veto power could completely block the Council from action even when it is determined that the situation in hand constitutes a threat to international peace and security under Article 39, like the situation in Palestine.¹¹⁴ This is also true for the situation in Rwanda, when the Council failed to pass a resolution and stop the

¹¹¹ "Grandi Calls for Action to End War in Syria, Misery for Refugees." *UNHCR News*. (January 2016). Accessed March 29, 2016. <http://www.unhcr.org/56a24d5a6.html>.

¹¹² Bays, James. "UN Envoy Staffan De Mistura: No Plan B for Syria". *Al Jazeera English*. (March 2016). Accessed March 19, 2016. <http://www.aljazeera.com/programmes/talktojazeera/2016/03/envoy-staffan-de-mistura-plan-syria-160311091351758.html>.

¹¹³ United Nations. "Charter of the United Nations, Article 39." UN. (June 1945). Accessed January 30, 2016. <http://www.un.org/en/charter-united-nations/index.html>

¹¹⁴ Morris, Benny. *1948: A History of the First Arab-Israeli War*. n.p.: New Haven: Yale University Press, 2008. *Ignacio: USF Libraries Catalog, EBSCOhost*. Accessed January 30, 2016.

genocide because of the veto.¹¹⁵ Here, it is important to note that scholars argue that this failure of the permanent members in the Council is dangerous due to their selfish political and economic interests,¹¹⁶ and therefore the Council requires a logical reform to be able to carry out its duties and responsibilities in an effective manner.

The argument whether the Security Council needs reform or not have been debated among scholars for the past decades.¹¹⁷ From my own observation and recent summer internship with the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations in New York¹¹⁸ and from my experience with the Security Council and UN General Assembly Fourth Committee (Special Political and Decolonization) meetings at the United Nations, I join many scholars who argue in favor of an urgent reform to the UN Security Council, which must take place immediately. This is due to its continuous failure in maintaining international peace and security, which often results in the death of millions, internally displaced people, refugees and human right violations.

Thus, in order to accommodate the changing world politics, reform in the Security Council should take place starting from increasing the number of the Council's membership.¹¹⁹ There is no doubt that the Security Council will be more demonstrative, democratic and active by implementing this change. This in fact is not a new proposal; in 2005, UN General Assembly

¹¹⁵ Gasimova, Shafa V. "The Security Council's Endless Enlargement Debate." *Central European Journal of International & Security Studies*, Vol. 6, no. 3-4 (2012), 282-283. Accessed April 6, 2016.

¹¹⁶ Des Forges, Alison and Timothy Longman. "Legal Responses to Genocide in Rwanda." Accessed February 18, 2016. <http://faculty.vassar.edu/tilongma/justice.html>

¹¹⁷ Bourantonis, Dimitris. *The History and Politics of UN Security Council Reform*. New York: Routledge, (2005). 13-15. Accessed March 29, 2016.

¹¹⁸ Summer internship was from June 2015 to August 2015.

¹¹⁹ In 1965, the Security Council's membership was increased from 11 members to 15 members. Since then the composition of the Security Council has remained unchanged.

draft resolution by India, Brazil, Japan, and Germany (A/59/L.68, paragraph 3) “Decides that Article 23, paragraph 1 and 2, of the Charter of the United Nation will read as follows.”¹²⁰

“1) The Security Council shall consist of twenty-five Members of the United Nations. France, the People’s Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect twenty other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.”

“2) The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from fifteen to twenty-five, five of the retiring members shall continue for one more year. Non-permanent members may be eligible for immediate re-election, subject to the decision of their respective geographical groups.”¹²¹

General Assembly draft resolution A/59/L.68, paragraph 4 “Decides that, in order to implement paragraph 3 above, the twenty non-permanent members of the Security Council shall be elected according to the following pattern: six from African States; five from Asian States; four from Latin American and Caribbean States; three from Western European and other States; two from Eastern European States.”¹²²

¹²⁰ General Assembly. “Question of equitable representation on and increase in the membership of the Security Council and related matters.” A/59/L.64. United Nations. (July 2005). Accessed March 10, 2016. <https://documents-dds->

¹²¹ General Assembly. “Question of equitable representation on and increase in the membership of the Security Council and related matters.” A/59/L.64. United Nations. (July 2005). Accessed March 10, 2016. <https://documents-dds->

¹²² Ibid.

In addition, scholars such as Sievers and Daws suggest that reform should be done in the procedure of the UN Security Council, which involves the working practice of the UN Security Council that relates to broadening the Council's mission, working scope and tasks such as fighting international terrorism, including a new understanding on how the Council could use force in carrying out its duties.¹²³ Equally, Hurd summarized his proposed reforms into four independent, but interrelated steps, where the first step involved changing the membership due to inequality, which if not done will cost the Council its legitimacy. The second step involved losing legitimacy and therefore, a loss of power. While the third step involved changing the structure to increase the legitimacy, the fourth step indicated that increasing the legitimacy would increase the effectiveness of the UN Security Council in discharging its duties.¹²⁴ Also, many scholars have argued for the abolition of veto in the Council. Oludoun argues that this will definitely face opposition from the beneficiaries of the privilege. Another argument is that the veto could remain with the P-5 members only if there are clear restrictions in the use of the veto – which requires a clear explanation by the P-5 for the reasons of the use of the veto. In addition, the International Court of Justice must subject such reasons to scrutiny and interpretation.¹²⁵

Nevertheless, the above-proposed reforms can only be achieved by an amendment of the Charter of the United Nations, Chapter XVIII Article 108 of the Charter of the United Nations on amendments states:

“Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the

¹²³ Sievers, Loraine, and Sam Daws. *The Procedure of the UN Security Council*. 4th ed. Oxford, United Kingdom: Clarendon Press: (2014), 200-524. *Ignacio: USF Libraries Catalog, EBSCOhost*. Accessed January 30, 2016.

¹²⁴ Hurd, Ian. *After Anarchy: Legitimacy and Power in the United Nations Security Council*. Princeton: Princeton University Press. (2007), 173-193.

¹²⁵ Oludoun, Temitope. "Peace and Security as a Catalyst for the Reform of the UN Security Council." *Review of International Law and Politics* no. 39 (2014): 63. *HeinOnline, EBSCOhost*. Accessed February 15, 2016.


General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.”¹²⁶

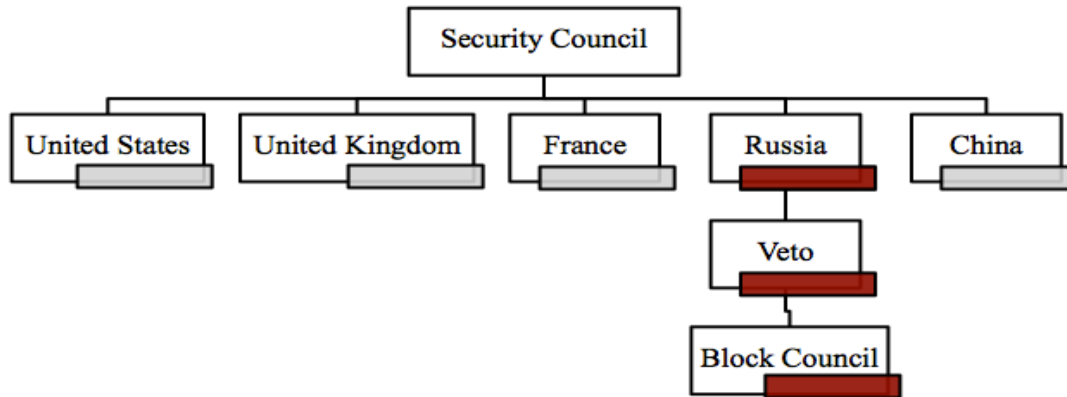
This means that the veto power still applies here and can be used by any of the five permanent members to override the attempt for any reform or amendment of the Charter of the United Nations.¹²⁷ For this reason, I suggest that the UN Security Council implement a majority voting system among the P-5 Member States, which may not require the amendment of the Charter of the United Nations and could be applied immediately. This voting system would only allow the veto to pass on a certain resolution if three out of the five permanent members vetoes the resolution. For instance, by implementing this policy the Russian veto alone or the Russian and Chinese veto combined on resolutions regarding Syria would not pass unless a third P-5 Member State vetoes the resolution as well (see illustration below). This re-examination of the veto politics in the Council, will allow it to be more flexible democratically and more effective in maintaining international peace and security.

¹²⁶ United Nations. “Charter of the United Nations.” UN. (June 1945). Accessed January 30, 2016. <http://www.un.org/en/charter-united-nations/index.html>


¹²⁷ Oludoun, Temitope. "Peace and Security as a Catalyst for the Reform of the UN Security Council." *Review of International Law and Politics* no. 39 (2014): 63, 90. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

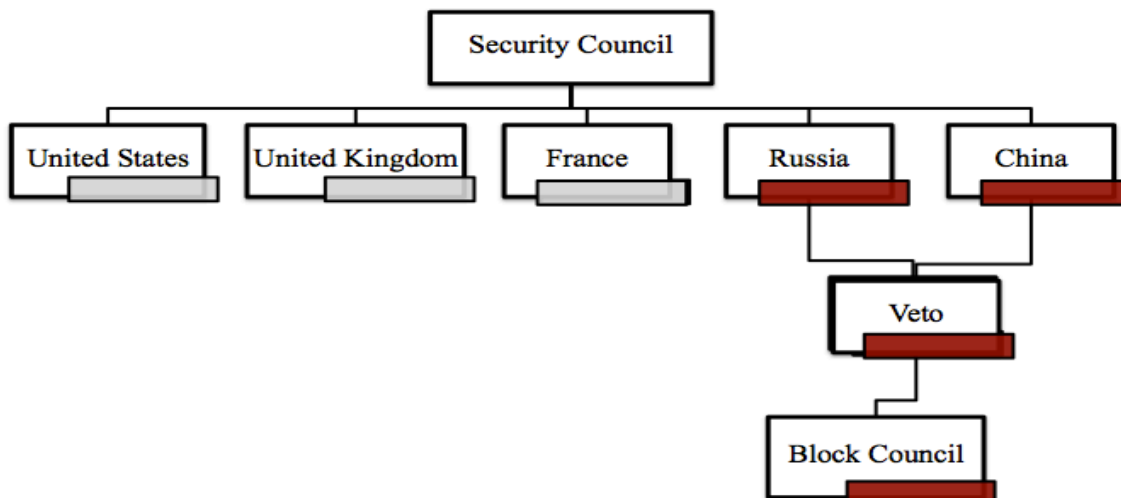
**Current Structure:
Voting System**

Veto Power 



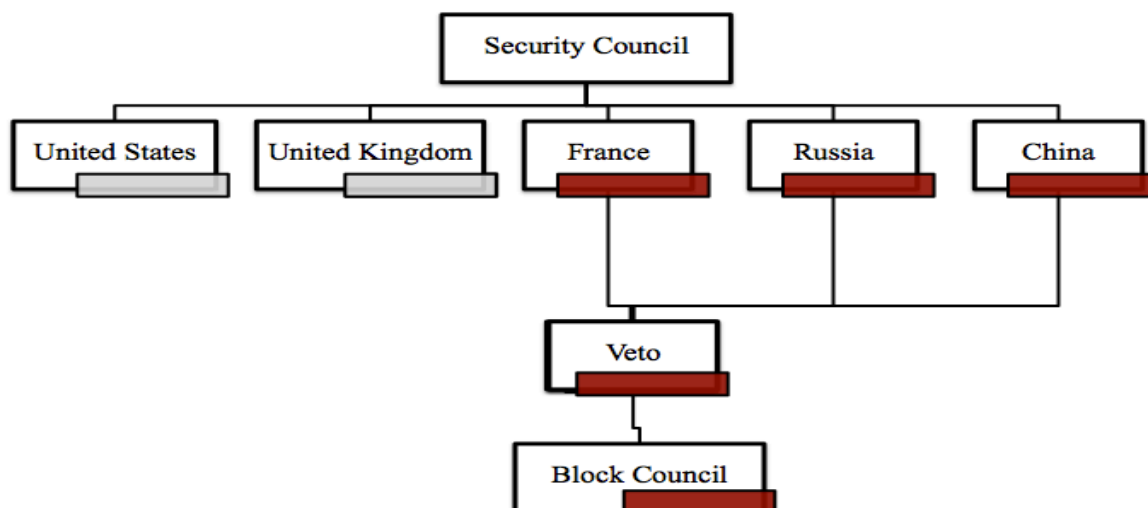
**Structure on Syria:
Voting System**

Veto Power 



**Proposed Structure:
Majority Voting System**

Veto Power ■



Furthermore, it is evident that even non-permanent members of the Security Council views the Council as ineffective towards its policies on the Syrian situation and that it needs reform, for instance, in 2013 the Kingdom of Saudi Arabia rejected a “highly coveted”¹²⁸ seat on the Council. According to *Aljazeera* the Saudi Foreign Ministry said, “Work mechanisms and double – standards in the Security Council prevent it from carrying out its duties and assuming its responsibilities in keeping world peace. Therefore, Saudi Arabia has no other option but to turn down the Security Council membership until it is reformed and given the means to accomplish its duties and assume its responsibilities in preserving the world’s peace and security.”¹²⁹

¹²⁸ Worth, Robert F. "Saudi Arabia Rejects U.N. Security Council Seat in Protest Move." *The New York Times*. (October 2013). Accessed April 30, 2016. <http://www.nytimes.com/2013/10/19/world/middleeast/saudi-arabia-rejects-security-council-seat.html>.

¹²⁹ "Saudi Withdrawal Stuns UN Security Council." *Al Jazeera English*. (October 2013.) Accessed April 30, 2016. <http://www.aljazeera.com/news/middleeast/2013/10/saudi-arabia-rejects-un-security-council-seat-20131018126284479.html>.

Another suggestion for reform is a crisis management plan. A crisis is a major occurrence with a potentially negative outcome affecting an institution.¹³⁰ “It threatens high-priority goals of the decision-making unit, restricts the amount of time available for response before the decision is transformed, and surprises the members of the decision-making unit by its occurrence.”¹³¹ A crisis could occur at any time in any situation and it could take away the focus of management, therefore, having a good crisis management plan is crucial for any institution. This plan must include a crisis management team that is well trained and prepared to prevent a crisis from occurring. In the case of the Security Council, it is evident that each crisis is different with its own dynamics and traps. However, since the Council’s main goal is to maintain international peace and security, I suggest that the Council implement a crisis management plan that is tailored towards that goal.

The plan must be articulated in a clear manner, indicating the refusal of the application of the veto power under any circumstances, and thus permitting the UN Security Council to take immediate necessary actions to restore international peace and security, particularly in cases – where innocent civilian lives are in jeopardy because of their own governments. Here, it is important to note that this crisis management plan must not require any reform or amendment of the Charter of the United Nations and must include three stages: pre-crisis, crisis response and post-crisis to ensure its effectiveness and successfulness.¹³² These three stages are suggested by multiple crisis communication scholars, and applied on a business and or institutional spectrum. However, I believe that they will be successful if applied in a diplomatic framework as well.

¹³⁰ Fearn-Banks, Kathleen. *Crisis Communications: A Casebook Approach*. 4th ed. New York: Routledge, (2011), 5-10. Accessed March 29, 2016.

¹³¹ Brecher, Michael. *Studies in Crisis Behavior*. New Brunswick, NJ: Transaction Books, (1979), 5. Accessed March 29, 2016.

¹³² Heath, Robert L., and Dan O'Hair. *Handbook of Risk and Crisis Communication*. New York: Routledge, (2009). Accessed February 20, 2016.

For instance, in the case of the Syrian situation, the Council should take immediate action to intervene and stop the conflict in the region since the government is the perpetrator itself – this intervention should include ceasefire, military sanctions, and global arms embargo in the region. The intervention by the Council should not be restricted by the veto power and should not be led by any of the P-5 members, but by the distinct power of the Security Council as a UN body. Following intervention the Council should continue negotiations towards a transitional government this should include representatives from the Syrian people or opposition. After the creation of a transitional government, several steps should be taken. First, the overall construction of the military must be maintained in order to guarantee the safety of all citizens.¹³³

Dr. Radwan Ziadeh argues that the regime's current four intelligence branches: Syrian Military Intelligence, Syrian Air Force Intelligence, Political Security Directorate under the Ministry of Interior and General Intelligence Directorate¹³⁴ should be merged into two branches and their efforts should be directed toward stabilizing Syria and reforming the domestic police force in the role of protecting the people. In addition, all political prisoners must be released. Nevertheless, a political reform in Syria should begin with establishing a post-conflict new democratic constitution – one that guarantees the fundamental rights of all citizens and underlines a strict separation between legislative, judicial and executive bodies. The constitution must also include fundamental reforms to the justice system.¹³⁵ By the implementation of this crisis management plan and following the three stages (see illustration below), there is no doubt that the Council will be able to maintain future crises more cost-effectively, minimize the

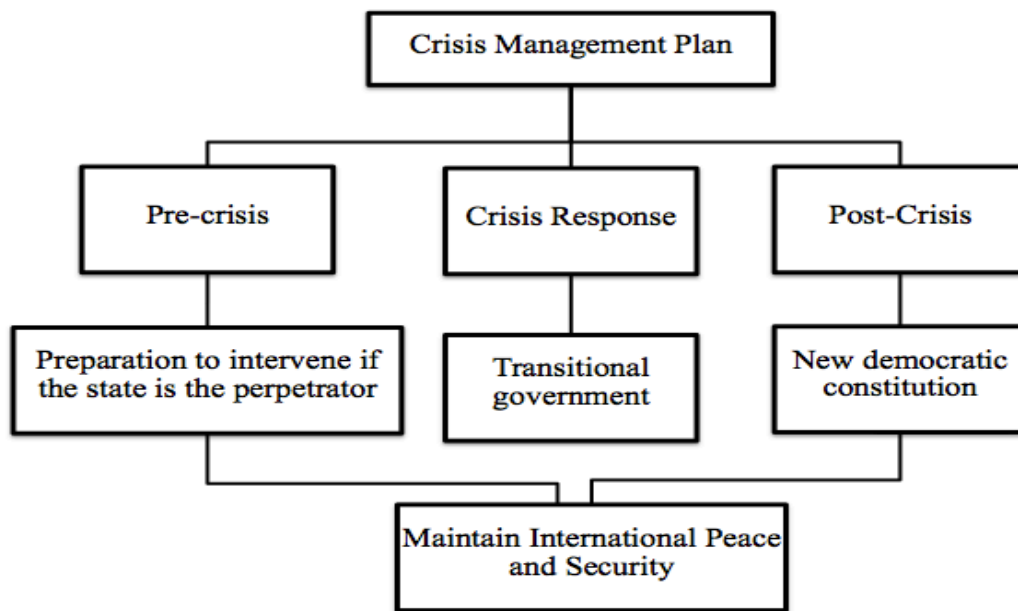
¹³³ Ziadeh, Radwan. "Revolution in Syria." *Turkish Review* 4, no. 2 (March 2014): 186 – 195. *Ignacio: USF Libraries Catalog*, EBSCOhost. Accessed May 1, 2016.

¹³⁴ "Syria Intelligence & Security Agencies." *Syrian Agencies*. Accessed May 01, 2016. <http://www.globalsecurity.org/intell/world/syria/intro.htm>.

¹³⁵ Ziadeh, Radwan. "Revolution in Syria." *Turkish Review* 4, no. 2 (March 2014): 186 – 195. *Ignacio: USF Libraries Catalog*, EBSCOhost. Accessed May 1, 2016.

damages and strengthen the international community's confidence in its role.

**Proposed Reform:
Crisis Management Plan**



Resolution 377 A (V): Uniting for Peace

In 1950, a limitation on the veto power in the Security Council was implemented¹³⁶ specifically after the Soviet Union vetoed all decisions by the Security Council on any methods that were proposed to protect the Republic of Korea from the violence launched against it by North Korea.¹³⁷ This limitation of the veto power was referred to as General Assembly Resolution 377 A (V) of 1950 “Uniting for Peace.” Section A (1) of the resolution states:

“Resolves that if the Security Council, because of lack of unanimity of the permanent

¹³⁶ Mahmood, Fakiha. “Power Versus the Sovereign Equality of States: The Veto, the P-5 and the United Nations Security Council Reforms.” *Perception: Journal Of International Affairs* 18, no.4 (Winter 2013), 117-138. *Political Science Complete*, EBSCOhost. Accessed April 7, 2016.

¹³⁷ Tomuschat, Christian. “Uniting For Peace.” United Nations Audiovisual Library of International Law. (2008), 1. Accessed March 29, 2016. http://legal.un.org/avl/pdf/ha/ufp/ufp_e.pdf.

members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations.”¹³⁸

Thus, “Uniting for Peace” provides the General Assembly a powerful mechanism to override any veto by the P-5 members and allow it to intervene in situations that threaten world peace and security in the case of a deadlocked Security Council.¹³⁹ This resolution can be invoked by two-thirds majority in the General Assembly, and has been used on ten occasions since its implementation¹⁴⁰ (see table below).¹⁴¹ In each occasion the General Assembly was able to intervene and contain the crisis. However, in the case of Syria the Security Council did not call for an emergency special session since the conflict started in 2011. Therefore, it is safe to argue that this action by the Security Council undermines its legitimacy as the most powerful UN body, and its ability to maintain international peace and security.

¹³⁸ General Assembly. “Resolution 377 (V) Uniting for Peace.” United Nations. (October 1950). Accessed March 10, 2016. [http://www.un.org/en/sc/repertoire/otherdocs/GAres377A\(v\).pdf](http://www.un.org/en/sc/repertoire/otherdocs/GAres377A(v).pdf)

¹³⁹ Oludoun, Temitope. “Peace and Security as a Catalyst for the Reform of the UN Security Council.” *Review of International Law and Politics* no. 39 (2014): 63. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

¹⁴⁰ Gasimova, Shafa V. “The Security Council’s Endless Enlargement Debate.” *Central European Journal of International & Security Studies*, Vol. 6, no. 3-4 (2012): 282-283.

¹⁴¹ “Emergency Special Sessions.” UN General Assembly. Accessed May 1, 2016. <http://www.un.org/en/ga/sessions/emergency.shtml>.

UN General Assembly Ten Emergency Special Sessions (ESS)¹⁴²

Session	Date	Convened By	Description
1 st session	1-10 November 1956	Security Council	On the 1956 Israel-Egypt war and Suez Canal crisis
2 nd session	4-10 November 1956	Security Council	On the Hungarian Revolution
3 rd session	8-21 August 1958	Security Council	On the Lebanese Crisis
4 th session	17-19 September 1960	Security Council	On the question of Congo Crisis
5 th session	17-18 June 1967	Security Council	On the 1967 Arab-Israeli war
6 th session	10-14 January 1980	Security Council	On the situation in Afghanistan
7 th session	22-29 July 1980; 20-28 April 1982; 25-26 June 1982; 16-19 August 1982 and 24 September 1982	Senegal	On the question of Palestine
8 th session	13-14 September 1981	Zimbabwe	On the question of Namibia
9 th session	29 January – 5 February 1982	Security Council	On the situation of the occupied Arab territories
10 th session	24-25 April 1997 – 23 January 2009	Qatar	On the illegal Israeli actions in the occupied Arab territories

¹⁴² "Emergency Special Sessions." UN General Assembly. Accessed May 1, 2016. <http://www.un.org/en/ga/sessions/emergency.shtml>.

Conclusion

The United Nations, seen partially as a humanitarian organization and guided by those principles, must consider options based on the premise that the world humanitarian community is “deeply skeptical of military interventions presented as for protecting civilians...” and their inevitable consequence: civilian casualties.¹⁴³ While the UN “Responsibility to Protect” dictates clearly and states its role in protecting innocent civilians, the UN is reluctant to support this principle in Syria on the basis of “non-intervention in the internal affairs of sovereign states.”¹⁴⁴

In the case of Syria, it is evident that the P-5 members would prioritize political and strategic interests above respect of human lives and dignity.¹⁴⁵ There are many state and non-state actors in regard to the situation in Syria. However, Russia is the most obvious veto obstacle in the Security Council; Putin has clearly aligned his regime with that of al-Assad although it has committed violations, war crimes and crimes against humanity such as, “torture, rape and abuse in detention centers, extra judicial killings, mass arrests, forced disappearances, displacement, barrel bomb attacks and inhumane treatment” against its own population; this also includes denying access to humanitarian aid and hospitals for those who are injured.^{146 147 148} “Repeated vetoes of draft resolutions and even the mere threat of a veto have stalled negotiations and

¹⁴³ Holmes, John. “Does the UN’s Responsibility to Protect Necessitate and Intervention in Syria? *The Guardian*. (August 2013). Accessed February 20, 2016. <http://www.theguardian.com/commentisfree/2013/aug/28/syria-intervention-un-responsibility-to-protect>

¹⁴⁴ Adams, Simon. “Failure to Protect: UN and the Security Council.” *Global Center for the Responsibility to Protect*. Occasional Paper Series no. 5 (March, 2015), 11. Accessed January 30, 2016. http://www.globalr2p.org/media/files/syriapaper_final.pdf

¹⁴⁵ Oludoun, Temitope. “Peace and Security as a Catalyst for the Reform of the UN Security Council.” *Review of International Law and Politics* no. 39 (2014), 66. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

¹⁴⁶ “Bashar Al Assad: Criminal against Humanity,” FIDH Report. (July 2011), 20-25. Accessed February 10, 2016. <https://www.fidh.org/IMG/pdf/reportsyria2807eng.pdf>

¹⁴⁷ “Crackdown in Syria: Terror in Tell Kalakh” Amnesty International Publications. (July 2011), 10-17. Accessed February 10, 2016. http://www.amnestyusa.org/sites/default/files/mde240292011en_1.pdf

¹⁴⁸ “Report of the independent international commission of inquiry on the Syrian Arab Republic,” UN Human Rights Council, A/HRC/23/58. (June 4, 2013). Accessed March 30, 2016. http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-23-58_en.pdf

rendered the Security Council largely passive in the face of mass atrocity.”¹⁴⁹ Therefore, it is of utmost importance for the UN Security Council to “bring a case to the ICC court against the perpetrators of these crimes.”¹⁵⁰ This will stop the conflict in Syria and prevent similar crimes from occurring in the future.

This veto power of the permanent members causes the most problems in terms of international conflicts and peacekeeping. This is evident, in multiple occasions in the past such as the Israeli-Palestinian conflict and the genocide in Rwanda. Today, the real question would be; is the United Nations Security Council morally responsible to re-examine the veto politics in the Council to protect its power from being violated in the future? And would this not restrict the power of the Security Council when there is a violation of international law, international humanitarian law, and human rights law?

The UN Security Council reform measures mentioned above are common sense policies that could prevent the next Syria from occurring. The reform recommendations address the problem of what justifies international intervention to ensure international peace and security, as well as the re-examination of the Council’s veto politics to comply with the Charter of the United Nations. The reforms also admit the clear lack of organizational decision-making relative to this activity endemic within the Council. So far, regarding Syria most of the proposals are “inherently politically unrealistic” and, along with UN “decision-making deficits...fail to address the subject of implementation altogether.”¹⁵¹ While some criticize the undemocratic nature of the Council, others think that changing the structure to make it easier for the Council to act may place more

¹⁴⁹ Webb, Philippa. “Deadlock or Restraint: The Security Council Veto and the Use of Force in Syria.” *Journal of Conflict and Security Law*, Vol.19, no. 3 (2014): 471-488. *HeinOnline*, EBSCOhost. Accessed February 15, 2016.

¹⁵⁰ Gucturk, Yavuz. “War crimes and crimes against humanity in Syria.” *Insight Turkey* 17, no. 1 (2015): 27-40. *Political Science Complete*, EBSCOhost. Accessed April 17, 2016.

¹⁵¹ Spain, Anna. “The U.N. Security Council’s Duty to Decide.” *Harvard National Security Journal*, Vol. 4.2 (2012-2013): 320-384. Accessed March 1, 2016. http://harvardnsj.org/wp-content/uploads/2013/05/Vol.4-Spain_Final-Revised3.pdf

power in undemocratic hands. If there is no road-map to action, there can be no action at all—which is where the situation regarding Syria now stands.¹⁵² Perhaps the best option for nations, which are frustrated with Russia's tendency to veto humanitarian intervention, is to work on improving relations between Russia and the West so that it is easier for the international community to come to a consensus when atrocities occur.

Hence, it is not difficult to see why the United Nations Security Council is seen as ineffective and in need of reform; it does not always end crises quickly. In the case of Syria, it took nearly five years of civil war for the UN Security Council to agree on the cessation of hostilities – a measure that might put an end to the nation's civil war. This lack of action to stop the conflict in Syria has resulted in the largest refugee crisis globally, displacing millions of people outside their country. One would hope that future events such as, The World Humanitarian Summit that will be held in Istanbul on May 23-24, 2016¹⁵³ and the United Nations General Assembly High Level Summit that will be held in New York on September 19, 2016¹⁵⁴ on reducing human suffering and large movements of refugees and migrants will bring the international community together. Lastly, it is important to note that in almost all of the United Nations briefings on Syria UN Secretary General has repeatedly said, "The Syrian conflict has been the scene of the use of chemical weapons, siege and starvation as a tool of war, unlawful detention, torture, and the indiscriminate and criminal shelling and aerial bombardment

¹⁵² Kramer, Amanda. "Deconstructing the Security Council's Failure to Refer the Conflict in Syria to the International Criminal Court." PhD Candidate Paper, School of Law, Queens University, Belfast, 46-55. Accessed March 5, 2016. <https://queenspoliticalreview.files.wordpress.com/2015/05/qpr-kramer.pdf>

¹⁵³ "World Humanitarian Summit." UN. Accessed May 01, 2016. <https://www.worldhumanitariansummit.org/>.

¹⁵⁴ "United Nations Summit on Refugees and Migrants | General Assembly of the United Nations." *UN News Center*. Accessed May 01, 2016. <http://www.un.org/pga/70/2016/03/23/united-nations-summit-on-refugees-and-migrants/>.

of civilians. Those responsible for these crimes must be held to account.”¹⁵⁵ This is the only possible way to re-stabilize Syria for the next generations.

Additional Questions

- Is the United Nations Security Council morally responsible to re-examine the veto politics in the Council to protect its power from being violated in the future? And would this not restrict the power of the Security Council when there is a violation of international law, international humanitarian law, and human rights law?
- What relationship could the West build with the Russian Federation to allow greater flexibility and maintain a diplomatic stance in the Security Council?
- What is preventing the Security Council from using Resolution 377 A “Uniting for Peace” and calling for an emergency special session on Syria?
- How could the international community work together to re-stabilize Syria after the prolonged civil war?
- Would President Bashar al-Asaad’s resignation and a transitional government stabilize Syria or strengthen the extremist militant groups?
- What measures should the Security Council take in order to ensure a stable transitional government in Syria?

¹⁵⁵ Meetings Coverage and Press Releases. "Secretary-General, at Event Marking Tenth Anniversary of Human Rights Council, Reiterates Call for Syria's Referral to International Criminal Court." United Nations News Center. (March 15, 2016). Accessed April 5, 2016. <http://www.un.org/press/en/2016/sgsm17596.doc.htm>.

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<http://nsarchive.gwu.edu/NSAEBB/NSAEBB472/Barnett,%20Michael%20-%20The%20United%20Nations%20Security%20Council%20and%20Rwanda.pdf>

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<http://www.aljazeera.com/programmes/talktojazeera/2016/03/envoy-staffan-de-mistura-plan-syria-160311091351758.html>.

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<http://www.cnn.com/2015/09/11/world/syria-refugee-crisis-when-war-displaces-half-a-country/>.

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Appendix

University of San Francisco

**“Syrians: guests or refugees? A case study from the Gulf, Europe and North
America”**

Hanouf Talal Khallaf

May 2016

This paper examines the means of which the Syrian refugee crisis captured the world's attention in 2015. Also, it examines the issues of migration and integration by analyzing the obstacles and living conditions faced by refugees in the Gulf, Europe and North America. It discusses the hostility refugees often receive in some countries and the long-term effects they develop as a result. In addition, it critically analyzes international refugee law standards and the division of responsibilities among countries. Furthermore, it discusses the challenges confronted by the United Nations High Commissioner for Refugees in assisting Syrian refugees. Finally, the paper suggests some measures that if undertaken by the international community will help the Syrian people to re-build their lives in a foreign country.

Introduction

The Syrian refugee crisis has been one of the major crises we have encountered in our 21st century. According to the United Nations High Commissioner for Refugees (UNHCR), the Syrian refugee crisis is the biggest in a generation.¹ In addition the European Commission described the crisis as, "the world's largest humanitarian crisis since World War II."² However, despite human rights violations, war crimes, and crimes against humanity that continue to occur in Syria since 2011, only few people are aware of the severity of the situation. In 2015, the Syrian refugee crisis captured the world's attention when three-year-old Aylan Kurdi's image became viral on the Internet.³ The heartbreaking image of the child's body that was found by the Turkish coastline was one of the primary means that brought the international community together.⁴ Aylan Kurdi is only one of thousands of Syrians who have lost their lives crossing the

¹ "UNHCR Overview: 2015 Syria Response Plan and 2015-2016 Regional Refugee and Resilience Plan." UNHCR Syria Regional Refugee Response. (December 2014). Accessed February 15, 2016.
<https://data.unhcr.org/syrianrefugees>

² European Commission. "Syria Crisis." (March 2016), 1-3. Accessed April 10, 2016.
http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf

³ Gilmartin, Thomas. "The Refugee Crisis." Multilingual 27, no. 2 (March, 2016), 38-43. Accessed April 10, 2016.

⁴ Ibid.

Mediterranean Sea to flee the civil war in their country and reach Europe. In addition, the United Nations High Commissioner for Refugees was also a key player in showing the international community the severity of the situation. While countries close to Syria such as Lebanon, Turkey and Jordan were well aware of the growing issue of what to do with the Syrian population entering into their borders, the rest of the world remained largely unaware, primarily due to lack of media attention and or lack of media coverage of countries within the Middle East being presented from a humanitarian perspective.^{5 6} As UNHCR worked to make the situation known to other countries, and as more and more Syrian refugees started to continue to spill over the borders into countries further and further afield, it became clear that there was a growing cause for concern. UNHCR, in conjunction with media outlets and charitable organizations, worked to personalize the Syrian refugees to the rest of the world, drawing attention to the growing plight of these individuals and working to shed light on the situation while at the same time working to increase support for those who would not otherwise be receiving aid and assistance.^{7 8 9 10} Although the potency of this message has dissipated somewhat in light of the passage of time,

⁵ Denton, Bryan. "The middle-class Syrian refugee." *Foreign Policy* no. 203 (2013), 24. General OneFile, EBSCOhost. Accessed April 1, 2016.

⁶ "Syrian Refugees Seeking Help." *The Lancet (London, England)* 385, no. 9964: 202 (January 2015). MEDLINE, EBSCOhost. Accessed March 5, 2016.

⁷ Denton, Bryan. "The middle-class Syrian refugee." *Foreign Policy* no. 203 (2013), 24. General OneFile, EBSCOhost. Accessed April 1, 2016.

⁸ Pottie, Kevin, M.D., M.C.I.Sc., Christina Greenaway M.D., M.Sc., Ghayda Hassan PhD., Charles Hui M.D., and Laurence J. Kirmayer M.D. "Caring for a Newly Arrived Syrian Refugee Family." *Canadian Medical Association Journal*. (2016). 188 (3), 207-211. Accessed March 5, 2016.

⁹ Saab, Basem. "Reflections on the plight of Syrian refugees in Lebanon." *The British Journal of General Practice: The British Journal of General Practice: The Journal of the Royal College of General Practitioners* 64, no. 619. (February, 2014), 94. MEDLINE, EBSCOhost. Accessed April 10, 2016.

¹⁰ "Syrian Refugees Seeking Help." *The Lancet (London, England)* 385, no. 9964: 202 (January 2015). MEDLINE, EBSCOhost. Accessed March 5, 2016.

the events that sparked such a crisis stem from much farther back, to 2011, and still continue to this day.¹¹

The Conflict¹²

During the Arab uprisings in 2011, the Syrian people had enough of the authoritarian regime, violence and societal discrimination against women and minorities.¹³ All of these issues led to pro-democracy demonstrations to protest the state of affairs within their nation. Anti-government slogans and graffiti in particular served as the starting point for events that soon spiraled quickly out of control, similar again to actions that have been taken in many places around the world; unlike events that transpire in many places, however, those who were tasked with responding to the protesters instead opened fire on them.¹⁴ The conflict continued to escalate, from peaceable protests to armed protests, to protesters and security forces firing upon one another, descending into civil war.¹⁵ As with all civil wars, civilians who were not a part of the war were caught in the middle, resulting in the deaths of thousands. As of June 2013, the United Nations reported that over 90,000 people had been killed; as of August 2015, the United Nations indicated that the death toll had exceeded more than 250,000.¹⁶ Following the escalation of the internal conflict within Syria's borders, Syrian residents who did not wish to take part in the conflict started leaving the country; as of the beginning of March 2015, the United Nations High Commissioner for Refugees estimated that 4.3 million people are refugees in neighboring

¹¹ Ostrand, Nicole. "The Syrian Refugee Crisis: A Comparison of Responses by Germany, Sweden, the United Kingdom, and the United States." *Journal on Migration and Human Security* no. 3 (2015), 255-279. Academic OneFile, EBSCOhost. Accessed April 10, 2016.

¹² The information in this section is presented in: Khallaf, Hanouf. "Veto Syria: Explaining the power of the United Nations Security Council and the Syrian Refugee Crisis." University of San Francisco. (2016), 3-11.

¹³ Gucturk, Yavuz. "War Crimes and Crimes Against Humanity in Syria." *Insight Turkey* no. 1 (2015): 27. Accessed April 10, 2016.

¹⁴ "Syria: The Story of the Conflict". *BBC News*. (2016). Accessed May 1, 2016. <http://www.bbc.com/news/world-middle-east-26116868>.

¹⁵ Ibid.

¹⁶ Ibid.

countries such as Jordan, Lebanon, Turkey and Iraq and more than 7.6 million people are internally displaced in Syria.¹⁷ When comparing these numbers to the numbers taken in 2014, with 7.6 million internally displaced and an additional 4.3 million having left the country, it is clear that the problem continues to grow as more and more of those who have been displaced within their own countries continue their exodus from their home country.¹⁸

International Refugee Law

International refugee law or the 1951 Convention Relating to the Status of Refugees was created to protect European refugees after World War II. The 1967 Protocol was added as a provision to ensure the assistance of global refugees after 1951.¹⁹ Its main responsibility is to ensure basic principles of human rights for the treatment of refugees against any kind of discrimination, Chapter I, Article 3 on non-discrimination of the 1951 Convention Relating to the Status of Refugees states, “The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.”²⁰ Chapter I, Article 4 on religion also states, “The Contracting States shall accord to refugees within their territories treatment at least as favorable as that accorded to their national with respect to freedom to practice their religion and freedom as regards the religious education of their children.”²¹ Chapter IV, Article 22 (1) on public education states, “The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary

¹⁷ UNHCR. "UNHCR Overview: 2015 Syria Response Plan and 2015-2016 Regional Refugee and Resilience Plan." UNHCR Syria Regional Refugee Response. (December 2014). Accessed February 15, 2016. <https://data.unhcr.org/syrianrefugees>.

¹⁸ Ostrand, Nicole. "The Syrian Refugee Crisis: A Comparison of Responses by Germany, Sweden, the United Kingdom, and the United States." *Journal on Migration and Human Security* no. 3 (2015): 255-279. Academic OneFile, EBSCOhost. Accessed April 10, 2016.

¹⁹ "Convention and protocol relating to the status of refugees." UNHCR. (2007). Accessed April 30, 2016. <http://www.unhcr.org/3b66c2aa10.html>.

²⁰ "Convention Relating to the Status of Refugees." OHCHR. Accessed April 20, 2016. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx>.

²¹ Ibid.

education.”²² Chapter V, Article 26 on freedom of movement states, “The Contracting States shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.”²³ In addition, International refugee law dictates under the Universal Declaration of Human Rights, Article 14 (1) that, “Everyone has the right to seek and to enjoy in other countries asylum from persecution.”²⁴ In order to ensure that such protections are granted to individuals throughout the world, UNHCR works closely in conjunction with various governments across six continents in order to ensure that refugees are granted asylum and are allowed to remain in the country that granted them asylum “until conditions were conducive for the refugees to return to their homes in safety and with dignity.”²⁵ This is done by the implementation of non-refoulement and durable solutions to re-stabilize the refugees in foreign countries.²⁶ As a result of actions taken by this organization, many countries now allow refugees to simply settle permanently within their borders following the granting of asylum, particularly in instances in which it is no longer safe for that individual to return to their home country, regardless of the state of affairs within the country.

Although the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol is supposed to provide “dignity, worth, and freedom, in equality, to those who are displaced”²⁷, it is limited in its language and does not indicate exactly how the shared amount of responsibilities

²² Ibid.

²³ Ibid.

²⁴ “The Universal Declaration of Human Rights.” United Nations. *UN News Center*. Accessed April 10, 2016. <http://www.un.org/en/universal-declaration-human-rights/>.

²⁵ Jastram, K, and M Achiron. “*Refugee Protection: A Guide to International Refugee Law*.” UNCHR. (2001), 76. <http://www.unhcr.org/3d4aba564.html>.

²⁶ Sharma, Bonita B. “Revisiting the United Nations’ 1951 Convention Relating to the Status of Refugees: A Critical Analysis of the International Refugee Law.” *Social Development Issues* 37, no.2 (May 2015), 80-94. *SocIndex with Full Text*, EBSCOhost. Accessed April 30, 2016.

²⁷ Ibid.

for protection measures are divided and or shared between states.²⁸ For instance, international refugee law does not dictate that a permanent home is a requirement to protect refugees.²⁹ This lack of a legal framework in international refugee law is problematic because it victimizes those who are displaced and leads to a bigger problem that is evident now among the Member States of the European Union, instead of working to reduce the long-term effects that refugees often develop as a result of their displacement and or refugee status. Therefore, it is of utmost importance to clarify strategies and protection measures in international refugee law to develop partnership, protection capacity, durable solutions and full ownership of responsibility towards refugee and asylum laws.³⁰

Syrian Guests in the Gulf

Since the conflict started in Syria, Western media criticized the Gulf Cooperation Council (GCC) countries: Saudi Arabia, United Arab Emirates, Qatar, Kuwait, Bahrain and Oman for not offering to host refugees. However, this criticism has often come with no concrete evidence on whether or not these Gulf States hosted refugees. When looking at Saudi Arabia's UNHCR page,³¹ for instance it is evident that western media are "conveniently omitting" some of the data and publicizing misleading information.³² A 2015 study conducted by Francoise De Bel-Air for the European University Institute and the Gulf Research Centre has indicated that because the Gulf countries are not signatories to the 1951 Geneva Convention relating to the Status of

²⁸ Garlick, Madeline. "The Road More Travelled? Onward Movement of Asylum Seekers and Refugees." *Forced Migration Review* no. 51 (January, 2016), 42. Accessed April 30, 2016.

²⁹ Jastram, K, and M Achiron. "Refugee Protection: A Guide to International Refugee Law." UNCHR. (2001), 63. Accessed April 10, 2016. <http://www.unhcr.org/3d4aba564.html>.

³⁰ Garlick, Madeline. "The Road More Travelled? Onward Movement of Asylum Seekers and Refugees." *Forced Migration Review* no. 51 (January, 2016), 44. Accessed April 30, 2016.

³¹ "Saudi Arabia: 2015 UNHCR Subregional Operations Profile - Middle East." UNHCR News. Accessed April 5, 2016. <http://www.unhcr.org/pages/49e486976.html>.

³² Doanvo, Anhvinh. "Western Media's Miscount of Saudi Arabia's Syrian Refugees." The Huffington Post. (September 2015). Accessed April 10, 2016. http://www.huffingtonpost.com/anhvinh-doanvo/europes-crisis-refugees_b_8175924.html.

Refugees and the 1967 Protocol, the Syrian people who have entered the Gulf States are not considered or referred to as refugees and therefore, they are not registered as such with UNHCR.³³ The Gulf States refer to those fleeing a civil war in their countries as “guests” or “brothers and sisters in distress.”³⁴ According to many Arabic publications, the GCC use a different political language when referring to Syrians to preserve their dignity and identity.³⁵ This is because in the Arab world, guests and people in distress are usually honored and praised culturally and religiously. In other words, as *Almonitor* describes it “treating refugees as guests carries an element of prestige for the host country.”³⁶ *Arab News* for instance, explained that officials from the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia said, “The Kingdom does not deal with Syrian expats like refugees. They are living in a normal environment not in special camps.”³⁷

Furthermore, at the time of his statement, Nabil Othman, UNHCR regional representative to the Gulf region said, the Kingdom of Saudi Arabia received 500,000 Syrians.³⁸ More recently, according to the Ministry of Foreign Affairs, the nation has received 2.5 million Syrians since the conflict started in Syria.³⁹ Here, it is important to note that such claims by government

³³ De Bel-Air, Françoise. “A Note on Syrian Refugees in the Gulf: Attempting to Assess Data and Policies ” Explanatory Note No. 11/2015, Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC). (2015), 3-14. Accessed April 10, 2016. http://gulfmigration.eu/media/pubs/exno/GLMM_EN_2015_11.pdf

³⁴ Kayaoğlu, Barın. “Why the Gulf Isn't to Blame for Syrian Refugee Crisis.” *Al-Monitor: The Pulse of the Middle East*. (September 2015). Accessed February 25, 2016. <http://www.al-monitor.com/pulse/originals/2015/09/syria-gulf-countries-respond-criticism-over-refugees.html>.

³⁵ Ibid.

³⁶ Ibid.

³⁷ “2.5m Syrians Hosted by KSA since Uprising.” *Arab News*. (September 2015). Accessed April 20, 2016. <http://www.arabnews.com/featured/news/805236>.

³⁸ Doanvo, Anhvinh. “Western Media's Miscalculation of Saudi Arabia's Syrian Refugees.” *The Huffington Post*. (September 2015). Accessed April 10, 2016. http://www.huffingtonpost.com/anhvinh-doanvo/europes-crisis-refugees_b_8175924.html.

³⁹ MOFA. “MOFA Official Source: The Kingdom Receives around 2.5 M. Syrians, since the Outbreak of the Crisis, Official.” Ministry of Foreign Affairs of the Kingdom of Saudi Arabia. Accessed April 9, 2016. <http://www.mofa.gov.sa/m/en/info/Pages/viewarticle.aspx?pageurl=/sites/mofaen/ServicesAndInformation/news/MinistryNews/Pages/ArticleID2015913123317975.aspx>.

officials may be skeptical sometimes. However, in 2012, a royal decree was issued to allow Syrian children to study for free in local schools and universities and to provide all Syrians free medical care from local hospitals.⁴⁰ Saudi government statistics indicates that the public school system has accepted more than 100,000 Syrian students nationwide and universities are instructed to incorporate about 3,000 Syrian students. For instance, King Abdulaziz University in the city of Jeddah has created its separate online student portal to prioritize Syrian applicants and support all Syrian residents to apply for university.⁴¹ In addition, Syrians are allowed to work in the private sector like any other resident and are free to move around the country as they wish.⁴² Similarly, the Ministry of Labor of the Kingdom of Saudi Arabia has created its own program 'Ajeer' or 'employee' in English. This program and its online portal were designed to facilitate and document foreign employees in the Kingdom, it includes three main parts: Ajeer for Business Services which aims to legalize foreign employees, Ajeer for Dependent Services which aims to provide jobs in the education sector to those accompanying the foreign employees, and Ajeer for Guest Services which aims to provide temporary work visas for Yemeni and Syrian nationals in the country.⁴³

According to *albawaba news*, the Ministry of Justice of the Kingdom of Saudi Arabia has allowed Syrian nationals who carry a valid visit, *Hajj*, or *Umrah* visa to remain in the country without *iqamas*; residency permits that allows a non-citizen to stay in a foreign country. However, the Ministry urged those who choose to stay in the country to apply to correct their

⁴⁰ Ibid.

⁴¹ "Wazeer Al Taelem Al-ali Ywajeh Beqboul 3000 Talib Suri Fe Aljama'at." *Alhayat*. (June 2014). Accessed April 9, 2016. <http://www.alhayat.com/Articles/3237964/>.

⁴² MOFA. "MOFA Official Source: The Kingdom Receives around 2.5 M. Syrians, since the Outbreak of the Crisis, Official." Ministry of Foreign Affairs of the Kingdom of Saudi Arabia. Accessed April 9, 2016. <http://www.mofa.gov.sa/m/en/info/Pages/viewarticle.aspx?pageurl=/sites/mofaen/ServicesAndInformation/news/MinistryNews/Pages/ArticleID2015913123317975.aspx>.

⁴³ Khoja, Sara, and Nouf Aljoaid. "Ajeer: Legalizing Secondments and Facilitating Supply of Temporary Work in KSA." *Insight*. (November 2015). Accessed April 09, 2016. <http://www.clydeco.com/insight/updates/view/ajeer-legalising-secondments-and-facilitating-supply-of-temporary-work-in-k>.

status. According to Former Minister of Justice Mohammed Al-Issa, “the ministry would allow Syrians holding these visas to live in the country legally.”⁴⁴ Likewise, the Ministry of Interior has issued a statement to exempt Syrian guests who violate the residency or labor guidelines from deportation. Security spokesman of the Ministry of Interior Major General Mansour Al-Turki said, “the situation in Syria does not allow for the deportation of Syrians whom found in violation of regulations and guidelines of the Kingdom, the Ministry is willing to give those violators the opportunity to correct their status and live in the country if they wish.”⁴⁵

The Kingdom has also supported millions of Syrians in neighboring countries such as Jordan, Lebanon, and others. Humanitarian assistance such as, food, medical, academic and residential supplies have been provided in coordination with the host governments and with international humanitarian organizations. Also, the Ministry of Foreign Affairs stated that the Kingdom was able to establish Saudi specialized clinics for the Syrian refugees at Zaatari camp in Jordan and sponsored a large number of Syrian families living in Lebanon and Syria through paying their rent, living costs and education for their children.⁴⁶ According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), all humanitarian-funding initiatives from the Saudi government for Syria falls under the Saudi National Campaign for Supporting Syrians.^{47 48 49} UNOCHA indicate that this campaign “accumulated over \$32 million in just a few days.”⁵⁰

⁴⁴ "Saudis Allow Syrians on Pilgrimage Visas to Stay in Country." *Al Bawaba*. (December 2014). Accessed April 9, 2016. <http://www.albawaba.com/news/saudis-allow-syrians-pilgrimage-visas-stay-country-639230>.

⁴⁵ Ibid.

⁴⁶ MOFA. "MOFA Official Source: The Kingdom Receives around 2.5 M. Syrians, since the Outbreak of the Crisis, Official." Ministry of Foreign Affairs of the Kingdom of Saudi Arabia. Accessed April 09, 2016. <http://www.mofa.gov.sa/m/en/info/Pages/viewarticle.aspx?pageurl=/sites/mofaen/ServicesAndInformation/news/MinistryNews/Pages/ArticleID2015913123317975.aspx>.

⁴⁷ "Saudi Arabia." UNOCHA. Accessed May 1, 2016. <http://www.unocha.org/romena/about-us/about-ocha-regional/saudi-arabia>.

⁴⁸ "Saudi Specialist Clinics Provide Medical Treatment for 2738 Syrian Refugees in Zaatari Camp." *SPA*. (February 2016). Accessed March 5, 2016. <http://www.spa.gov.sa/viewstory.php?lang=en>.

In addition, *The National* states that the United Arab Emirates Ambassador to the United States said, the United Arab Emirates has received about 100,000 Syrians since the conflict started in 2011. The nation's statistics indicate that by 2015 there is a total of quarter a million Syrians who live in the country.⁵¹ According to the *Financial Times*, the United Arab Emirates has donated \$10.7 million to UNHCR, besides the \$17.1 million that was added from the private sector. Statistics indicate that since the start of the conflict in 2011, the United Arab Emirates provided \$581.5 million for humanitarian aid; this includes support to hospitals in refugee camps in Jordan, Lebanon, Iraq and Turkey.⁵²

Similar to Saudi Arabia, the General Directorate for Residency Affairs of the Ministry of Interior of Kuwait stated that the government will grant all Syrian nationals residency extensions in the country and that they will not be deported if they could not renew their expired passports.⁵³ Qatar another Gulf country has donated \$26.6 million towards humanitarian aid for Syria, in addition to the \$20.9 million that was donated by the private sector.⁵⁴ The table presented below includes statistics from the United Nations Office for the Coordination of Humanitarian Affairs

⁴⁹ "Saudi National Campaign to Support Brothers in Syria Distributes Winter Clothes to Displaced in Lebanon | Kingdom of Saudi Arabia - Ministry of Foreign Affairs." (September 2014). Accessed March 5, 2016. <http://www.mofa.gov.sa/sites/mofaen/ServicesAndInformation/news/GovernmentNews/Pages/ArticleID2014291451061.aspx>.

⁵⁰ "Saudi Arabia." UNOCHA. Accessed May 1, 2016. <http://www.unocha.org/romena/about-us/about-ocha-regional/saudi-arabia>.

⁵¹ "100,000 Syrians Move to UAE since 2011." *The National*. (September 2015). Accessed March 29, 2016. <http://www.thenational.ae/uae/government/100000-syrians-move-to-uae-since-2011>.

⁵² De Bel-Air, Françoise. "A Note on Syrian Refugees in the Gulf: Attempting to Assess Data and Policies " Explanatory Note No. 11/2015, Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC). (2015), 3-14. Accessed April 10, 2016. http://gulfmigration.eu/media/pubs/exno/GLMM_EN_2015_11.pdf

⁵³ Toumi, Habib. "Kuwait Extends Residency Permits for Syrians." *GulfNews*. (September 2015). Accessed March 5, 2016. <http://gulfnews.com/news/mena/syria/kuwait-extends-residency-permits-for-syrians-1.1577117>.

⁵⁴ De Bel-Air, Françoise. "A Note on Syrian Refugees in the Gulf: Attempting to Assess Data and Policies " Explanatory Note No. 11/2015, Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC). (2015), 3-14. Accessed April 10, 2016. http://gulfmigration.eu/media/pubs/exno/GLMM_EN_2015_11.pdf

on the Third International Humanitarian Pledging Conference for Syria that was hosted in Kuwait on March 31, 2015. The table explains the pledges made by the GCC.⁵⁵

Member State	Pledge
Kuwait ⁵⁶	US\$500 million from both the government and the civil sectors
Saudi Arabia	US\$60 million in addition to the US\$600 million contribution since 2011
United Arab Emirates	US\$100 million in addition to the US\$365 million contribution since 2012
Qatar	Did not pledge at conference but noted that Qatar has contributed to date more than US\$2 billion towards humanitarian assistance to Syria and promised a new contribution of US\$160 million by Qatari NGOs this year
Oman	US\$17 million

Here, it is important to note that although the Gulf States are not signatories to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, Syrians who are considered guests in the Gulf receive most of the rights granted under the Convention such as the right to education, work, health care, free movement and residence. However, unlike Syrians who would be granted asylum in Europe and North America, the Gulf States does not guarantee this privilege. This was unacceptable 60 years ago when the Convention was found and still unacceptable today. This is largely because the Gulf States believe that people should have the right to return to homes they fled or were forced out from.⁵⁷ Another argument is that foreign workers or expatriates who work and reside in the Gulf already outnumber local citizens and therefore the Gulf States are concerned “that they could be flooded demographically,

⁵⁵ "Third International Humanitarian Pledging Conference for Syria." OCHA, 7-12. Accessed May 05, 2016. <http://www.unocha.org/syria/third-pledging-conference>.

⁵⁶ Kuwait's US\$500 million pledge in the conference was one of the top three contributions. Fitzgerald, Denis. "EU, US, Kuwait top Donors at Syria Pledging Conference." UN Tribune. (March 2015). Accessed April 10, 2016. <http://untribune.com/eu-us-kuwait-top-donors-at-syria-pledging-conference/>

⁵⁷ Amos, Deborah. "Gulf States Fend Off Criticism About Doing Little For Syrian Refugees." NPR. (September 2015). Accessed March 5, 2016. <http://www.npr.org/sections/parallels/2015/09/20/441457924/gulf-states-fend-off-criticism-about-doing-little-for-syrian-refugees>.

economically and politically.”⁵⁸ In addition, the difficulty in obtaining citizenship or in this case refugee status in the GCC is also related to the benefits attached to the citizenship and the importance to not dilute these benefits by attempting to naturalize the foreign workers and or residence who as mentioned before outnumber local citizens.⁵⁹ Also, unlike Europe and North America, the Gulf States have a different philosophy and or interpretation in determining who acquires citizenship, this is often not limited to the commitments to living and working in a country, but it has to do with valuing “social significance that can be placed on family descent and lineage, which affect the status of different tiers of citizens as well as helping to determine who is, a citizen.”⁶⁰ These restrictions on citizenship and or asylum status in the Gulf, poses limitations on civil and political rights of foreigners and or guests living in the region, which is often problematic to some extent. Many critics argue that those displaced by war would not have homes to go back to in their countries and therefore they are in need of a new citizenship that guarantees them all the rights to start a new life as a citizen in a new country.⁶¹

Nevertheless, what originally served, for Syrian refugees as transitory and irregular migration, is now becoming forced migration, as the countries closest to the borders of Syria: Jordan, Lebanon, Iraq and Turkey are reaching and, in some cases, have reached, their maximum capacity for the number of individuals they are able to take in.^{62 63} In spite of this, many of those

⁵⁸ Kayaoğlu, Barın. "Why the Gulf Isn't to Blame for Syrian Refugee Crisis." *Al-Monitor: The Pulse of the Middle East*. (September 2015). Accessed February 25, 2016. <http://www.al-monitor.com/pulse/originals/2015/09/syria-gulf-countries-respond-criticism-over-refugees.html>.

⁵⁹ Sater, J. "Citizenship and migration in Arab Gulf monarchies." *Citizenship Studies* 18, no. 3-4 (January 1, 2014), 292-302. *Scopus*, EBSCOhost. Accessed April 20, 2016.

⁶⁰ Kinninmont, Jane. "Citizenship in the Gulf," 52. Accessed April 29, 2016. [https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Middle East/0713ch_kinninmont.pdf](https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Middle%20East/0713ch_kinninmont.pdf).

⁶¹ Sater, J. "Citizenship and migration in Arab Gulf monarchies." *Citizenship Studies* 18, no. 3-4 (January 1, 2014), 292-302. *Scopus*, EBSCOhost. Accessed April 20, 2016.

⁶² Goklap Aras, N. Ela, and Zeynep Sahin Mencutek. "The International Migration and Foreign Policy Nexus: The Case of Syrian Refugee Crisis and Turkey." *Migration Letters* 12, no. 3: (September 2015), 193-208. Academic Search Index, EBSCOhost. Accessed March 15, 2016.

who are allowed to stay are not able to obtain formal housing within those countries, being forced to live in tent cities made up of whatever materials are made available to them.⁶⁴ As these nations are forced to turn others away, the migration path of Syrian refugees away from their homes become even longer, as they are forced to continue further away from home.

According to *Al-monitor*, a Bahraini analyst said, geographically “Syrians find it easier to flee to Europe rather than the Gulf because the Gulf States do not share land borders with Syria unlike Turkey, Jordan and Lebanon. And different from Europe, Gulf States are not accessible via the Mediterranean.”⁶⁵ With this in mind, it is safe to conclude that the information given by western media in regard to the Gulf reaction towards the Syrian crisis is misleading and is based on no concrete evidence.

Syrian Refugees in Europe

Unlike Jordan, Lebanon and the GCC countries, European States are signatories to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol and therefore have legal obligations toward refugees⁶⁶ however; they often fail to uphold these obligations. While the majority of the responses toward the Syrian refugees has been positive, concerned only with assisting those who have found themselves lost, without homes, without their country, without many of their family members, and without the life that they had built for themselves, there is a darker side to the situation. Europe’s reaction towards the refugee crisis remains “largely

⁶³ Ihlamur-Öner, Suna Gülfer. "Turkey's Refugee Regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows." *Perceptions: Journal of International Affairs* 18, no. 3 (September 2013), 191-228. Political Science Complete, EBSCOhost. Accessed February 10, 2016.

⁶⁴ Mercy Corps. "Quick Facts: What You Need To Know About The Syria Crisis". *Mercy Corps*. (2016). Accessed March 30, 2016. <http://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis>.

⁶⁵ Kayaoğlu, Barin. "Why the Gulf Isn't to Blame for Syrian Refugee Crisis." *Al-Monitor: The Pulse of the Middle East*. (September 2015). Accessed February 25, 2016. <http://www.al-monitor.com/pulse/originals/2015/09/syria-gulf-countries-respond-criticism-over-refugees.html>.

⁶⁶ "States Parties to the 1951 Convention and Its 1967 Protocol." UNHCR News. (2016) Accessed April 30, 2016. <http://www.unhcr.org/3b73b0d63.html>.

unsympathetic, sometimes violent and unwilling to accept large numbers of refugees,”⁶⁷ in particular that of Hungary, Macedonia, Albania and Serbia the negative reaction is evident in the use of military force to stop the refugees from crossing borders to non-Mediterranean Europe.⁶⁸ For instance, the unfortunate incident of the Hungarian journalist Petra László who was filmed kicking and tripping Syrian children who were running their way through the Hungarian border⁶⁹ is only one example of many incidents that the Syrian refugees experience in Europe because of the same “xenophobia and racism” that the European themselves encountered after World War II.⁷⁰ Since the refugee flow to Europe, many European leaders stated that Europe has no space to host this large amount of refugees, some claiming that by finding the space and doing so Europe’s ideological identity, which is Christian or Secular will be threatened by Muslim refugees.⁷¹ In addition, the statement by the Hungarian Prime Minister Viktor Orban that opening borders for Syrian refugees means “importing terrorism, criminalism anti-semitism and homophobia”⁷² has created more fear in the international community. Additionally, many have criticized the European Union – Turkey refugee deal that encourages exchanging Syrian refugees from Greek to Turkey and Syrian asylum seekers from Turkey to Europe, arguing that this deal

⁶⁷ Gilmartin, Thomas. "The Refugee Crisis." *Multilingual* 27, no. 2 (03, 2016), 38-43. Accessed April 10, 2016. <http://0-search.ebscohost.com/ignacio.usfca.edu/login.aspx?direct=true&db=bth&AN=113493401&site=eds-live&scope=site>.

⁶⁸ Loizidou, Elena. *Refugees and the Borders of Europe: A Minor Contribution* Springer. (2016), 1-4. Accessed March 30, 2016.

⁶⁹ Quinn, Ben. "Hungarian Journalist Sacked for Kicking Refugees Plans to Sue One of Them." *The Guardian*. (October 2015). Accessed April 4, 2016. <http://www.theguardian.com/world/2015/oct/21/hungarian-camera-operator-petra-laszlo-kicking-refugees-legal-action>.

⁷⁰ Loizidou, Elena. *Refugees and the Borders of Europe: A Minor Contribution* Springer. (2016), 1-4. Accessed March 30, 2016.

⁷¹ Ibid.

⁷² Diekmann, Kai. "Hungary's Prime Minister Says Accepting Syrian Refugees 'also Means Importing Terrorism, Criminalism Anti-Semitism and Homophobia'" *Business Insider*. (February 2016). Accessed April 30, 2016. <http://www.businessinsider.com/viktor-orban-interview-refugee-migrant-hungary-2016-2>.

violates the grounds of the 1951 Refugee Convention and basic rights of human beings – which is treatment with dignity.⁷³

On the other hand, Syrian refugees in efforts to assist the countries that have taken them in, work to report individuals that they see within their midst who have known ties to terrorist organizations, including the so-called Islamic State of Iraq and Syria (ISIS) or Da'esh, Jabhat al-Nusra or the Nusra Front, and other Al-Qaeda affiliates.^{74 75 76 77} Such considerations on the part of those refugees who are truly attempting to work with the system has, however, created public backlash and a concern on the part of other countries as to whether or not they should even consider taking in refugees at all, for fear of opening themselves up to a potential terrorist attack or the setup of a terrorist cell on their soil.^{78 79 80 81} This fear even increased more after the Paris attacks in 2015 that was said, inspired by some extremists who arrived in Europe with the refugees.⁸² The result of such backlash has created a situation that becomes more difficult for genuine refugees, as they must work to fight against ever increasingly stringent requirements in hopes of being granted asylum, the only way through federal channels that they will be able to

⁷³ Kingsley, Patrick, and Jennifer Rankin. "EU-Turkey Refugee Deal – Q&A." *The Guardian*. (March 2016). Accessed April 30, 2016. <http://www.theguardian.com/world/2016/mar/08/eu-turkey-refugee-deal-qa>.

⁷⁴ Barna, Cristian and George Pisleag. "Syrian refugees in Romania: hospitality versus (in) security." *Research & Science Today* (March 2014), 48-54. Supplemental Index, EBSCOhost. Accessed April 5, 2016.

⁷⁵ Bertrand, Natasha. "The Intense Backlash to Syrian Refugees 'Plays Right Into' ISIS Hand". *Business Insider*. (2015). Accessed April 5, 2016. <http://www.businessinsider.com/syrian-refugee-backlash-isis-2015-11>.

⁷⁶ Brown, Aaron. "Just Wait' Islamic State Reveals It Has Smuggled Thousands of Extremists Into Europe". *Express.Co.Uk*. (2015). Accessed April 5, 2016. <http://www.express.co.uk/news/world/555434/Islamic-State-ISIS-Smuggler-THOUSANDS-Extremists-into-Europe-Refugees>.

⁷⁷ Reuters. "Refugees Claim ISIS Militants Living Among Them In Germany". *RT International*. (2016). Accessed April 30, 2016. <https://www.rt.com/news/329890-germany-refugees-isis-members/>.

⁷⁸ Barna, Cristian and George Pisleag. "Syrian refugees in Romania: hospitality versus (in) security." *Research & Science Today* (March 2014): 48-54. Supplemental Index, EBSCOhost. Accessed April 5, 2016.

⁷⁹ Bertrand, Natasha. "The Intense Backlash to Syrian Refugees 'Plays Right Into' ISIS Hand". *Business Insider*. (2015). Accessed April 5, 2016. <http://www.businessinsider.com/syrian-refugee-backlash-isis-2015-11>.

⁸⁰ Brown, Aaron. "Just Wait' Islamic State Reveals It Has Smuggled Thousands of Extremists Into Europe". *Express.Co.Uk*. (2015). Accessed April 5, 2016. <http://www.express.co.uk/news/world/555434/Islamic-State-ISIS-Smuggler-THOUSANDS-Extremists-into-Europe-Refugees>.

⁸¹ Reuters. "Refugees Claim ISIS Militants Living Among Them In Germany". *RT International*. (2016). Accessed April 30, 2016. <https://www.rt.com/news/329890-germany-refugees-isis-members/>.

⁸² Gilmartin, Thomas. "The Refugee Crisis." *Multilingual* 27, no. 2 (March, 2016): 38-43. Accessed April 10, 2016.

not only stay in the country, but to receive the assistance that they need in order to get back onto their feet.

Furthermore, with the non-ending war in Syria and with the increasing number of refugees since 2015, even the welcoming European countries have introduced measures on border restrictions and allowed number of refugees to enter their countries due to “housing, school, job shortage”⁸³ and fear of terrorist attacks. However, despite the policy changes since 2015, Germany’s reaction towards the refugees is an example of how Europe should be treating the refugees in their crisis.⁸⁴ Germany opened its borders for about 1.1 million refugees; more refugees than any other country in the European Union have taken in. Local residents welcomed refugees with “voluntary language classes, house sharing and other initiatives”⁸⁵ to help the Syrian refugees feel accepted. Also, Sweden is another example of a welcoming European country; Sweden opened its borders to 160,000 refugees in 2015 “more per capita than any other European country.”⁸⁶ As stated, the reaction towards the refugee crisis has been different from one country to the other in the European Union resulting in disunion and instability in some cases.

In summary, it is evident that the European Union has a lot to overcome including “geography and proximity to instability” in order to be able to work in solidarity to consider the bigger picture of this refugee crisis. This could transpire by introducing long-term protection measures to those affected by the war including by “sharing refugees equitably by financial

⁸³ Ibid.

⁸⁴ Dearden, Lizzie. "Refugee Crisis: From Border Controls to Cash Seizures, How Germany Turned Its Back on Refugees." *The Independent*. (January 2016). Accessed April 30, 2016.
<http://www.independent.co.uk/news/world/europe/refugee-crisis-germany-turning-its-back-on-asylum-seekers-with-border-controls-cash-seizures-and-a6829801.html>.

⁸⁵ Ibid.

⁸⁶ Gilmartin, Thomas. "The Refugee Crisis." *Multilingual* 27, no. 2 (March, 2016): 38-43. Accessed April 10, 2016.

support or hosting population.”⁸⁷ There is no doubt that how Europe responds to this crisis today in the 21st century will change the context of the European history for the generations of the next century.⁸⁸

Syrian Refugees in North America

Similar to Europe, the United States and Canada are signatories to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol and therefore have legal obligations toward refugees.⁸⁹ Unlike the United States however, Canada has opened its borders for about 26,506 Syrian refugees according to government statistics.⁹⁰ The hash tag #WelcomeRefugees that was created by the government provided a safe haven for refugees to accept Canada as their final destination.⁹¹ The Canadian plan of welcoming refugees consisted of five phases: phase one involved working with UNHCR to identify Syrian refugees in Jordan and Lebanon, phase two involved visa processing for refugees, phase three involved organizing private aircrafts to bring the refugees to Canada, phase four involved welcoming refugees in Canada by verifying their identity and providing treatment for the ill, phase five involved transporting refugees to communities across the nation to settle, integrate and build a new life for themselves and their family. In addition, all Syrian refugees are provided with immediate necessary services and long-term settlement support to guarantee their prosperous integration into Canadian society.⁹²

⁸⁷ Garlick, Madeline. "The Road More Travelled? Onward Movement of Asylum Seekers and Refugees." *Forced Migration Review* no. 51 (January, 2016), 42-44. Accessed April 30, 2016.

⁸⁸ Gilmartin, Thomas. "The Refugee Crisis." *Multilingual* 27, no. 2 (March, 2016): 38-43. Accessed April 10, 2016.

⁸⁹ "States Parties to the 1951 Convention and Its 1967 Protocol." UNHCR News. (2016) Accessed April 30, 2016. <http://www.unhcr.org/3b73b0d63.html>.

⁹⁰ "#WelcomeRefugees: Key Figures." Government of Canada, Citizenship and Immigration Canada, Communications Branch. Accessed April 30, 2016. <http://www.cic.gc.ca/english/refugees/welcome/milestones/data.asp>.

⁹¹ "#WelcomeRefugees: Government-organized Flights." Government of Canada, Citizenship and Immigration Canada, Communications Branch. Accessed April 30, 2016. <http://www.cic.gc.ca/english/refugees/welcome/milestones/flights.asp>.

⁹² "#WelcomeRefugees: How It Will Work." Government of Canada, Citizenship and Immigration Canada, Communications Branch. Accessed April 30, 2016. <http://www.cic.gc.ca/english/refugees/welcome/overview.asp>.

In the United States, only 1,500 Syrian refugees have been admitted since 2011, and the government promised to admit 10,000 more refugees in 2016.⁹³ However, since the recent attacks in France and San Bernardino, California news outlets and reports have covered the debate among politicians in the nation's capital on whether the United States should allow Syrian refugees to enter the country or not. With 31 states opposing to take in refugees, the situation becomes more challenging.⁹⁴ Texas Governor Greg Abbott for instance has been one of the first politicians to oppose Obama's decision to allow in 10,000 more refugees in 2016, he has said numerous times that the State of Texas will not participate in accepting the Syrian refugees. In approval of Abbott's decision, the State of Texas witnessed multiple protests of armed individuals demonstrating against accepting the refugees by carrying signs stating, "Refugees are Not Welcome in Texas."⁹⁵ In addition, outrageous comments such as "lock your doors, Muslims are coming"⁹⁶ and the idea of a "religious test"⁹⁷ to pick and choose refugees who may be admitted to the United States by presidential candidates such as, Donald Trump and Ted Cruz only proves the view of the undemocratic racist Americans in America as many have argued.^{98 99} In fact, President Obama said, "hysteria or an exaggeration of risks" in this matter is not good

⁹³ Dinan, Stephen. "Obama's Vow to Take in 10,000 Syrian Refugees under Fire after Paris Attack." *Washington Times*. (November 2015). Accessed April 10, 2016. <http://www.washingtontimes.com/news/2015/nov/14/obama-vow-take-10000-syrian-refugees-under-fire-af/?page=all>.

⁹⁴ Fantz, Ashley, and Ben Brumfield. "Syrian Refugees Not Welcome in 31 U.S. States." *CNN*. (November 2015). Accessed April 30, 2016. <http://www.cnn.com/2015/11/16/world/paris-attacks-syrian-refugees-backlash/>.

⁹⁵ Benning, Tom. "Gov. Greg Abbott: Texas Will Not Accept Any Syrian Refugees." *Trail Blazers Blog*. (November 2015). Accessed April 10, 2016. <http://trailblazersblog.dallasnews.com/2015/11/gov-greg-abbott-texas-will-not-accept-any-syrian-refugees.html/>.

⁹⁶ Engel, Pamela. "Trump on Syrian Refugees: 'Lock Your Doors, Folks'" *Business Insider*. (April 2016). Accessed April 30, 2016. <http://www.businessinsider.com/trump-syrian-refugees-isis-2016-4>.

⁹⁷ Schleifer, Theodore. "Ted Cruz: Muslim Refugees from Syria Should Go to Other Islamic Countries." *CNN*. (November 2015). Accessed April 30, 2016. <http://www.cnn.com/2015/11/17/politics/ted-cruz-refugees-syria/>.

⁹⁸ Ibid.

⁹⁹ Reyes, Raul. "How GOP 'Outrage' Over Refugees Helps ISIS". *CNN*. (November 2015). Accessed February 5, 2016. <http://www.cnn.com/2015/11/22/opinions/reyes-syria-refugees/>.

because we often do not make good decisions like that.¹⁰⁰ Also, similar to many scholars, Elena Loizidou argues that this “rapid rise of fear of the *Other*” is dangerous because it creates hatred, racism and divisions.¹⁰¹ Gallya Lahav also argues that the international community must not forget that the massive flows of Syrians are fleeing ISIS and an oppressive regime. Therefore, the international community should “uphold and adjust legal standards” to assist those victims and help them build their lives again.¹⁰²

United Nations High Commissioner For Refugees (UNHCR)

The question of whether or not “enough” is being done to help the Syrian refugees is a tricky one, one that often varies depending on the perceptions of those looking at the situation. In the case of the United Nations High Commissioner for Refugees, lack of funding is one of the largest problems, but it is not the only problem faced in an effort to assist and care for the Syrian refugees. Current United Nations statistics estimate that approximately \$3.2 billion dollars is needed at this time to assist the 13.5 million people, including approximately six million children, who have been affected by the crisis in Syria.¹⁰³ Approximately 70% of those within Syria are without access to sanitary drinking water, one out of every three people is not getting enough sustenances to meet their basic food needs, over two million children are not able to attend school at this time, and four out of every five individuals are living in conditions of poverty.¹⁰⁴ To further compound the matter, only those who are outside Syria’s borders are able to receive assistance at this time, as both sides of the civil war in Syria have unequivocally stated

¹⁰⁰ Roberts, Dan, and Tom McCarthy. "Offensive and Hysterical: Obama Lashes Republicans over Syrian Refugees". *The Guardian*. (November 2015). Accessed February 5, 2016. <http://www.theguardian.com/us-news/2015/nov/17/republicans-congress-syrian-refugees-us-paris-attacks>.

¹⁰¹ Loizidou, Elena. *Refugees and the Borders of Europe: A Minor Contribution* Springer. (2016), 1-4. Accessed March 30, 2016.

¹⁰² Lahav, Gallya. "The Global Challenge of the Refugee Exodus." *Current History* no. 777 (January 2016), 16. Accessed April 15, 2016.

¹⁰³ "Migrant Crisis: Migration to Europe Explained in Seven Charts " *BBC News*. (March 2016). Accessed April 30, 2016. <http://www.bbc.com/news/world-europe-34131911>.

¹⁰⁴ Ibid.

that no relief access will be granted to UNHCR, the idea being that the other side could likewise gain assistance from the relief efforts, and neither party wishes the other side to gain access to outside support. As a result, the situation becomes even more complex, as it is the mandate of the UNHCR to provide assistance to those in need. Still further concerns are associated with enough housing and available supplies for those who need them, a situation further complicated by the lack of available funding.^{105 106} Furthermore, there is a lack of available medical supplies and locations for treatment for those in need, and facilities both in terms of human capital and resources, to ensure that such individuals have access to appropriate schooling.^{107 108} All of the above limitations indicate the lack of support UNHCR is receiving from the international community.

Syria's Future

As proven by many reports and scholars over the last five years, the crimes committed in Syria are implemented within the Assad regime. This regime is the main reason and the main responsible actor in the refugee crisis, despite ISIS or Da'esh's publicized grave killings, the Assad regime have committed violations, war crimes and crimes against humanity such as, "torture, rape and abuse in detention centers, extra judicial killings, mass arrests, forced disappearances, displacement, barrel bomb attacks and inhumane treatment" against its own population; this also includes denying access to humanitarian aid and hospitals for those who are

¹⁰⁵ Mercy Corps. "Quick Facts: What You Need To Know About The Syria Crisis". *Mercy Corps*. (2016). Accessed March 30, 2016. <http://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis>.

¹⁰⁶ Ihlamur-Öner, Suna Gülfer. "Turkey's Refugee Regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows." *Perceptions: Journal of International Affairs* 18, no. 3 (September 2013), 191-228. Political Science Complete, EBSCOhost. Accessed February 10, 2016.

¹⁰⁷ Bircan, Tuba and Ulas Sunata. "Educational Assessment of Syrian Refugees in Turkey." *Migration Letters* 12, no. 3 (September 2015): 226-237. Academic Search Index, EBSCOhost. Accessed April 30, 2016.

¹⁰⁸ Leblebicioglu, Hakan and Resat Ozaras. 2015. "Syrian Refugees and Infectious Disease Challenges." *Travel Medicine and Infectious Disease* 13 (6): 443-444. Accessed April 20, 2016.

injured.^{109 110 111} Thus, the re-stabilization of Syria and its people's future is dependent on ending the Assad regime. However, with this current state of affairs, the question becomes, how can this situation be improved? What actions can be taken that will assist the refugees, helping them improve their current situation and end the stagnation of the past few years? The answer is not a simple one. The problem is several folds.

First, the story has lost its momentum in the United States, particularly in light of the political events going on at this time. In election year, the people, and the news media, are concerned only with what is going on within their own borders. The problem is one of self-absorption. The second issue is one of the abstract versus the targeted. There are discussion boards across the internet, on British and American forums alike that are full of posts from individuals who state that they would be more than willing to allow refugees to stay in a spare room in their house or even would be willing to allow a family of Syrian refugees to use one of their extra houses, either an income property or a vacation home, and requesting that if anyone has any information as to how to provide those services, to let them know. As of last year, some Syrian refugees started finding these message boards and replying to the threads. Refugees tell their name, ages, names of family members' and their ages. Some also list their marketable skills, explaining why they would be a perfect candidate for one of the homes that appears to be offered so freely. They offer that if the poster will simply contact them, they will be happy to put the poster in touch with their lawyer to get the process started. The posters, who had seemingly offered their homes to these individuals, continue responding to others who make comments to

¹⁰⁹ "Bashar Al Assad: Criminal against Humanity," FIDH Report. (July 2011). Accessed April 20, 2016. <https://www.fidh.org/en/region/north-africa-middle-east/syria/Bashar-Al-Assad-Criminal-Against>.

¹¹⁰ "Crackdown in Syria: Terror in Tell Kalakh" Amnesty International Publications. (July 2011). Accessed April 20, 2016.

¹¹¹ "Report of the independent international commission of inquiry on the Syrian Arab Republic," UN Human Rights Council, A/HRC/23/58. (June 4, 2013). Accessed April 20, 2016. http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-23-58_en.pdf

the tune of how much they wish they could do something to assist these people. However, all parties ignore the responses of the refugees completely. In the abstract, when confronted with the idea of assisting others, people are more than willing to do so, but when it comes time to take the concept out of the abstract into the practical, such offers dry up, as though they were never there in the first place.

Conclusion

Based on the analysis of this paper, it is evident that each system whether in the Gulf, Europe or North America includes some gaps in regard to the rights and services it provides to the Syrian people. This is obvious in the issues of migration and integration that challenge the Syrian guests and or refugees, as well as the issues they experience with international refugee law and the lack of services from the United Nations High Commissioner for Refugees. Therefore, the international community must come together and uphold to their obligations towards refugees by implementing concrete long-term protection measures, and redefining international refugee law and its responsibilities towards refugees.

In conclusion, the forthcoming suggestions introduce some measures that if undertaken by the international community will help the Syrian guests and or refugees re-build their future and thrive in a foreign country. In addition, build more tolerance in the international community towards the refugees. Assisting the Syrian refugees to thrive is dependent on providing them with the tools, supplies, and resources necessary to move forward, returning to normal lives after having lived in tent cities for the past five years. First, information should be disseminated through all countries that are a part of the United Nations indicating how individuals of the general population can assist refugees. Collections can be taken up at specific drop locations for food, clothing, non-perishable items, school supplies, medical supplies, books, blankets, cookery,

and other basic components of daily life. It can be requested that every individual donate some money or one item. When given a low cap of this nature, the donations will start coming in because then it becomes competitive. People wanting to help can donate x amount or one item, but how many people are going to be willing to bring in x amount of items? This is the mentality that will take hold, and in this manner, the current state of affairs affecting the Syrian refugees can gradually be improved by providing them with the supplies that they need in order to thrive.

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Security Council

Distr.: General
4 October 2011

Original: English

France, Germany, Portugal and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Expressing grave concern at the situation in Syria,

Recalling its Presidential Statement of 3 August,

Welcoming the Secretary-General's statements articulating continued concerns about the ongoing violence and humanitarian needs, calling on the Syrian Government to halt its violent offensive at once, calling for an independent investigation of all human rights violations during recent demonstrations, and stressing the need to hold to account those responsible for human rights violations,

Noting Human Rights Council's report of its 17th Special session (A/HRC/S-17/1), including the decision to dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law since March 2011 in Syria,

Recalling the Syrian Government's primary responsibility to protect its population, and the Secretary-General's call for the Syrian Government to allow unhindered and sustained access for humanitarian aid and humanitarian organizations, welcoming OCHA's humanitarian assessment mission and urging the Syrian authorities to cooperate comprehensively with the United Nations,

Stressing that the only solution to the current crisis in Syria is through an inclusive and Syrian-led political process with the aim of effectively addressing the legitimate aspirations and concerns of the population which will allow the full exercise of fundamental freedoms for its entire population, including of the rights of freedom of expression, assembly and peaceful protest, and further stressing that such a political process can only be advanced through an environment free from any sort of violence, fear and intimidation,

Noting the announced commitments by the Syrian authorities to reform, and regretting the lack of progress in implementation,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Syria,

Deeply concerned by the continuing deterioration of the situation in Syria and the potential for further escalation of the violence, and reaffirming the need to resolve the current crisis in Syria peacefully,



Welcoming the engagement of the Secretary-General and the League of Arab States, and all other diplomatic efforts aimed at addressing this situation, including those of Turkey, Russia, Brazil, India, South Africa, and regretting the lack of a substantive response by the Syrian authorities to these demands,

1. *Strongly condemns* the continued grave and systematic human rights violations and the use of force against civilians by the Syrian authorities, and expresses profound regret at the deaths of thousands of people including women and children;

2. *Demands* an immediate end to all violence and *urges* all sides to reject violence and extremism;

3. *Recalls* that those responsible for all violence and human rights violations should be held accountable;

4. *Demands* that the Syrian authorities immediately:

(a) cease violations of human rights, comply with their obligations under applicable international law, and cooperate fully with the office of the High Commissioner for Human Rights;

(b) allow the full exercise of human rights and fundamental freedoms by its entire population, including rights of freedom of expression and peaceful assembly, release all political prisoners and detained peaceful demonstrators, and lift restrictions on all forms of media;

(c) cease the use of force against civilians;

(d) alleviate the humanitarian situation in crisis areas, including by allowing expeditious, unhindered and sustained access for internationally recognized human rights monitors, humanitarian agencies and workers, and restoring basic services including access to hospitals;

(e) ensure the safe and voluntary return of those who have fled the violence to their homes;

5. *Calls for* an inclusive Syrian-led political process conducted in an environment free from violence, fear, intimidation, and extremism, and aimed at effectively addressing the legitimate aspirations and concerns of Syria's population, and *encourages* the Syrian opposition and all sections of Syrian society to contribute to such a process;

6. *Requests* the Secretary-General to continue to urge the Syrian Government to implement paragraphs 2 and 4 above, including by appointing at the appropriate time a Special Envoy in consultation with the Security Council, and *encourages* all States and regional organizations to contribute to this objective;

7. *Encourages* in this regard the League of Arab states to continue efforts aimed at ending the violence and promoting such an inclusive Syrian-led political process;

8. *Strongly condemns* attacks on diplomatic personnel and recalls the fundamental principle of the inviolability of diplomatic agents and the obligations on host States, including under the 1961 Vienna Convention on Diplomatic Relations, to take all appropriate steps to protect embassy premises and prevent attacks on diplomatic agents;

9. *Calls upon* all States to exercise vigilance and restraint over the direct or indirect supply, sale or transfer to Syria of arms and related materiel of all types, as well as technical training, financial resources or services, advice, or other services or assistance related to such arms and related materiel;

10. *Requests* the Secretary-General to report on implementation of this resolution within 30 days of its adoption and every 30 days thereafter;

11. *Expresses* its intention to review Syria's implementation of this resolution within 30 days and to consider its options, including measures under Article 41 of the Charter of the United Nations;

12. *Decides* to remain actively seized of the matter.



Security Council

Distr.: General
4 February 2012

Original: English

**Bahrain, Colombia, Egypt, France, Germany, Jordan, Kuwait, Libya, Morocco, Oman, Portugal, Qatar, Saudi Arabia, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America:
draft resolution**

The Security Council,

Recalling its presidential statement of 3 August 2011,

Recalling General Assembly resolution A/RES/66/176 of 19 December 2011, as well as Human Rights Council resolutions S/16-1, S/17-1 and S/18-1,

Noting the League of Arab States' request in its decision of 22 January 2012,

Expressing grave concern at the deterioration of the situation in Syria, and profound concern at the death of thousands of people and *calling* for an immediate end to all violence,

Welcoming the League of Arab States' Action Plan of 2 November 2011 and its subsequent decisions, including its decision of 22 January 2012, which aims to achieve a peaceful resolution of the crisis,

Noting the deployment of the League of Arab States' observer mission, *commending* its efforts, *regretting* that, due to the escalation in violence, the observer mission was not in a position to monitor the full implementation of the League of Arab States' Action Plan of 2 November 2011, and *noting* the subsequent decision of the League of Arab states to suspend the mission,

Underscoring the importance of ensuring the voluntary return of refugees and internally displaced persons to their homes in safety and with dignity,

Mindful that stability in Syria is key to peace and stability in the region,

Noting the announced commitments by the Syrian authorities to reform, and *regretting* the lack of progress in implementation,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Syria, *emphasizing* its intention to resolve the current political crisis in Syria peacefully, and *noting* that nothing in this resolution authorizes measures under Article 42 of the Charter,



Welcoming the engagement of the Secretary-General and all diplomatic efforts aimed at addressing the situation, and *noting* in this regard the offer of the Russian Federation to host a meeting in Moscow, in consultation with the League of Arab States,

1. *Condemns* the continued widespread and gross violations of human rights and fundamental freedoms by the Syrian authorities, such as the use of force against civilians, arbitrary executions, killing and persecution of protestors and members of the media, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence, and ill-treatment, including against children;

2. *Demands* that the Syrian government immediately put an end to all human rights violations and attacks against those exercising their rights to freedom of expression, peaceful assembly and association, protect its population, fully comply with its obligations under applicable international law and fully implement Human Rights Council resolutions S-16/1, S-17/1, S-18/1 and General Assembly resolution A/RES/66/176;

3. *Condemns* all violence, irrespective of where it comes from, and in this regard *demands* that all parties in Syria, including armed groups, immediately stop all violence or reprisals, including attacks against State institutions, in accordance with the League of Arab States' initiative;

4. *Recalls* that all those responsible for human rights violations, including acts of violence, must be held accountable;

5. *Demands* that the Syrian government, in accordance with the Plan of Action of the League of Arab States of 2 November 2011 and its decision of 22 January 2012, without delay:

- (a) cease all violence and protect its population;
- (b) release all persons detained arbitrarily due to the recent incidents;
- (c) withdraw all Syrian military and armed forces from cities and towns, and return them to their original home barracks;
- (d) guarantee the freedom of peaceful demonstrations;
- (e) allow full and unhindered access and movement for all relevant League of Arab States' institutions and Arab and international media in all parts of Syria to determine the truth about the situation on the ground and monitor the incidents taking place; and
- (f) allow full and unhindered access to the League of Arab States' observer mission;

6. *Calls* for an inclusive Syrian-led political process conducted in an environment free from violence, fear, intimidation and extremism, and aimed at effectively addressing the legitimate aspirations and concerns of Syria's people, without prejudging the outcome;

7. *Fully supports* in this regard the League of Arab States' 22 January 2012 decision to facilitate a Syrian-led political transition to a democratic, plural political system, in which citizens are equal regardless of their affiliations or ethnicities or beliefs, including through commencing a serious political dialogue between the

Syrian government and the whole spectrum of the Syrian opposition under the League of Arab States' auspices, in accordance with the timetable set out by the League of Arab States;

8. *Encourages* the League of Arab States to continue its efforts in cooperation with all Syrian stakeholders;

9. *Calls upon* the Syrian authorities, in the event of a resumption of the observer mission, to cooperate fully with the League of Arab States' observer mission, in accordance with the League of Arab States' Protocol of 19 December 2011, including through granting full and unhindered access and freedom of movement to the observers, facilitating the entry of technical equipment necessary for the mission, guaranteeing the mission's right to interview, freely or in private, any individual and guaranteeing also not to punish, harass, or retaliate against, any person who has cooperated with the mission;

10. *Stresses* the need for all to provide all necessary assistance to the mission in accordance with the League of Arab States' Protocol of 19 December 2011 and its decision of 22 January 2012;

11. *Demands* that the Syrian authorities cooperate fully with the Office of the High Commissioner for Human Rights and with the Commission of Inquiry dispatched by the Human Rights Council, including by granting it full and unimpeded access to the country;

12. *Calls upon* the Syrian authorities to allow safe and unhindered access for humanitarian assistance in order to ensure the delivery of humanitarian aid to persons in need of assistance;

13. *Welcomes* the Secretary-General's efforts to provide support to the League of Arab States, including its observer mission, in promoting a peaceful solution to the Syrian crisis;

14. *Requests* the Secretary-General to report on the implementation of this resolution, in consultation with the League of Arab States, within 21 days after its adoption and to report every 30 days thereafter;

15. *Decides* to review implementation of this resolution within 21 days and, in the event of non-compliance, to consider further measures;

16. *Decides* to remain actively seized of the matter.

**Security Council**

Distr.: General
19 July 2012

Original: English

France, Germany, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its Resolutions 2043 (2012) and 2042 (2012), and its Presidential Statements of 3 August 2011, 21 March 2012 and 5 April 2012,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Syria, and to the purposes and principles of the Charter,

Reaffirming also its support to the Joint Special Envoy for the United Nations and the League of Arab States, Kofi Annan, and his work, following General Assembly resolution A/RES/66/253 of 16 February 2012 and relevant resolutions of the League of Arab States, aimed at securing full implementation of his six-point plan in its entirety, as annexed to resolution 2042 (2012),

Condemning the Syrian authorities' increasing use of heavy weapons, including indiscriminate shelling from tanks and helicopters, in population centres and failure to withdraw its troops and heavy weapons to their barracks contrary to paragraph 2 of resolution 2043 (2012),

Condemning the armed violence in all its forms, including by armed opposition groups, and *expressing* grave concern at the continued escalation of violence, and *expressing* its profound regret at the death of many thousands of people in Syria,

Condemning the continued widespread violations of human rights by the Syrian authorities, as well as any human rights abuses by armed opposition groups, and recalling that those responsible shall be held accountable,

Condemning the series of bombings that have made the situation more complex and deadly, some of which are indicative of the presence of well-organised terrorist groups,

Deploring the deteriorating humanitarian situation and the failure to ensure timely provision of humanitarian assistance to all areas affected by the fighting contrary to point 3 of the Envoy's six-point plan, *reiterating* its call for the Syrian parties to allow immediate, full and unimpeded access of humanitarian personnel to all populations in need of assistance, in particular to civilian populations in need of evacuation, and *calling upon* all parties in Syria, in particular the Syrian authorities, to cooperate fully with the United Nations and relevant humanitarian organizations to facilitate the provision of humanitarian assistance,



Condemning the continued detention of thousands of Syrians in networks of Government-run facilities and deploring that there is no freedom of assembly contrary to points 4 and 6 of the six-point plan, and *recalling* the urgency of intensifying the pace and scale of release of arbitrarily detained persons, and *reiterating* the need for Syrians to enjoy the freedom to assemble, including to demonstrate peacefully and freedom of movement for journalists throughout the country, as part of the necessary conditions for a political transition,

Having considered the Secretary-General's report on UNSMIS dated 6 July 2012, *commending* United Nations Supervision Mission in Syria (UNSMIS) personnel for their continued efforts in a dangerous and volatile environment, and *deploring* that, due to the failure of the parties to implement the six-point plan and to the level of violence, monitoring access restrictions and direct targeting, the Mission's operational activities were rendered unworkable, and supporting the Secretary-General's recommendation that a shift in Mission structure and focus should be considered,

Stressing that rapid progress on a political solution represents the best opportunity to resolve the situation in Syria peacefully, *welcoming* in this regard the Final Communiqué of the Envoy's 30 June Action Group meeting, and *noting* that progress towards an atmosphere of safety and calm is key to enabling a credible transition,

Welcoming the Syrian Opposition Conference held under the auspices of the League of Arab States in Cairo on July 3, 2012, as part of the efforts of the League of Arab States to engage the whole spectrum of the Syrian opposition, and *encouraging* greater cohesion among the opposition,

Noting the Secretary-General's 6 July 2012 call on the Security Council to provide the necessary support and ensure sustained, united and effective pressure on all concerned to ensure compliance with its decisions and create conditions for the success of a political solution envisaged by the Action Group,

Determining that the situation in Syria constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Expresses grave concern* at the escalation of violence, and the failure of the parties, in particular the Syrian authorities, to implement the Envoy's six-point plan as annexed to resolution 2042 (2012), thus not permitting the creation of a political space that would allow for meaningful political dialogue, and *calls upon* all parties to recommit immediately and without waiting for the actions of others to a sustained cessation of violence in all its forms and implementation of the six-point plan;

2. *Endorses* in full the 30 June Action Group Final Communiqué and its underlying guidelines and principles (Annex);

Enabling Transition: Immediate implementation of the Envoy's six-point plan

3. *Demands* the urgent, comprehensive, and immediate implementation of, all elements of the Envoy's six-point proposal as annexed to resolution 2042 (2012) aimed at bringing an immediate end to all violence and human rights violations, securing humanitarian access and facilitating a Syrian-led political transition as

outlined in the Annex, leading to a democratic, plural political system, in which citizens are equal regardless of their affiliations, ethnicities or beliefs, including through commencing a comprehensive political dialogue between the Syrian authorities and the whole spectrum of the Syrian opposition;

4. *Decides* that the Syrian authorities shall implement visibly and verifiably their commitments in their entirety, as they agreed to do in the Preliminary Understanding and as stipulated in resolution 2042 (2012) and 2043(2012), to (a) cease troop movements towards population centres, (b) cease all use of heavy weapons in such centres, (c) complete pullback of military concentrations in and around population centres, and to withdraw its troops and heavy weapons from population centres to their barracks or temporary deployment places to facilitate a sustained cessation of violence;

5. *Demands* that all parties in Syria, including the opposition, immediately cease all armed violence in all its forms, thereby creating an atmosphere conducive to a sustained cessation of violence and a Syrian-led political transition;

6. *Expresses grave concern* at the increasing numbers of refugees and internally displaced persons as a result of the ongoing violence, and *reiterates* its appreciation of the significant efforts that have been made by the States bordering Syria to assist those who have fled across Syria's borders as a consequence of the violence, and requesting UNHCR to provide assistance as requested by member states receiving these displaced persons;

Transition

7. *Demands* that all Syrian parties work with the Office of the Joint Special Envoy to implement rapidly the transition plan set forth in the Final Communiqué in a way that assures the safety of all in an atmosphere of stability and calm;

Accountability

8. *Recalls* that all those responsible for human rights violations and abuses, including acts of violence, must be held accountable;

9. *Decides* that the Syrian Government shall provide the UN Independent International Commission of Inquiry on the Syrian Arab Republic and individuals working on its behalf immediate entry and access to all areas of Syria, *decides* that the Syrian authorities shall cooperate fully with the Commission of Inquiry in the performance of its mandate;

UNSMIS

10. *Decides* to renew the mandate of the United Nations Supervision Mission in Syria (UNSMIS) for a period of 45 days, on the basis of the Secretary-General's recommendation to reconfigure the Mission to increase support for dialogue with and between the parties, and enhance attention to the political track and rights' issues across the six-point plan;

11. *Requests the Secretary-General* to retain the minimum military observer capacity and requisite civilian component necessary to promote forward steps on the six-point plan through facilitation of political dialogue and to conduct verification and fact-finding tasks;

12. *Condemns* all attacks against UNSMIS, *reaffirms* that perpetrators of attacks against UN personnel must be held to account, *demand*s that the parties guarantee the safety of UNSMIS personnel without prejudice to its freedom of movement and access, and *stresses* that the primary responsibility in this regard lies with the Syrian authorities;

13. *Demand*s that the Syrian authorities ensure the effective operation of UNSMIS by: facilitating the expeditious and unhindered deployment of its personnel and capabilities as required to fulfil its mandate; ensuring its full unimpeded, and immediate freedom of movement and access as necessary to fulfil its mandate, underlining in this regard the need for the Syrian authorities and the United Nations to come rapidly to an agreement on appropriate air transportation assets for UNSMIS; allowing its unobstructed communications; and allowing it to freely and privately communicate with individuals throughout Syria without retaliation against any person as a result of interaction with UNSMIS;

Compliance

14. *Decides* that, if the Syrian authorities have not fully complied with paragraph 4 above within ten days, then it shall impose immediately measures under Article 41 of the UN Charter;

Reporting and Follow-Up

15. *Requests* the Secretary-General to report to the Council on the implementation by all parties in Syria of this resolution within 10 days of its adoption and every 15 days thereafter;

16. *Expresses* its intention to assess the implementation of this resolution and to consider further steps as appropriate;

17. *Decides* to remain seized of the matter.

Annex

Final Communiqué of the Action Group for Syria

1. On 30 June 2012, the Secretaries-General of the United Nations and the League of Arab States, the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Turkey, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States) and the High Representative of the European Union for Foreign Affairs and Security Policy met at the United Nations Office at Geneva as the Action Group for Syria, chaired by the Joint Special Envoy of the United Nations and the League of Arab States to Syria.

2. The members of the Action Group came together out of grave alarm at the situation in the Syrian Arab Republic. They strongly condemn the continued and escalating killing, destruction and human rights abuses. They are deeply concerned at the failure to protect civilians, the intensification of the violence, the potential for even deeper conflict in the country and the regional dimensions of the problem. The

unacceptable nature and magnitude of the crisis demands a common position and joint international action.

3. The members of the Action Group are committed to the sovereignty, independence, national unity and territorial integrity of the Syrian Arab Republic. They are determined to work urgently and intensively to bring about an end to the violence and human rights abuses, and to facilitate the launch of a Syrian-led political process leading to a transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future.

4. In order to secure these common objectives, the members of the Action Group (a) identified steps and measures by the parties to secure the full implementation of the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012), including an immediate cessation of violence in all its forms; (b) agreed on principles and guidelines for a political transition that meets the legitimate aspirations of the Syrian people; and (c) agreed on actions that they would take to implement the objectives in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process. They are convinced that this can encourage and support progress on the ground and will help to facilitate and support a Syrian-led transition.

Identified steps and measures by the parties to secure the full implementation of the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012), including an immediate cessation of violence in all its forms

5. The parties must fully implement the six-point plan and Security Council resolutions 2042 (2012) and 2043 (2012). To that end:

(a) All parties must recommit to a sustained cessation of armed violence in all its forms and to the implementation of the six-point plan immediately and without waiting for the actions of others. The Government and armed opposition groups must cooperate with the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS), with a view to furthering the implementation of the plan in accordance with the Mission's mandate;

(b) A cessation of armed violence must be sustained, with immediate, credible and visible actions by the Government of the Syrian Arab Republic to implement the other items of the six-point plan, including:

(i) Intensification of the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons, and persons involved in peaceful political activities; the provision, without delay and through appropriate channels, of a list of all places in which such persons are being detained; the immediate organization of access to such locations; and the provision, through appropriate channels, of prompt responses to all written requests for information, access or release regarding such persons;

(ii) Ensuring freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;

(iii) Respecting freedom of association and the right to demonstrate peacefully, as legally guaranteed;

(c) In all circumstances, all parties must show full respect for the safety and security of UNSMIS and fully cooperate with and facilitate the Mission in all respects;

(d) In all circumstances, the Government must allow immediate and full humanitarian access by humanitarian organizations to all areas affected by the fighting. The Government and all parties must enable the evacuation of the wounded, and all civilians who wish to leave must be enabled to do so. All parties must fully adhere to their obligations under international law, including in relation to the protection of civilians.

Agreed principles and guidelines for a Syrian-led transition

6. The members of the Action Group agreed on the principles and guidelines for a Syrian-led transition set out below.

7. Any political settlement must deliver to the people of the Syrian Arab Republic a transition that:

(a) Offers a perspective for the future that can be shared by all in the Syrian Arab Republic;

(b) Establishes clear steps according to a firm timetable towards the realization of that perspective;

(c) Can be implemented in a climate of safety for all and of stability and calm;

(d) Is reached rapidly without further bloodshed and violence and is credible.

8. **Perspective for the future.** The aspirations of the people of the Syrian Arab Republic have been clearly expressed by the wide range of Syrians consulted. There is an overwhelming wish for a State that:

(a) Is genuinely democratic and pluralistic, giving space to established and newly emerging political actors to compete fairly and equally in elections. This also means that the commitment to multiparty democracy must be a lasting one, going beyond an initial round of elections;

(b) Complies with international standards on human rights, the independence of the judiciary, accountability of those in Government and the rule of law. It is not enough just to enunciate such a commitment. There must be mechanisms available to the people to ensure that these commitments are kept by those in authority;

(c) Offers equal opportunities and chances for all. There is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds. Numerically smaller communities must be assured that their rights will be respected.

9. **Clear steps in the transition.** The conflict in the Syrian Arab Republic will end only when all sides are assured that there is a peaceful way towards a common future for all in the country. It is therefore essential that any settlement provide for clear and irreversible steps in the transition according to a fixed time frame. The key steps in any transition include:

(a) The establishment of a transitional governing body that can establish a neutral environment in which the transition can take place, with the transitional governing body exercising full executive powers. It could include members of the

present Government and the opposition and other groups and shall be formed on the basis of mutual consent;

(b) It is for the Syrian people to determine the future of the country. All groups and segments of society in the Syrian Arab Republic must be enabled to participate in a national dialogue process. That process must be not only inclusive but also meaningful. In other words, its key outcomes must be implemented;

(c) On that basis, there can be a review of the constitutional order and the legal system. The result of constitutional drafting would be subject to popular approval;

(d) Upon establishment of the new constitutional order, it will be necessary to prepare for and conduct free and fair multiparty elections for the new institutions and offices that have been established;

(e) Women must be fully represented in all aspects of the transition.

10. **Safety, stability and calm.** Any transition involves change. However, it is essential to ensure that the transition can be implemented in a way that ensures the safety of all in an atmosphere of stability and calm. This requires:

(a) Consolidation of full calm and stability. All parties must cooperate with the transitional governing body to ensure the permanent cessation of violence. This includes completion of withdrawals and addressing the issue of the disarmament, demobilization and reintegration of armed groups;

(b) Effective steps to ensure that vulnerable groups are protected and that immediate action is taken to address humanitarian issues in areas of need. It is also necessary to ensure that the release of the detained is completed rapidly;

(c) Continuity of governmental institutions and qualified staff. Public services must be preserved or restored. This includes the military forces and security services. However, all governmental institutions, including the intelligence services, have to perform according to human rights and professional standards and operate under a leadership that inspires public confidence, under the control of the transitional governing body;

(d) Commitment to accountability and national reconciliation. Accountability for acts committed during the present conflict must be addressed. There also needs to be a comprehensive package for transitional justice, including compensation or rehabilitation for victims of the present conflict, steps towards national reconciliation and forgiveness.

11. **Rapid steps to come to a credible political agreement.** It is for the people of the Syrian Arab Republic to come to a political agreement, but time is running out. It is clear that:

(a) The sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic must be respected;

(b) The conflict must be resolved through peaceful dialogue and negotiation alone. Conditions conducive to a political settlement must now be put in place;

(c) There must be an end to the bloodshed. All parties must recommit themselves credibly to the six-point plan. This must include a cessation of armed

violence in all its forms and immediate, credible and visible actions to implement points 2 to 6 of the six-point plan;

(d) All parties must now engage genuinely with the Joint Special Envoy. The parties must be prepared to put forward effective interlocutors to work expeditiously towards a Syrian-led settlement that meets the legitimate aspirations of the people. The process must be fully inclusive in order to ensure that the views of all segments of Syrian society are heard in shaping the political settlement for the transition;

(e) The organized international community, including the members of the Action Group, stands ready to offer significant support for the implementation of an agreement reached by the parties. This may include an international assistance presence under a United Nations mandate if requested. Significant funds will be available to support reconstruction and rehabilitation.

Agreed actions

12. Agreed actions that the members of the Group will take to implement the above in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process are as follows:

(a) Action Group members will engage as appropriate, and apply joint and sustained pressure on, the parties in the Syrian Arab Republic to take the steps and measures outlined in paragraph 5 above;

(b) Action Group members are opposed to any further militarization of the conflict;

(c) Action Group members emphasize to the Government of the Syrian Arab Republic the importance of the appointment of an effective empowered interlocutor, when requested by the Joint Special Envoy to do so, to work on the basis of the six point plan and the present communiqué;

(d) Action Group members urge the opposition to increase cohesion and to be in a position to ensure effective representative interlocutors to work on the basis of the six-point plan and the present communiqué;

(e) Action Group members will give full support to the Joint Special Envoy and his team as they immediately engage the Government and the opposition, and will consult widely with Syrian society, as well as other international actors, to further develop the way forward;

(f) Action Group members would welcome the further convening by the Joint Special Envoy of a meeting of the Action Group, should he deem it necessary to review the concrete progress taken on all points agreed in the present communiqué and to determine what further and additional steps and actions are needed from the Action Group to address the crisis. The Joint Special Envoy will also keep the United Nations and the League of Arab States informed.

**Security Council**

Distr.: General
22 May 2014

Original: English

Albania, Andorra, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Central African Republic, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions [2042 \(2012\)](#), [2043 \(2012\)](#), [2118 \(2013\)](#) and [2139 \(2014\)](#), and its Presidential Statements of 3 August 2011, 21 March 2012, 5 April 2012 and 2 October 2013,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic, and to the purposes and principles of the Charter of the United Nations,

Recalling its full endorsement of the Geneva Communiqué of 30 June 2012 which states that accountability for acts committed during the present conflict in the Syrian Arab Republic must be addressed,

Taking note of the reports of the independent international commission of inquiry on the Syrian Arab Republic, mandated by the Human Rights Council to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,



Noting the repeated encouragement by the United Nations High Commissioner for Human Rights for the Security Council to refer the situation to the International Criminal Court,

Determining that the situation in the Syrian Arab Republic constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* its strong condemnation of the widespread violations of human rights and international humanitarian law by the Syrian authorities and pro-government militias, as well as the human rights abuses and violations of international humanitarian law by non-State armed groups, all committed in the course of the ongoing conflict in the Syrian Arab Republic since March 2011;

2. *Decides* to refer the situation in the Syrian Arab Republic described in paragraph 1 above since March 2011 to the Prosecutor of the International Criminal Court;

3. *Decides also* that the Government of the Syrian Arab Republic shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor, including by implementing fully the Agreement on the Privileges and Immunities of the International Criminal Court, pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, strongly urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;

4. *Demands* that non-State armed groups in the Syrian Arab Republic also cooperate fully with and provide any necessary assistance to the Court and the Prosecutor in connection with investigations and prosecutions undertaken pursuant to this resolution;

5. *Expresses* its commitment to an effective follow-up of the present resolution;

6. *Recalls* the guidance issued by the Secretary-General on contacts with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court;

7. *Decides* that nationals, current or former officials or personnel from a State outside the Syrian Arab Republic which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the Syrian Arab Republic established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State;

8. *Recognizes* that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily and *encourages* States to make such contributions, noting the need for funding of expenses related to investigations or prosecutions of the International Criminal Court, including in connection with situations referred to the Court by the Security Council, as stated in General Assembly resolution [67/295](#);

9. *Invites* the Prosecutor to address the Council within two months of the date of adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution and requests the Secretary-General to circulate the report of the Prosecutor as a document of the Council, in advance of such briefings;

10. *Decides* to remain seized of the matter.
