

"الربيع العربي" - وقت لمجلس الأمن الدولي: نحو الشرعية والمصادقية والكفاءة

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ملخص:

هدف الدراسة: تسعى الدراسة الى البحث في إمكانية تعديل ميثاق الأمم المتحدة وبالأخص إصلاح مجلس الأمن الدولي في ضوء فشله بالتعامل مع الربيع العربي. فعلى الرغم من نجاح المجلس بالتعامل مع نظام معمر القذافي إلا أنه فشل بالتعامل مع أحداث الربيع العربي في كلٍ من مصر، وتونس، واليمن، وسوريا. **المنهجية:** اعتمدت الدراسة بشكل أساسي على نهج النظام الدولي إضافة الى المنهج الوصفي التحليلي. ثم تم توظيف الملاحظة - الربيع العربي كحالة تجريبية - وذلك من خلال دراسة الحالتين الليبية والسورية لمعرفة الفروقات الجوهرية لآلية تعامل مجلس الأمن الدولي لحماية المدنيين. **النتائج:** من أهم النتائج التي تم التوصل إليها: (1) كان دور مجلس الأمن الدولي خلال فترة الربيع العربي محدوداً جداً وامتاز أيضاً بازدواجية المعايير، (2) أن معايير المصادقية والمشروعية والكفاءة بحاجة للتمحيص الذي يتطلب إعادة النظر بالدور المفترض أن يقوم به مجلس الأمن الدولي للحفاظ على الأمن والسلم الدوليين. **الخلاصة:** يشكل الربيع العربي فرصة ذهبية لإجراء تعديلات على ميثاق الأمم المتحدة. إن توسعة العضوية الدائمة لتشمل ألمانيا، والبرازيل، واليابان، والهند - سيؤدي حتماً إلى مزيدٍ من الفاعلية والكفاءة - والتي قد تشكل مجتمعة حالة من التوازن يصعب من خلالها الهيمنة على صناعة القرار سواء بشكلٍ فردي أو ثنائي.

الكلمات المفتاحية: إصلاح مجلس الأمن، الربيع العربي، الشرعية، القانون الإنساني الدولي، استخدام القوة العسكرية.

'Arab Spring'- Time for the UN Security Council: Towards Legitimacy, Credibility and Efficiency

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Abstract:

Objective: The paper seeks to examine the possibility of amending the UN Charter, especially reforming the Security Council in view of its failure during the Arab Spring. Despite the Council's accomplishment in the Libyan case, it failed to deal with the events of the Arab Spring in Egypt, Tunisia, Yemen and Syria.

Methodology: The study mainly relied on the approach of the international system as well as the descriptive analytical approach. Observation of Arab Spring, as an experimental case, was implemented to mainly evaluate the Libyan and Syrian cases in order to reveal the fundamental differences in the mechanisms used by the UN Security Council to protect innocent civilians in the two states.

Results: The study's main findings were: (1) UNSC's role during the Arab Spring period was very limited, narrow and characterized by double standards; (2) Standards of credibility, legitimacy and efficiency need thorough examination which requires an urgent reconsideration of the role assumed by the security council to maintain international peace and security.

Conclusion: The Arab Spring represented a golden opportunity to amend the UN's Charter by expanding the permanent membership to include Germany, Brazil, Japan and India, which may lead to more credibility and efficiency and create a balance that makes it difficult to dominate decision-making either individually or bilaterally.

Keywords: Reforming the Security Council, Arab Spring, Legitimacy, International Humanitarian Law, Employing Military Force

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1. Introduction

The year 2010 marked a new era in international relations in which disorder, demands for political and economic reforms and regime change by the people shaped the internal affairs of most Arab States. These, combined with systematic violence conducted by regimes against their people, caused massive human rights violations in Tunisia, Egypt, Libya, Yemen and Syria. The Arab Spring dominated international relations from 2010 onwards. Although, international community was able to enforce Resolution 1973 in Libya through the legitimacy of the United Nations Security Council (UNSC), it failed to do so in the four other cases. UNSC Resolution 1973 authorized the use of force against Al Gadhafi's regime in response to acts against humanity, human rights atrocities, and breaches of the norms of international law.

This article examines the UN Security Council's failure in functioning to protect world peace and security. It also investigates the mechanism by which the Council determines whether or not a given tension or internal unrest might affect international peace and security. If so, then the question is whether those internal crises constitute a danger to international order or not! Whatever the case may be, one of the five permanent members may opt to reject the use of force to compel regimes from further breaching of international law, which obviously puts the UN Security Council under scrutiny and questions its validity.

2. Study problem, hypothesis and aims

While the United Nations is approaching its 75th anniversary, the international community is indeed experiencing the most severe increase of grave international security failures which challenges the UNSC's ability to effectively cope with them. Over the past nine years, crises accumulated and associated with the so-called "Arab Spring" have advanced troublesome erosion of great powers relations that seriously weakened and complicated designed and desired functions of SC, mainly its decision-making mechanisms to maintain international peace and security. In view of this, the problem that the current study aims to investigate is: Why did the SC fail to handle various international and regional crises (Arab Spring as a case study employed in this study) despite its main duty of maintaining international peace and security? In light of the above research problem, the research hypothesis is, therefore:

there is a correlation between the Arab Spring and the possibility to suggest desirable reforms to improve the SC's credibility, legitimacy and efficiency.

It is evident by now that the SC's responses to the dangerous developments and outcomes associated with Arab Spring events in Tunisia, Egypt, Libya, Yemen and Syria ever since 2010, are described to be as a double- standard, given its immediate and strong response to situations in Libya and its inability to respond in the Syrian case. It can be said that the SC- the international vocal body- failed to act to maintain peace and security due to its ineffectiveness in protecting innocent civilians from their own brutal regimes.

There is a heated debate centered on the failure of the SC during the Arab Spring and the ways in which it should be reformed to assure its effectiveness while dealing with inter- state conflicts that may harm international peace and security. Accordingly, this study intends to reveal the negative outcomes associated with the SC's paralysis to effectively cope with Arab Spring.

Needless to indicate that the five permanent members' domination over international decision-making connected to their response to handle cases that may harm international peace and security is fundamentally rooted in their veto right and the nature of anarchic international system in which each superpower preserves the right to protect its own vital interest and thus acts accordingly. There is plenty of evidence supporting the above-mentioned argument, for instance the US administration has always employed its veto right against issuing any resolution that condemns Israel actions during the Israeli-Palestinian conflict. The US successive administrations have casted their veto power 43 times against any UN resolution against Israel (Middle East Eye, 2017). Meanwhile, both Russia and China used the same mechanism while handling the Syrian crisis, as both states employed their veto right 12 times (The Conversation, 2018).

That said, it can then be argued that the realism approach that still governs the international system, in which Hans Morgenthau and Kenneth Waltz's ideas of interests are defined through actual power which is combined with the absence of international government or superior power that may be referred to during a crisis, will certainly lead

to competition between states to gain more power and influence (Waltz, 1979; Morgenthau, 1978).

3. The Study Methodology

With the Arab Spring being used as an empirical case, the study mainly relied on the international system approach along with analytical descriptive and observational methods as a sort of case study. The analytical descriptive approach indicates the ability to determine the nature of the phenomenon and its elements, parts, and relationships with internal and external environments, and then divides and dismantles the subject chosen in an attempt to study its primary elements, and later subjugate the research problem to examination and scrutiny to reach the research results (Al- Qasabbi, 2007). This approach was also combined with the legal institutional approach, which was adopted to uncover the actual activity of the UNSC and the nature of the forces influencing its decision-making (ibid: PP. 185-186).

In his book *System and Process in International Politics* (1957), Morton Kaplan advanced the political system theory founded by David Easton, and introduced the international systematic theory. In his theory, approaches to study international system consisted of four interrelated elements: inputs, process, outputs and feedback. The inputs consist of tensions, conflicts, struggles, and peaceful aspects that occur in the international environment, which require treatments in sort of immediate responses and actions by international community, particularly the P5 nations. The outcome of the process element can be translated through stances, involvements, and reactions. Feedback is manifested through agreements or disagreements to actions taken. This in turn may lead to more stability or instability of the international system. Kaplan's ideas were centered on structure and interacting units; structure is all about the arrangements of the system parts.

Kaplan's structure of the system included six different models, namely balance of power between super-powers, loose bipolar system, tight bipolar system, universal international system, hierarchal international system, and unit veto international system.

Accordingly, the study relied on Kaplan's ideas on the international system approaches, especially his ideas on the balance of power and the right of the five permanent members to use veto when they believe that

their vital interests or influence areas are at imminent risk. This is also closely linked to the neorealism way of thinking that became central after the September 2001 attacks against the United States. Kenneth Waltz (1979) and Hedley Bull (1977) advanced their neoliberalism approach to the study of the international system in which they indicated that anarchy is dominant in international life. In his book *theory of international politics*, Waltz pointed out that anarchy is a type of structure. According to him anarchy, material forces along with distribution of relative powers, determines international politics. Logically, states are the units of the international system which act according to their position in the system. The absence of international government means that anarchy dominates and thus states deal with each other with high levels of uncertainty which creates the desire to obtain more power through alliances, military expansions, economic gains, and maintenance of their own material interests.

In his book *The Anarchical Society: A Study of Order in World Politics*, Hedley Bull (1977) spelled out his own thoughts regarding international system, and the major assumption on which his thesis was centered was that '*international society is anarchical given the absence of a central order*'. Bull then connected the balance of power with international law and indicated that both notions shaped international relations. According to Bull, balance of power functions to preserve the system and thus states obey international law as long as it serves their interests, and when the international law contradicts such interests, states tend to disrespect or even breach this international law. Hence, super-powers act in a way to serve and maintain their desired intentions manifested in interests and influence areas.

After the peaceful collapse of the former Soviet Union in 1991, the so-called Cold War between the two superpowers ended marking the demise of bipolarity and the emergence of a unipolar system that started to govern international relations; the USA became the only superpower. From the early 90s of last century to date, inter- and intra-state conflicts intensified due to a power vacuum created by the absence of the former Soviet Union's influence. This resulted in weakening the UNSC's role in maintaining international peace and security. Given that unipolar system of international relations and the domination of the US, the international

environment was characterized by instability; during the 90s the US employed its veto right as never before.

The above-mentioned argument is well established and recognized by the theory of Structural Realism whose scholars emphasized that bipolarity tends to be more peaceful than unipolarity, and that was the case even during the Cold-War era in which the two superpowers deterred each other through the balance of power. According to those scholars, the era following the collapse of the former Soviet Union has been characterized by imbalance, and hence each of the five permanent members resort to employ its veto right in order to protect its own vital interests by preventing other powers from breaching its influence areas or endangering its vital interests. They also stress that after the September 11 attacks against the US in 2001, international relations became more attached to realism thoughts than ever before. This in turn downplayed the central role of the UNSC in maintaining peace and security (Brown, 2004; Dunne, 2004; Snyder, 1991 & Mearsheimer, 2001, 2010).

4. Literature review

There is a vast literature - ranging from books and articles to legal documents issued by the UN Secretariat- on reforming the SC by referring to two categories: one is related to expanding the SC's membership, and the other outlines the veto responsibility. The literature review of this study focuses on these two categories as well as discussions on the *Responsibility to Protect* (R2P) action and humanitarian intervention to provide better understanding of the UNSC's responsibility to protect innocent civilians in distant states. It's worth mentioning that the current study draws on the academic efforts mentioned in previous studies and tries to utilize the reform suggestions of UN Security Council since the reform proposals are focused on the same central issues related to increasing the SC membership, limiting the veto use, involving the General Assembly, and enhancing the influence of the regional powers in international decision-making.

Proposals to reform the SC continue to populate international legal discourse since the first amendment, Resolution 1991- XVIII, made in 1963, increasing the number of non-permanent members from 6 to 10 (Ronzitti, 2010). Not surprisingly, previous literature isolated the disadvantages in the structure of the SC; notably its legitimacy- in

separating itself from the national interests of the Permanent Members (P5), its creditability when Vetoes are routinely used in contravention to the Charter obligations and values, and its efficiency when the use of force is removed from the options menu for resolving emerging crises. On one hand, the Veto right practically paralyzes any effort to issue a needed resolution without unanimous consent of the P5. On the other hand, the UN's General Assembly consists of 193 states, with one vote per member state. Given that this mechanism of representation in the SC is inadequate, permanent membership should be amended to include more members of some new emerging powers (Center for UN REFORM Education, 2007).

In the same vein, a 2003 study proposed the ideal reform through expanding and increasing permanent membership from five to ten, making the SC more representative and thereby diluting the hegemony (Teng, 2003). Another study characterized the SC as to be in a cross roads after its disastrous response and its failure in the 1990s to deal with the genocides in Rwanda, Srebrenica and Somalia (Einsiedel, Malone & Ugarte "eds", 2015).

Veto responsibility is a recurring theme that warrants exploration. In cases of genocides and mass atrocities a "code of conduct" is an intriguing pathway to overcoming the Veto right, meaning that there should be a full agreement among SC members, which should, in theory, be more easily obtained, and thereby outcomes can be improved by efficiency and raising both UNSC credibility and legitimacy in the process. As such, decision-making functions must operate to limit the veto power in certain circumstances such as massive human rights violations. Also, there should be full engagement between the P5 and civil society to advance public opinion in opposition to casting a Veto. Finally, the P5 states need to downplay the effect their national interests have on the way in which these states respond to human rights violations (Citizens for Global Solutions, 2014).

In his coherent and extensive study titled *the Responsibility to Protect and the right of Veto in the Security Council: some recent examples*, Espada (2014) presented the case that the SC needs to be reformed and developed in a concrete matter, and that is by blocking the permanent members' vetoes, as referenced in Article 27, Paragraph 3 of the UN Charter when there is indisputable evidence of crimes against

humanity, genocide, mass-killing and any serious violations of international humanitarian law.

A 2015 study, sponsored by *The Hague Institute for Global Justice: Commission on Global Security Justice and Governance* and prepared by Vesselin Popovski, proposed to reform the SC through expanding its membership to include the G4 nations, namely Japan, Germany, India and Brazil, in addition to some African candidates as well as blocking the right to Veto in cases where R2P is applicable due to proven human rights violations (Popovski, 2015).

Due to inequality, Hurd (2007) proposed changing the mechanism of membership to include more non-permanent and permanent members, and if this is not accomplished relatively soon then the SC might lose its international legitimacy and accordingly its power; hence reform is required to maintain the existence of the SC. By reforming the SC's structure, its legitimacy shall gain more momentum.

Boutros Boutros Ghali, then UN Secretary General, launched his influential policy document in 1992, which was the first attempt to address new emerging trends in international relations. The document entitled *An Agenda for Peace* demanded immediate response and humanitarian intervention in cases of civil wars for the sake of protecting innocent civilians against genocides and massacres (Frechtte & Kristensen, 2012).

In his extensive study *Reform of the Security Council*, Freiesleben (2008) discussed the efforts undertaken by then Secretary General Kofi Annan in 2003 proposing reforms necessary to advance the duties of the SC in the post- Cold War World and ascribing both urgency to the Council's decisions, and increased legitimacy when addressing troubles in the developing world (Ibid: 5).

The panel released its report *A More Secure World: our Shared Responsibility*, listing 101 recommendations to reform the SC. The recommendations were divided into A and B models. The models agreed on the need to expand the membership of the SC to 24 members: Model A suggested adding 6 new permanent members without Veto Power and a further three new elected members on two-year terms. Model B proposed adding eight seats on renewable four-year terms and one new two-year non-renewable member (Ibid: 5).

Before concluding the literature review section, it is crucially important to review some literature on two notions: the first is R2P and the second is Humanitarian intervention. In his comprehensive study entitled *Failure of Integrating the Responsibility to Protect Law in Syria and its Implementation in Libya*, Al-Qaralleh (2018) examined in depth the principles of R2P and evaluated its implementation in the Libyan internal crisis and the failure to implement it in the Syrian case. The study conclusion indicated that the adoption of R2P against Gaddafi's regime through resolution 1973- in which the SC authorized all necessary measures to protect civilians- has in fact damaged the reputation of R2P doctrine. This raised many doubts regarding adopting the doctrine in other similar cases, particularly in Syria. The UNSC was able to issue a resolution against Gaddafi's regime in only three months, and was unable to impose the same measures against Assad's regime for almost nine years despite documented human rights violations. Al-Qaralleh (2018) demonstrated that the failure to authorize measures against Syria - due to Veto power casting by Russia and China- has negatively harmed the efficiency and creditability of the UNSC and R2P doctrine.

In a coherent matter, Bellamy and Dunne (2013) emphasized that all benchmarks were met to impose R2P on Libya, given that all permanent members agreed upon imposing military force through authorizing resolution 1973; however, due to rejections of both Russia and China manifested by employing their veto rights, it has never been possible to allow using military force against Syria.

In his extensive and influential study entitled *Humanitarian Military Intervention: the Conditions for Success and Failure*, Seybolt (2008) indicated that humanitarian intervention is politically limited, and it is a short-term action that aims at stopping and eliminating innocent peoples' suffering in distant states. In practice, it intended to reestablish lasting peace and construct a new political system in which people start to think about their own fate and hence can determine the ideal political environment more than just thinking about survival.

Seybolt (2008) further pointed out that humanitarian intervention was grounded in protecting fundamental human rights in extreme internal situations in some states where atrocity, genocide and ethnic cleansing dominate the scene in places like Somalia, Kosovo, East Timor, and Bosnia Herzegovina.

5. Study importance and significance

There is a large body of literature investigating SC reforms, but there is a paucity of studies that tackle the topic with an eye to the Arab Spring and the silence surrounding the Syrian crisis' impact on international peace and security. The uniqueness of this study stems from its attempt to shed some light on those situations that threaten international stability, as employing the SC Vetoes against resolutions that authorize the use of force against Assad's regime to avoid another interpretation of R2P as regime change supported human rights violations.

6. International legal efforts to reform SC (the 1963 Amendment)

Due to the major growth of UN membership subsequent to the creation of the organization combined with changing international politics, demanded increasing the number of members in the SC. The drafters of the UN established two interrelated bodies, namely the General Assembly and the Security Council: The General Assembly assumes general functions, whereas the Security Council has executive authorities for the purpose of maintaining international peace and security. The 1945 agreement of the newly established organization granted the five super-powers the permanent membership of the SC, which gave them the right to veto any resolution in substantive matters connected to maintaining peace and security (Weiss, 2003; UN Charter, 1945).

Before the 1963 Amendment, situations then drove newly established nations to demand a major reform in the structure of the SC membership. After the creation of the organization, many states gained their independence and the phenomenon of colonialism disappeared from international relations, which increased the members of the General Assembly in a dramatic and steady manner (Weiss, 2003:148). Unsurprisingly, the UN's membership grew from 51 in 1945 to 114 states in 1963; for instance, during the years of the establishment, only six African and Asian countries were represented, but two decades later, half of UN's membership was from those two continents. Unsurprisingly, these "newly decolonized countries demanded a better reflection of their numbers and priorities in the Security Council and throughout the UN system" (Weiss: 149). Resulting from 1963 amendment, the SC's Membership was expanded to include 15 members: permanent members

comprising the United States, the United Kingdom, France, China, and Russia, and ten non-permanent members elected by the UNGA for a non-renewable two-year term.

7. The Arab Spring and the dilemma of UNSC measures

7.1 The Arab Spring

By now it has become evident that the revolutionary wave that swept the Arab world was motivated by the masses emotions to demand some economic and political reforms as a result of long-lasting suffering and hardships during the eras of existing regimes. At the beginning, the demonstrations and protests started by demanding some economic and political changes, but these demands were rejected and ignored by the regimes, and a systematic aggression started targeting unarmed civilians by practicing mass-killing, torture, atrocities and random imprisonment. Due to acts conducted by governmental forces, civilians escalated their demands asking for regime change and the necessity to topple the existing ruling in some Arab countries like Tunisia, Egypt, Libya, Syria and Yemen. Out of these five Arab states, only the Syrian president Bashar Al- Assad has been able to remain in power regardless of Syrian people's demands for him to step down and despite the inhuman acts that have been conducted by the regime for the last eight years. The reason behind the continuity of the regime is the Russian and Chinese support in UNSC by blocking any resolution that authorizes the use of force against Al-Assad's regime, and also by the Russian military support in confronting the Syrian Free Army.

Tunisia sparked the ignition for the so-called Arab Spring as situation became flammable in December 2010, when a street fruit merchant Mohammed Bouazizi set himself on fire on December 17th, 2010 in response to the police harsh treatment to him when he requested issuing a license for vending his produce. Shortly after this incident, protestors who suffered from poverty and corruption for many years, started to gather in the streets of Sidi Bouzaid city and spread all-over Tunisia, which was met by fierce crackdown by the police who started shooting at the peaceful protestors and conducted massive arrests and acts of torture. Consequent to the actions taken by the governmental forces following president Ben Ali's orders to enforce sever punishments (Blitz,2014), protests became more violent, and it was reported by UN

Human Rights Council that at least one hundred civilians lost their lives in January 2011 due to the excessive use of force and inhumane acts conducted by police (UN News, 2011). Some other reports indicated that at least 308 people were killed including 74 prisoners who lost their lives as a result of brutal acts in prison. (Amnesty International, 2011).

Within days of the Tunisian Revolution unleash, Egyptian masses started to gather in Cairo squares on 25th of January demanding some major economic, social, and political reforms. According to El Nagggar (2012) "one of the principal sparks of the Egyptian revolution was the lack of respect for human rights, embodied in the killing of Khalid Said at the hands of the police before the revolution". Following this incident, tension and bloody confrontations began between the security forces and the citizens. This wave of violence broke out in some other Egyptian cities, mainly Alexandria and Suez in which military forces were deployed to suppress innocent civilians there. Due to the brutal military involvement against protestors, Mubarak lost his legitimacy especially when the scale of revolt increased and pressure intensified during the organized Fridays' demonstrations (Baker, 2012).

In a chronological way connected with the Tunisian and Egyptian revolutions, the Libyan situation became dramatically heated as robberies, clashes, carjacking and the use of explosives on a daily basis became the norm of the demonstrators' acts. As a response, Gaddafi announced in February, 2011 his so-called war on Libyan uprisings. Libyan security and military forces conducted heinous atrocities and savage attacks against the rebels committing massacres among protestors whose fatalities were in thousands (Mitsuhsa, 2017).

The revolution turned ugly as tensions escalated to become an armed conflict between the armed rebels and the state army. During that phase, protests gained more power and support, which drove Gaddafi to order heavy airstrikes against the rebels. Days later, Gaddafi broadcasted his speech in which he declared that he would fight to the last drop of his blood, and in order to maintain his power he would never hesitate to cleanse Libya " house by house, killing protests like rats" (Lindstrom & Zetterland, 2012).

Following the atrocities and major human rights violations that were committed in February of 2011, the UNSC issued Resolution 1970

in which it condemned the Gaddafi's lethal employment of force against his own people. The British idea of enforcing a No-Fly Zone that had been adopted in a later stage indicated the urgency to prevent the transportation of mercenaries to aid Gaddafi's efforts in defeating the rebels and also to block him from using air-force and helicopters to strike innocents civilians on ground (UNSC Resolution 1970; Alistair, 2011). Resolution 1973 was then adopted and agreed upon by the UNSC in which it established the NO-Fly Zone to guarantee the safety of the Libyan people; it also authorized using all necessary measures to protect the lives of civilians. NATO was chosen to lead the operations under the Operation Unified Protector (OUP). It was NATO's responsibility to enforce arms embargo, protect populated areas from attacks or any threat of using force by Gaddafi's forces, and maintain a No-Fly Zone (UNSC Resolution 1973). On 31st March, 2011 Gaddafi was captured and slaughtered immediately by the Libyan militia that was supervised by the OUP (Mitsuhisa, 2017).

Like what happened in Tunisia and Egypt, the Arab Spring started in Yemen on January 27th, 2011; activists and civil society masses gathered in the capital Sana'a demanding major economic and socio-political reforms. Ali Abdullah Saleh's regime responded quickly through its security and military forces that preemptively occupied Tahrir Square in Sana'a which was full of pro-regime supporters. In response to that, anti-regime protesters occupied Sana'a University's nearby streets and named it as the Change Square which became the headquarters and heart of the Yemini Protest Movement. Rebels also started to gather in thousands in other Yemini cities, mainly in Taiz, Aden and Al-Mukalla (Gordon, 2012; Fattah, 2011).

In 2014, a major dangerous development took place as a result of president Hadi's resignation, which was an unexpected move that led to the escalation of the internal disputes to the point where military confrontation started between Hadi's formal forces (that represented the Sunni protesters who emphasized the legality of Hadi's ruling) and the Shi'ite Houthis who occupied Sana'a and areas in central Yemen. Up till now, Yemen is still suffering from insurgents and guerrilla attacks conducted by the two sides, Sunnis and Houthis, while innocent civilians are the ones who are paying the price. The death toll and suffering among

Yemeni people increase everyday due to instability, violent clashes and atrocities that in reality construct a clear example of a major genocide.

The Syrian situation has been unique, or as described by one scholar, the Syrian revolution was similar to the other revolutions of the Arab Spring, but it had a very different outcome (Alrowaiti, 2017). Accordingly, it is logical to ask why the Syrian regime was able to survive the Arab Spring! This research paper shall provide an answer to this question by revealing why the situation in Syria is different from the Libyan case.

The Syrian revolt started in the southern region, precisely in the city of Deraa, and tension escalated when the public marched in the streets of Deraa in protest demonstrations against the regime, which were brutally confronted by the police forces who killed four people in cold blood (McHugo, 2015).

During the years of the domestic unrest, Syria suffered from a major humanitarian crisis, which is still intense as mass atrocities are taking place daily. It is evident by now that the Syrian regime is suppressing opposition groups and civilians living in the rebels' areas, and it is also using excessive force against its population as well as chemical weapons. This occurred regardless of humanitarian law that should have been activated in such a case through referring to the Responsibility to Protect law (R2P) which was adopted by UNGA in 2009 to respond to situations where states failed to protect their own population, and which had been enforced against Gadhafi in 2011.

7.2 The dilemma of UNSC measures

Before examining the role of UNSC during the Arab spring, it is essential to shed some light on the law of R2P, which legally constructs a foundation for any humanitarian intervention in response to major human rights violations. The Responsibility to Protect principle became the pre-eminent legal rule when dealing with human rights violations.

In 2001, the International Commission on Intervention and State Sovereignty's report (ICISS) presented a replacement to the previous notion of humanitarian intervention which was used by the international community as a legal tool to intervene in cases of human rights violations that include atrocities and genocides. The new proposed notion was the R2P which was approved in the 2005 United Nations World Summit, and in later stage, specifically in 2009, it was adopted by the UNGA as a new notion in place of the humanitarian intervention notion. The

concrete foundation of R2P is based on the idea of a combined, dual and interrelated relationship between two sides: the first is the government and its citizens, and the second is between nation-states and the international community. Hence, the state is responsible to maintain the safety, security and protection of its own population, and if it fails to do so then the responsibility will shift to the international community to intervene to ensure the protection of the state's population and the prevention of inter-state conflicts (Dembinski & Reinold, 2011; Hehir & Pattison, 2015; ICISS Report 2001).

Starting with the pro-democracy protests that occurred by the end of 2010 in Tunisia that marked the unleash of the so-called Arab Spring, it can be argued that the UNSC and the international community failed to respond in a timely and collective manner given the large-scale random and irrational governmental attacks against unarmed civilian protests. A substantive analysis indicates that only some Human Rights Council branches; independent human rights experts, and officials of the High Commissioner for Human Rights (HCHR), showed some concerns to human rights breaches in Tunisia through condemning violent attacks against civilians (Cairo Institute for Human Rights studies, 2012). For instance, after the death of 21 Tunisian protestors on January, 2011, the HCHR called for a reliable and creditable investigation to be carried out in the employment of excessive force against demonstrators, widespread arrests, and torture and ill-treatment of detainees (UN Daily News, 2011).

Despite the great role played by HCHR during the Tunisian revolution, however, the case was regarding implementing UNSC measures through referring to R2P law to deal with Tunisian regime's failure in protecting its own population. While discussing R2P law earlier, we indicated that in cases of states' failure to protect their civilians or breaching basic human rights then the responsibility automatically shifts to the international community, and the UNSC becomes the right authority that is responsible for ensuring the highest degree of protection of civilians suffering from the systematic violence conducted against them by their own governments. This had never been the case in Tunisia given the fact that the UNSC measures had never been applied to deal with the atrocities and aggressions exercised by the security forces against defenseless protesters.

Contrary to the above argument that indicated the necessity of

UNSC involvement in the Tunisian matter, one scholar argued against UNSC supposed role. Toyin (2013) stressed that the situations in Tunisia never escalated to the point where it was considered a civil war, and it was merely a civil resistance which lasted only 25 days. However, the same scholar elsewhere in his study admitted that the security forces used excessive force to put an end to the protests calling for the immediate overthrow of the existing regime then.

Let us assume that Ben Ali hadn't stepped down, what would the result have been then? The answer would have been more bloodshed and human rights abuses that would have led to a civil war that would have affected international peace and security. This prediction is both legitimate and logical given that the UNSC's role does not merely rely on speculation and assessments, but its actions in response to human rights abuses should be quick, accurate, decisive and effective.

It is noted that the role of the UNSC did not differ from the Tunisian situation, despite the great violations committed by the security forces against the Egyptian demonstrators, which had resulted in arbitrary killing and imprisonment immediately before Hosni Mubarak stepped down. Notwithstanding the massacre of Raba'a Square, the Council did not attempt to carry out its duty of protecting civilians from violent government measures. It is certain that the Egyptian regime, whether under the rule of Mubarak or Morsi infringed the basic rights of Egyptian citizens, which include the right to express opinions and the right to self-determination. It also failed to provide the lowest levels of protection for civilians. However, we note that the SC did not intervene to protect civilians against violations, which constructed a clear and legitimate case that urgently requested applying the standards of R2P. However, the irrational silence was the mechanism by which the SC dealt with the events happening in Egypt at a time when it had to intervene during the massacre of Rabaa'a.

Concerning the eight year unfortunate bloody reality in Yemen, the SC adopted eight resolutions, most of which only condemned the Houthis' aggravated behaviors and actions and urged them to comply with its calls for ceasefire. The 2015 resolution, for instance, demanded the Houthis to start peaceful negotiations to end the insurgent actions and killing. Resolution 2216 of 2015 also employed economic sanctions

against the Houthis in which arms embargo and travel restrictions of Houthi leaders were imposed (UNSC Resolution 2216, 2015).

In 2015 alone an estimated figure indicated that almost 8600 were killed and 49,000 injured (Ibid). In light of the negative consequences of the Yemeni conflict, one has the right to question the role of the SC in protecting the lives of innocent citizens who have suffered from the consequences of the Saudi-Houthi conflict. Instead of imposing economic sanctions and issuing blockade resolutions, the SC is supposed to issue a decision that gives permission to the use of military force in Yemen based on Article 42 of the UN Charter due to the failure of economic sanctions (through the implementation of Article 41 of the UN Charter). It is legally stipulated that in case Article 41 failed to fulfil its desired objectives, it is then deemed necessary to activate Article 42 to end the people's suffering due to domestic unrest that might have an impact on international peace and security.

Hence, it can be argued that the SC failed to fulfil its own duties of protecting innocent civilians in Yemen and didn't intervene despite its knowledge of proven and documented breaches of human rights there. In 2017, Stephen O'Brien, the Under-Secretary General for Humanitarian Affairs indicated that due to Saudi Coalition and Houthis fighting, almost 17 million Yemenis suffered from starvation, while 16 million lacked access to water and medicine (UN News, 2017).

In contrast to the negative and ineffective position of the SC in dealing with the previous three cases, which proved the failure of the Council to carry out its main duties related to the need to protect innocent people from their violent regimes that violated human rights, the Council responded to the Libyan case and dealt with the Gaddafi regime quickly, accurately, effectively and decisively. In a short period of time, the Gaddafi regime was terminated and the Council's procedures and actions (through the NATO's leadership) were able to weaken and destroy the Libyan military force. During this period, Gaddafi was forced to flee the capital and was later spotted by the French Air Force, which delivered his location directions to the Libyan opposition forces who captured and slaughtered him on the spot.

With the early start of the revolution in Libya, the UN organs were deeply concerned with the development of events and how to stop the

regime's violations of human rights, protect innocent civilians and reach a cease-fire between the Gaddafi's forces and the opposition in order to alleviate the massive humanitarian suffering.

Gaddafi's unwillingness to cooperate with UN organs, and his incomppliance with the SC resolutions with regard to attacking and killing innocent people by bombarding civilian areas, drove the Council to tighten its measures to enforce Gaddafi to stop his aggression against the Libyan people. Accordingly, the SC activated Article 41 of the UN Charter through issuing Resolution 1970 which imposed sanctions on the sales of weapons to Libya, froze Libyan international financial assets, and forbade governmental personnel and ruling family members from leaving the Libyan territories (UNSC Resolution 1970, 2011; Murthy, 2018).

Resolution 1973, which authorized employing all necessary measures to ensure maximum levels of civilians' protection, was adopted on March 17th, 2011. The Resolution also enforced a no-fly-zone in order to prevent Gaddafi's air-force strikes against Libyan cities under the control of anti-Gaddafi forces (UNSC resolution 1973).

For the first time, the UNSC implemented R2P measures against Libya, which was adopted by the UNGA in 2009 as an alternative to the previous principle of humanitarian intervention. The legal case for R2P adoption was based on the Libyan regime's failure to ensure the lowest levels of protection for its people, and also as a result of atrocities and barbarian actions committed by Gaddafi against his defenseless people.

Adoption of R2P in Libya lacked directions and was mismanaged and misguided given that NATO exceeded its designed function, which led to a major political and diplomatic vacuum in Libya. Since Resolution 1973 never aimed at changing the regime, it was designed to protect civilians and end aggression in Libya. This undesired outcome was manifested in a severe civil war that broke out between two opposing sides: the first was represented by the elite groups in Benghazi city east of Libya, while the second was represented by the post-Gaddafi transnational forces stationed in Tripoli. It has been estimated that 800,000 people were forced to flee their own cities, and thousands lost their lives as a result of this vicious civil war (Zambakari, 2016; Sarkin, 2016). It became evident that the removal of Gaddafi by NATO and his

subsequent slaughter by opposition forces had left Libya soaking in a civil war swamp, as the country according to Murthy (2018) "slid into unending chaos, terror, and lack of single political authority".

The situation in Syria was not in line with the interests of the SC, as it was in fact a real challenge to its legitimacy, effectiveness and credibility. This was in contrast with its firm and effective position during the Libyan situation, which resulted in a UN resolution authorizing the implementation of all necessary measures to protect civilians from the systematic violence conducted by the Gaddafi regime against his own population.

Despite the escalation of vehement events in Syria associated with the revolution and its demands for regime change, and regardless of the international community and majority of the Arab states who urged the necessity to military intervention in Syria - similar to the procedures undertaken in Libya- however, the SC had disappointed expectations and this was due to Russian and Chinese position which opposed and rejected (by relying on their Veto right) the use of force against the Assad regime in numerous occasions (Murthy, 2018; Garwood-Gowers, 2013).

An examination of SC response to events that had taken place from 2011 to 2018 indicates that due to disagreement between the Five Permanent States regarding imposing and implementing resolutions that are necessary to end violent actions, the Council is divided into two polarized blocs. Comparing the total of resolutions connected to the Libyan crisis with the ones connected with Syria indicates that during the Libyan tension 28 resolutions were issued, whereas only 21 resolutions were adopted in the Syrian case. Those resolutions that were approved by the Permanent Members dealt with issues related to supervising the destruction of chemical weapons, preventing the Islamic State in Iraq and Syria (ISIS) and Al-Qaeda terrorist threats, managing ceasefire periods, and sustaining humanitarian relief efforts by providing food and medicine aids (Murthy, 2018; Hehir, 2016; Bernard & Gladstone, 2012).

However, 10 drafted resolutions never had the approval chance, given that both Russia and China casted their Veto right. Those proposed texts had indicated ways in which the SC should have responded to the Syrian regime atrocities and actions against civilians; as such the objectives of these designed draft resolutions were to

condemn the Syrian regime for its inhuman actions, threaten imposing either transportation or economic sanctions, regime employment of chemical weapons, and threatening the President and his ruling government of prosecution in front of the International Criminal Court (Murthy, 2018; New York Times, 2013; Birdsall, 2015). To cope with the SC deadlock, UNGA responded accordingly and was able to issue 7 resolutions; Resolutions A/66/253 and A/66/253B adopted in 2012 were among the most important as they strongly condemned the Syrian regime for its violence against innocent civilians, and they also extensively criticized the SC's failure to act (UNGA Docs: A/66/253 & 253B, 2012).

With the escalation of violence in Syria due to fierce fighting, signs of an outstanding agreement among SC members emerged. The opposition seizing and holding of some major Syrian territories through the help of some Arab and Western states made the Syrian regime more precarious. Meanwhile, responding to Al-Assad's calls for assistance, Russia started striking rebels and ISIS locations. These major developments created a more complicated environment within the SC. The SC confusion became evident when it was unable to act immediately to address the documented and proven employment of chemical weapons (such as serine and chlorine) by the Syrian regime on various occasions against civilian targets in Homs, Aleppo, Edlib, and Khan Sheikoun. These attacks added to the death toll among innocent civilians and aggravated human sufferings. The inability to deal with this dilemma, together with the major threats posed by both ISIS and al- Qaeda drove the SC to draft resolutions that were capable of addressing those dangerous emerging issues (Garwood-Gowers, 2013; Murthy, 2018; Hehir, 2016; Adams, 2015).

Since 2014, a total of 14 resolutions have been adopted by the SC, of which 7 were related humanitarian aid and civilian evacuation of Aleppo city; four other resolutions were issued aiming to destroy chemical weapons; and 4 called for international assistance and collaboration in the fights against both ISIS and Al-Qaeda networks. Three resolutions called for political settlement between the fighting parties in the Syrian conflict (Adams, 2015; Murthy, 2018).

It is worth to point out that in 2011, the SC failed to issue a resolution (due to Russia and China's veto) similar to the one adopted against Libya in the same year that authorized the implementation of all

necessary measures to ensure civilian protection and the creation of a no-fly-zone in Libya. The drafted resolution (voted text) included a condemnation of the systematic and grave human rights violations by of Al-Assad regime, and called for further actions in case of the regime's incompliance that might include enforcing Article 41 of the UN Charter (UNSC Doc S/2011/612, 2011).

A second trial to issue a resolution aiming to end the violence conducted by the fighting forces in Syria - governmental and opposition forces- was initiated on February 2012, but both Russia and China vetoed the draft resolution by claiming that it was imbalanced. In view of the brutal acts and usage of chemical weapons against innocent civilians by the Syrian regime, three of SC permanent members, namely the USA, France and England proposed in 2014 referring the Syrian government to the International Criminal Court (ICC) to investigate charges of war crimes committed against humanity by the Syrian regime for possible prosecution (Murthy, 2018).

In 2017, a draft resolution (Security Council Report, 2017) aiming to activate the UN's Charter mechanism outlined in Article 41 was issued, in which sanctions shall be applied in case the Syrian government breached international humanitarian law and caused a major threat to international peace and security. Nevertheless, this resolution also was not approved by Russia and China.

The Syrian situation represented a true challenge to the creditability, effectiveness and equality of the SC, which for eight years failed to issue an equivalent resolution - against Al-Assad - to either 1970 or 1973 resolutions issued to deal with Gaddafi's brutal acts. Despite proven and documented employment of chemical weapons against civilians in Aleppo and Edlib, both Russia and China casted their veto right which in turn made it impossible to grant UNSC resolution that authorized the use of force based on the R2P doctrine. The UNSC failure in the Syrian case represents a golden opportunity to amend the Charter to overcome the intransigence of some of the permanent members in cases of human rights violations.

8. International System Approach as a foundation to explain UNSC's deadlock during crises

In our methodology section we came across Kaplan's ideas on

international system in which he indicated that the system should react to crises through inputs that urgently demand responses to maintain the system. Also, it had been previously argued that unipolar system is a major reason for increasing tensions and conflict and driving international environment towards instability. This, combined with the notions of balance of power and securing vital interests, should offer concrete evidence of why the UNSC acted in such matters. Lack of centralized international authority motivates nations to be polarized around more anarchical behavior. The Structural Realism Doctrine emphasizes that the P5 states after the Cold-War resort to use their veto power to block any rival among them to obtain or gain more power that may in turn negatively threaten or challenge their own vital interests.

It can be argued that the end of Cold War paved the way for the end of post -1945 deadlock of the SC. This was evident during the coalition formed to deal with Iraq's invasion of Kuwait which was associated with the collapse of the former Soviet Union and the disintegration of Yugoslavia. In less than one year, the SC was able to agree upon 12 resolutions to deal with threats imposed by Saddam's regime against international peace and security. Those resolutions were constructed to legitimize actions against Saddam and also to build international coalition able to force Iraqi army to immediately withdraw from Kuwait and thus restore stability in the Gulf region. This in the words of then US President George H. W. Bush formed the establishment of the so-called New World order, a world of US unipolar hegemony system (Oudenaren, 2009).

The success of the US leadership military operations against Iraq, combined with the end of Cold War, marked an era in which disharmony among permanent and non-permanent members was muted and the SC started to harmonically function. The US Between 1990 and 1996 casted its veto right only three times, Russia twice, and both France and China never exercised the veto right. However, during the years 1996 and 2003 the US employed its veto right nine times, eight of them concerned Israel at the time Russia and United Kingdom and France never used a single veto, meanwhile China casted its veto right twice (ibid: 5-6).

The year 2003 marked a radical change in using the veto right, and it was characterized as resorting to Cold War patterns. During that era the US, China and Russia became more liberal in using the veto right. The

US maintained its stance in blocking any resolution against Israel by casting its vetoes in 2004 and 2006. Russia casted its veto against the deployment of UN Peacekeepers forces to handle the bloody situations in Cyprus in 2004, Burma 2007, Zimbabwe 2008, and Georgia 2009. China too used its veto right in the cases of Burma and Zimbabwe. All P5 nations casted their veto rights to condemn or to use military force despite of documented humanitarian breaches (ibid: 6).

In the run up to Iraq invasion of 2003, France from the very beginning declared that it would veto any resolution authorizing the use of military force against Iraq. Also, France, China and Russia - from 2003 to 2009- declared that they would block any resolution to reinforce sanctions against Iran for its nuclear activities (Oudenaren, 2009).

It has been argued that UNSC under the present unipolar system suffers from lack of legitimacy due to three interrelated factors: (1) decision-making is more about dictatorial system, particularly after the Cold War's unipolar order which in turn made the SC sidestepping provisions of the UN Charter; (2) the SC's systemic arbitrariness, particularly in its resolutions under Chapter VII of the Charter, in which permanent members exclusively depended on the accumulation of interests while treating international issues, and accordingly discarded considerations related to international security outlined in Article 39 of the UN Charter; and (3) a realism policy relying on double standards when handling international crisis, which is due to the lack of political checks and balances as well as of legal limitations under the above described circumstances (Kochler, 2007).

The major dilemma of the SC is that it is an outdated instrument that only serves the interests of superpowers, and that it reflects the 1945 era of balance of power. Hence the problem lies in the old order that provides the agenda of actions by the only superpower. Previously, the research analyzed the UNSC failure to treat the Arab Spring crisis despite major threats to international peace and security and regardless of human rights violations that should have triggered UNSC mechanisms to protect innocent civilians by referring to R2P. The UNSC was able to manufacture consent while responding and handling the Libyan case, but it failed to issue the same authorization to use force in other Arab Spring cases. Then it can be argued that balance of power or lack of balance of power and the aims to protect the vital interests of the P5 nations explain

involvement or non-involvement. The international system approach and structural realism indeed explain the P5 stance during the Arab Spring revolutions. It can be argued that France's interests in Libya are vital to protect the flow of oil to France first and then to Europe, and that explains passing resolutions 1970 and 1973 without any employment of the veto right due to the fact that the other four members have no direct interests in Libya. Egypt has always been considered an influence area for the United States in the region, and this should explain the US stance towards Egypt. The United States at the beginning of the uprising was supportive to Mubarak, but later when the masses demanded the immediate stepdown of the existing regime, the US acted in a democratic way claiming that people have the right to self-determination, and accordingly it withdrew its support to Mubarak's regime. Syria is an influence area for both Russia and China and that is why they rejected any use-of-force against the Assad's regime despite the brutal acts, displacements, genocide and inhumane acts conducted by the regime.

To conclude this section, one might argue that the international system approach, structural realism and anarchical thoughts are valid and enduring in explaining the P5 behaviors and attitudes not only regarding the Arab Spring revolutions but all inter or intra- states conflicts, tensions and struggles. Superpowers either tend to mitigate human rights violations in cases where their vital interests are involved, and they are expected not to enforce the SC mechanisms. Otherwise, they would highlight human rights violations when their vital interests or influence areas are in grave danger, and they seek to authorize all necessary measures to handle the situation. Accordingly, they will mitigate the crucial importance of maintaining international peace and security and hence treat crises in a double-standard. An illustration of the above argument is the military involvement in Libya and non-involvement in Syria.

In addition, through referring to international systematic theory, major actors (P5 nations) who preserve the right to veto in accordance with Article 27 of UN's Charter, will never waive the inherent right of determining any breach of peace, threat to peace or acts of aggression which is crucially connected to their responsibility to maintain international peace and security. The UNSC preserves broad discretionary powers to take appropriate decisions including the right not to

pass a resolution. Hence, the SC is in reality the world sole decision-maker, and it is well understood that any of the P5 will never contradict its own interests or the status-quo of the strongly rooted system.

9. Proposals to reform the SC in light of the Arab Spring

Although there are numerous previous proposals to reform the vocal institution of the UN decision-making on international peace and security issues, one can, however, argue that any changes to the composition of the SC in the near future are relatively impossible, given that there are tenacious political obstacles, mainly from the P5 nations; this is on the one hand. On the other hand, although there are serious formal and informal international legal efforts to reform the SC, however "none come even close to being normatively desirable" (Niemetz 2013:143).

Contrary to the above discussion, it is now evident that there is a promising window to reform the SC membership, which might increase both the creditability and efficiency of the SC. To make a clear case of this, one can argue for establishing or creating elected members who shall be eligible for successive terms on the SC. A sound proposal would be to involve the G4 nations in the SC's seats and accordingly put this reform into practice.

A second reform that seems logical and practical is to require legitimizing the casting of veto by the P-5 states in front of the GA, which in turn would increase the accountability of the SC and make it easier to implement in the UN Charter (Ibid: 144). This proposal might appear applicable as it does not require amending the UN Charter, but if the SC referred their vetoes to the GA, this requires an amendment of the existing Charter; hence, it can be said that although this proposal would be desirable in theory, but it seems impossible in implementation. A way out to the above-mentioned proposal might be found in future involvement of regional membership (through regional organizations). One would only hope that this desirable proposal would be applied if it didn't necessitate fundamental changes to the current Charter, and one also cannot ignore the political opposition stances of the P5 states. A better sound argument would, therefore, be to increase the collective integrations of the existing regional organizations in international and regional affairs, which would "both enhance the support and decrease the

opposition to such a reform" (Ibid: 144). The improvement of the regional organizations is beneficial to the SC as it would increase both the effectiveness and legitimacy of the institution, realizing that those organizations would transfer the viewpoints of their members to the SC and also inform the SC about the main issues related to regional tensions, struggles and conflicts.

Last but not the least, it is evident that discussing reforming the voting procedures of the SC has gained less attention. Improving the legitimacy, creditability and efficiency relies mainly on the ways in which it handles international crises that both threaten human rights and international peace and security. Hence, working methods of the SC require or we can say "cry for" potential of procedural innovation that can bring meaningful change through modest adjustments which would be added-value to the current voting procedures. One cannot deny the major development resulted from the former Secretary General Kofi Annan's effort to reform the SC in which the doctrine of R2P became a recognized international binding mechanism, which indicated that states in the first place have the responsibility of protecting their own populations from genocide, war crimes, aggression, atrocities and ethnic cleansing, and if they fail to do so, then the international community shall intervene through the SC by authorizing the use-of-force in order to fulfill its duty to protect innocent civilians during conflicts. Accordingly, proposals that emphasized the inability of the P5 states to cast their vetoes in cases of proven and documented human rights violations (regardless of involved national interests), should be maintained and respected as a norm that could not be breached.

Proposal to reform the UN's Security Council substantively and substantially might seem easy in theory but sophisticated in reality given the power provided to the Five Permanent States in Article 108 of the Charter in which they can cast their veto right in cases related to the amendment of the powers vested in them. This represents a fundamental issue, as the five permanent states will never surrender the powers vested in them according to the Charter's provisions that assigned them as the victorious of Second World War which are also credited for their great role in the San Francisco talks. Thus, according to them they are the only states which are -in reality- capable of maintaining international peace and security.

Another issue to be raised is the five potential emerging powers which in reality represent the expectation of other five new permanent members, namely Japan, Brazil, India, Germany and possibly either South Africa, Egypt or Nigeria. Needless to say that each one of the four states has claimed financial, human or military contributions to aid the objectives of the international organization. For instance, Indian population exceeded one billion with full democratic political system that aided multiple UN humanitarian missions, and it also possesses weapons of mass destruction although this capability is outside the treaty of nonproliferation. Ranked the global second economy, Japan is a serious rival given its financial assistance to UN that exceeds the financial contributions of all of Russia, France, England and China. Germany is economically ranked the biggest inside Europe and third worldwide and it militarily contributes to both UN and NATO missions. Brazil claims are grounded on the fact that it maintains the most weight in Latin America. Given these facts, it can be argued that collective efforts and pressures by all these new emerging powers might result in forcing the existing five permanent powers to accept reforming the status quo.

But one might argue instead that opposition to expand the permanent membership (i.e., changing the status-quo as to include five more states) might arise on the surface from three groups: (1) the five vested powers that reject changing the status quo; (2) regional rivals of these five new emerging states; and (3) the rest of the world which might then realize that their status might be threatened as a result of expanding the permanent membership from five to ten (Ibid: 73). This, in reality, explains the influence of world order upon the performance of the SC and thus indicates the objection of the P5 states to truly agree to any changes that may harm their influence, interests and supremacy.

10. Conclusion

The Arab Spring has certainly shaped the last chapter of the long history of civil wars, which posed legal, ethical, and political challenges related to international intervention to protect civilians. This paper was based on the Arab Spring and its undesirable outcomes associated with the UN Security Council's negative responses to deal with human rights breaches in accordance with measures taken against Gaddafi that led to his overthrow and his consequent death. The failure of the Council to

apply the same mechanisms in Egypt, Yemen, Tunisia and Syria is a concrete foundation that should legitimate the possibility to present proposals to reform the vital organ of the UN to guarantee its future effectiveness, credibility and legitimacy.

Throughout the paper it was evident that the UN Security Council's role during the Arab Spring was rather limited. Examination of the Council's response in Tunisia, Egypt, and Yemen indicated the passive outcome of the institution that is supposed to protect innocent civilians against their regime's brutal actions. Accordingly, the current international system indeed explains the UNSC deadlock while treating international tensions and conflicts that may harm international peace and security. This duty is assigned to UN Security Council by referring to the authorities established in 2009 R2P doctrine, in which the Council is responsible of maintaining the safety of civilians who suffer from inhuman actions conducted by their own systems. Violent situations in Libya drove the international community represented by the "right authority", namely the UN Security Council, to employ R2P and accordingly issue Resolution 1973 which toppled the existing regime of Gaddafi. However, the Council failed to address the violent developments in Syria despite international calls for militarily intervention to end the massive bloodshed, crimes against humanity, and employment of chemical weapons against innocent civilians. Both Russia and China supported the Assad's regime militarily and blocked any effort to issue a resolution similar to the one undertaken against Gaddafi.

Understanding the massive failure of the Council during the Arab Spring might construct ideal time to advance the desired functions of the Council related to protecting civilians whose regimes failed to provide them with the minimum levels of protection. One cannot ignore previous efforts to reform the Council that aimed at improving the legitimacy, creditability and efficiency of the institution, however, examination and evaluation of the Council responses -conducted in this paper-, during the Arab Spring might lead to proposing some reforms in light of the Council's deadlock during the Syrian case. It can be demonstrated that a code of conduct is deemed necessary to dispose casting veto in cases where crimes against humanity are proven and monitored. Hence, the five permanent states are obliged not to veto any resolution against authorising military intervention to protect civilians from the brutal acts

of their own regimes. Expanding the permanent membership of the Council through assigning seats to the G4 states may create a positive balance that in turn might moderate negative responses of the existing members. Also, the permanent members while dealing with human rights issues should eliminate their own interests given the suffering of innocent people who might pay the price of their regimes' abuses. Finally, regional organizations should be given the chance to advance their international integration and thus increase their collective involvement in regional struggles and tensions. These proposals may achieve a radical change in ways in which the Council should treat internal tensions in the near future and accordingly might be able to save the lives of innocent peoples from their own cruel regimes. However, the nature of the current international system is in fact a major obstacle to undertake serious efforts to reform the SC. Still, the international community hopes that the P5 states may change their stance and agree to amend the UN Charter to improve the efficiency, creditability and legitimacy of the SC.

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