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## **Navigating “hybrid threats” inside the UNSC: The Russian use of the legal and diplomacy domains towards the post-Arab Spring war in Syria**

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Master in International Studies

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NOVA University Lisbon

October, 2023



SOCIOLOGIA  
E POLÍTICAS PÚBLICAS

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Department of History

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*In loving memory of my grandmother and my father,*



# Resumo

As ameaças híbridas tornaram-se um objeto de estudo crescente no campo das relações internacionais, devido à sua natureza multifacetada. No entanto, a utilização dos seus domínios jurídico e diplomático no âmbito de organizações multilaterais para promoção de objetivos políticos é ainda um tema pouco estudado. Uma potencial “normalização” deste fenómeno impacta a legitimidade destas organizações e do Estado de Direito em sociedades democráticas. Combater essas ameaças exige estratégias abrangentes de mitigação, colaboração coordenada e partilha de informações. Este estudo contribui para a compreensão das implicações que o uso de ameaças híbridas representa para a legitimidade do sistema jurídico internacional, através do exame da sua existência e principais motivações no contexto da ONU. Com base no modelo de análise de Giannopoulos et al., ed. (2021), será examinado se e por que razão a Rússia, enquanto membro permanente do CSNU, utiliza os domínios jurídicos e diplomáticos das ameaças híbridas dentro desse órgão, no contexto da guerra na Síria (2011 - atual). Será testada a hipótese de um efeito causal entre a política interna e externa da Rússia, construída a partir do seu projeto de identidade pós-soviético, com o objetivo alavancar objetivos políticos. A investigação sugere que a Rússia utiliza o direito internacional e a diplomacia de forma abusiva para promover objetivos próprios, podendo essa atuação ser enquadrada como ameaça híbrida. Argumenta-se que a Rússia tira proveito do seu papel no CSNU para promover movimentos contra-hegemónicos, motivada por objetivos geoestratégicos, mas também pelo seu projeto de identidade, intersetando segurança e relações de poder.

**Palavras-chave:** Ameaça Híbrida; Conselho de Segurança das Nações Unidas; Direito Internacional; Diplomacia; Rússia; Síria



# Abstract

Hybrid threats became a growing object of study in the field of International Relations, due to its multifaceted nature. However, the use of its legal and diplomacy domains within multilateral organizations to advance political objectives is still an understudied topic. A potential “normalization” of the phenomenon impacts the legitimacy of those organizations, and the rule of law in democratic societies. Countering those threats requires comprehensive strategies for mitigation and coordinated, multilevel collaboration and information sharing. This study contributes to understanding the implications that the use of hybrid threats poses to the legitimacy of the international legal system, through examining its existence and main motivations inside the UN. Based on Giannopoulos, et al., ed. (2021) framework, it will be examined if and why Russia, in its role as a UNSC permanent member, is using the legal and diplomacy domains of Hybrid Threats inside the UNSC, towards the war in Syria (2011-current). It will be tested the hypothesis of a potential causal effect between Russia’s domestic and foreign policy, built on its post-soviet identity project, with the goal of enhancing its own political objectives. The research suggests that Russia is using international law and diplomacy in an abusive way to promote its political objectives, that may be framed as hybrid threat. It is argued that Russia is taking opportunity of its role in the UNSC to promote counter-hegemonic moves, motivated by geostrategic objectives, but also by its identity project, intersecting security, and power relations.

**Keywords:** Hybrid Threat; United Nations Security Council; International Law; Diplomacy; Russia; Syria

# Acronyms

E.U. - European Union

FFM - Organization for the Prohibition of Chemical Weapons - Fact Finding Mission

G8 - Group of eight

Hybrid CoE - European Center of Excellence for Countering Hybrid Threats

ICC - International Criminal Court

I.S. – Islamic State

JIM - United Nations Joint Investigative Mechanism

JRC - Joint Research Center

NATO – North Atlantic Treaty Organization

Non-Governmental Organizations (NGOs)

OCHA - Office for the Coordination of Humanitarian Affairs

OPCW - Organization for the Prohibition of Chemical Weapons

P5 members -Permanent five members

R2P - Responsibility to Protect

RMSI - Russia Maritime Studies Institute United States from the U.S.A Naval War College

UN – United Nations

UN Charter – United Nations Charter

U.K - United Kingdom

UNHRC – United Nations Human Rights Council

UNIMI - United Nations Independent Mechanism of Investigation

UNSC – United Nations Security Council

UNSMIS – United Nations Supervision Mission in Syria

U.S.A - United States of America

USSR - Union of Soviet Socialist Republics

WHO – World Health Organization

WTO – World Trade Organization

WW II – World War II



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# Introduction

As the well-known military statement goes, war is “the continuation of policy by other means” (Clausewitz, Howard, and Paret, 1832, p.23). The old military statement gained a whole new momentum in the new century, due to the emergence of a new paradigm in the dynamics of war. Two of the main trademarks of the new century are now “discontinuity” and “complexity” (Vassileva and Zwilling, 2018, p.220), posing new challenges to the western security agenda, with the hybrid threats being on the top of that agenda (Wigell, 2019, p.1).

As highlighted by Cruceru (2014), warfare has shifted from a conventional to an asymmetrical and unconventional model, including three new different dimensions, namely compound, unrestricted and hybrid, the latest by taking advantage of the globalization phenomenon, using military and non-military means in innovative approaches. (Cruceru, 2014, p.231). In this context, the legal and diplomacy domains of hybrid threats, have become a growing object of study in recent years, being currently framed as the use of law and diplomacy as weapons to achieve political objectives. It became useful domains of a broader strategy that states, and non-state actors may employ, at national and/or international level, with law and diplomacy being instrumentalized between adversaries to explore vulnerabilities and legal loopholes towards political objectives. When referring to the international level, those domains are commonly associated with the manipulation of the international legal system, thus testing the legitimacy of its underlying principles. Its “normalization” may imply serious risks, including a possible pathos of subsuming law to power politics, leading to the instrumentalization of the international legal system. Despite the potential risks, the legal and diplomacy domains of hybrid threats are being increasingly used inside international organizations, with legal creativities being exploited by experienced diplomats to advance their national political agendas. A paradigmatic example may be found inside the United Nations (UN), with those domains being used by countries with permanent seat (P5 members) in the United Nations Security Council (UNSC). One of the most paradigmatic examples is Russia, with evidence suggesting that the country is making use of its veto power to block resolutions, advancing creative legal arguments, or using mechanisms to delay or obstruct decisions that may have implications on sensitive matters whenever a case collides with the country’s domestic interests (Voyger, 2018; Mosquera and Bachmann, 2016). As argued by Värk (2017), “Russia uses both national and international law as a weapon” (Värk, 2017, p. 46).

The deployment of legal and/or diplomatic maneuvers inside the UNSC leads to a paradox related to its own *raison d’être* (thus testing its ontological nature), due to the complexity and promiscuous effects between the political and legal systems. Accordingly, the examination the underlying motivations that leads one of the P5 members, in this case Russia, to use the legal and diplomacy domains of hybrid threats inside the UNSC may contribute to understanding the way

it perceives international law, the strategies that are being employed, and the concrete implications that it poses to the legitimacy of the international legal system. It may also provide room for further research related to concrete countermeasures that may be used inside the UNSC to protect its legitimacy against inside threats. The role and positioning of Russia in the UNSC towards the war in Syria in the post-Arab Spring (2011-current), the case study of this dissertation, will provide a good exploratory lab for the analysis.

Beginning with the conceptualization of hybrid threats, this dissertation will address the following questions: 1) If Russia, in its role as a UNSC P5 member, is using the legal and diplomacy domains of hybrid threats inside the UNSC towards the war in Syria 2) Why is Russia, in its role as a UNSC P5 member, using the legal and diplomacy domains of hybrid threats inside the UNSC, towards the war in Syria? The hypothesis of a potential causal effect between Russia's domestic and foreign policy (in this case, inside the UNSC), built on its post-soviet identity project, with the goal of enhancing its own geostrategic interests will be tested, built upon the intersection of two arguments, one brought by Kochtcheeva (2020) and the other by Osman and Şahin (2020). The first one identifies "domestication of decisions" as the key driver to reshape the global order, by establishing a general correlation between the global apparatus and domestic policy, with the latter being used as a "stressor" to influence foreign policy, while foreign policy may be instrumented as a boost for internal policy's development (Kochtcheeva, 2020, p.465). The second one relies on the fact that foreign policy is shaped, not only by the relative position that states assume in the international system, but also by their ideas and identities (Osman and Şahin, 2020, p.245). The theoretical framework will be grounded in the Science for Policy report by Giannopoulos, et al., ed. (2021), published by the Joint Research Center (JRC), the European Commission's science and knowledge service, and the European Center of Excellence for Countering Hybrid Threats (Hybrid CoE), which frames the four pillars that characterize the existence of a hybrid threat (actor; domains; tools; phases).

The dissertation is divided into four main sections. The first one includes a comprehensive literature review addressing the paradigm shift in global governance and the evolutionary path of hybrid threats, provides a historical analysis of Russia's foreign policy, presents the conceptual framework and the methodology that will be followed to answer the research questions. The second one focus on the case study, including the analysis of the historical relations between Russia and Syria and the use of veto by Russia within the UNSC towards the war in Syria. The third one presents the analysis and discussion of results. And the fourth one provides the conclusion, including a summary of the main findings, the theoretical implications, the limitations, and the identification of potential areas for further research on the topic.

This dissertation will hopefully contribute to the fields of international law and of security and defense, through an angle of international relations. The existing gap in scientific literature provides space for relevant findings in this area.

# CHAPTER 1 – Literature Review

## 1.1 A paradigm shift from hegemonic leadership to a more power-balanced world

The architecture of the international system has experienced significant changes due to the globalization phenomenon that has been growing since the mid-90s. However, and despite some positive outcomes, the scientific community is discussing its fragilities and questioning the evolutionary path of a western-centric global order (e.g., Amadi, 2020; Mearsheimer, 2019; Cerny and Prichard, 2017; Flockhart, 2020), based on two fundamental assumptions. The first assumption is that the international system, including its inherent dynamics of global governance, is constantly changing. The post-Second World War apparatus that shaped the international system and the power dynamics that emerged in this historical period are not the same anymore. Accordingly, the new global issues of the 21<sup>st</sup> century (e.g., security, health, environment, digital transformation, inclusive development) are testing the limits of the current model of global governance. The second assumption relies on the fact that the western-centric governance model is losing one of its core dimensions, namely multilateralism. This is a common criticism addressed to the United States of America (U.S.A) hegemonic power in this global order (e.g., Fjærtøft, 2019; Korolev, 2017; Osman and Şahin, 2020), as the country began to change its behaviour in international affairs, shifting to a more unilateralist agenda, with some miscalculations along the way. The extent and consistency of these miscalculations are testing not only the legitimacy of western-centric leadership, but also the global governance model itself, including its underlying principles, such as “humanitarianism” or “rule of law”. As argued by Kochtcheeva (2020), the critical problems of the current global order are linked to the concepts of “quality” and “legitimacy” of global leadership (Kochtcheeva, 2020, 466).

The previous assumptions may possibly explain the undergoing paradigm shift from the U.S.A hegemonic leadership to a more power-balanced world, with counter-hegemonic moves – especially led from the East – becoming gradually more consistent. This argument is supported by Korolev’s (2017, p.887) work, which argues the emergence of balancing responses to the U.S.A hegemony, with some of those being considered attempts of hard balancing and part of larger revisionist and/or expansionist agenda that seeks to explore blank spaces and soften positions left by western countries while taking advantage of the fragmentation, occurred in longstanding alliances. This is quite demonstrable when analysing the recent dynamics in international affairs. For instance, in the last decades, we saw U.S.A softening its global leadership and military presence (mainly after the Afghanistan and Iraq invasions) and more recently shifting to a protectionist agenda, especially under Trump administration (Mansour, 2019). Even under the new leadership of Biden, and despite the (re)enforcement of diplomatic

ties with its strategic partners (e.g., European Union (E.U.); United Kingdom (U.K); regional partners in the Middle East), the country's administration is taking a careful analysis of opportunities and costs before taking any decision in foreign affairs, providing additional space for counter-hegemonic moves that rely on a more assertive diplomacy. We are also assisting China's efforts to become a regional (or even global) leader in the new global order based on increasing economic influence, perceived by some authors as leading to a potential security threat inside the E.U (Putten, 2022; Piliaiev, 2021). The increasing tensions between Russia and the West, including the "statecraft security dilemma" (Sakwa, 2021, p.357) are also providing opportunities for other countries to gain more preponderant space. This inflection point urges a need for more holistic (and complex) understanding of the new security challenges to protect the democratic values of modern societies. One of the new security challenges for which more attention is required is hybrid threats.

## **1.2 "Hybrid threats" as a 21st security challenge**

According to Treverton (2018), the 21<sup>st</sup> security challenge for the Western countries is hybrid threats, with the author framing it as a "complex" and "ambiguous" phenomenon (Treverton, et al., 2018, p.1). Understanding the complexity of such phenomenon implies a necessary dialogue between different concepts, most of the times interconnected, namely "hybrid threat", "hybrid interference" and "hybrid warfare".

Giannopoulos, et al., ed. (2021, p.9) frame hybrid warfare under the hybrid threat umbrella, stating that today there are three main ways to analyse the latest: academic, military, and political. This argument is reinforced in Vassileva and Zwilling's work (2018, p.221), by highlighting that hybrid warfare is only the visible part of the phenomenon, triggered by hybrid conflicts and hybrid threats. Wigell (2019) adds to the discussion arguing that, as the activities in the "grey area" vary, it would be important to distinguish two sub-concepts within hybrid threat, namely hybrid warfare and hybrid interference, with the latest including clandestine diplomacy; geoeconomics; and disinformation (Wigell, 2019, 2). Treverton (2018) contributes to the discussion by bringing six main changes that may be useful for a current understanding of hybrid threats: a first one, where relational power (that includes persuasion) supersedes material power; a second one, based on a new "network-based action", considered as a perverse effect of the globalization phenomenon, where rule of law can't pair with some hostile actions (that, according to the author, is specially instrumentalized by weaker states or non-state actors); a third one, relying on the fast-pacing use of technologies that provides important black normative spaces as the international legislation cannot keep up with such pace of evolution; a fourth one, that relates to "information space" and the media; a fifth one, that relates to the grey areas between war and peace due to the transformative nature of conflict and war; and a sixth one, related to "generational change" where

the post-cold war duality communism vs capitalism is being superseded by the dynamic's cosmopolitanism vs neo-nationalism (Treverton, 2018, pp.1-2). Jovanovski (2021, p.152) work supports the previous considerations, by arguing that exploitation strategies, methods, and tactics may be found even if a war isn't in place. With the main concept already presented, it would be relevant to delve into a more detailed analysis of its visible part, namely "hybrid warfare".

### **1.3 From "hybrid threats" to "hybrid warfare"**

Despite widely discussed in scientific literature of international law and of security and defence, there is still no common definition of "hybrid warfare". Nevertheless, the increasing relevance of the concept (that encompasses the evolutionary trends in modern conflicts), is leading to relevant contributes to this field, thus contributing to a deeper understanding of this phenomenon under the current dynamics of warfare. Accordingly, a brief historical analysis will be needed for the purpose of this dissertation, including the emergence of the concept (time and place), the key contributes to the field of study, the identification of its key dimensions, and some of the key strategies and tactics that are currently being employed in modern scenarios of warfare.

Starting with the emergence of the concept, Nikolic (2017, p.255) argues that it was brought within the context of conflicts that emerged in the Middle East and in Central Asia, despite gaining additional preponderance with the recent conflicts in Eastern Europe and in Syria. Wither (2016) reinforces this argument, by highlighting that the concept gained momentum with the annexation of Crimea by Russia, showing Russia's wider strategy in the international arena. With the concept at the spotlight of academic research and practice, several contributes emerged since then.

An interesting contribute was brought by Wither (2016), by framing hybrid warfare as "the concurrent use of both conventional and irregular forces in the same military campaign", with those different forces running for a common purpose, normally a political one (Wither, 2016, p.74). Nikolic (2017, p.255) then delved into the concept, arguing that hybrid warfare blurs the line between war and peace, but also between military and civilian. According to the author, the concept may be framed by complexity, ambiguity, denial of involvement or the existence of covert actions. To that regard, an interesting example of covert action may be found in Barber, et al., (2017, p.11) work, by highlighting political action as a type of covert action aimed at influencing political leaders or political situation in other states, using diplomatic actions as a tool of influence, to justify behaviour, change the international system and foster political agendas. The previous arguments reinforce the classic definition of war introduced by Clausewitz already mentioned.

Being already established the circumstances that led to the emergence of the concept, and with a first lens on the "hybridity" of the concept, a proper identification of the key dimensions of "hybrid" war – within the meaning of its contemporary use and understanding - is now needed.

To that regard, an interesting contribution was brought by Tagarev (2018), by (re)conceptualizing the meaning of “hybrid” through the inclusion of “cyber”. The concept of cyber warfare is much present in Tagarev (2018) work, with author highlighting three key domains normally studied when it comes to hybrid warfare: (1) cybersecurity; (2) disinformation (influence of perceptions); and (3) “influence over and the protection of other sectors of critical infrastructure” (Tagarev, 2018, p.290). These approaches have the merit of providing additional visibility to non-military domains. The author also makes reference to the exploitation at national or international organization’s level (by creating new vulnerabilities to then exploring it). Based on previous work, Voyger (2018) provides a broader definition of the concept, by framing the key domains of hybrid Warfare as being “political, diplomatic, legal, information-related, sociocultural, economic, infrastructural, intelligence based” (Voyger, 2018, pp.36-37).” Jovanovski (2021, p151), reinforces this broader definition, describing it as being the fourth generation of warfare, highlighting as key dimensions the legal, economic, technical, political, and informational ones. The author highlights the work of the Committee on Legal Affairs and Human Rights, identifying the main characteristic of hybrid war is its "legal asymmetry", denial of activities and work on the “very edge of the law”. (Jovanovski 2021, p.152). Qureshi (2019, pp.64-65) contributes to the discussion arguing that lawfare is emerging as a dangerous element of hybrid warfare. By focusing on the methods and tactics of hybrid warfare, the author categorizes it into dualities, namely conventional vs nonconventional, kinetic vs non-kinetic, symmetric vs asymmetric, and regular vs irregular methods of warfare. (Qureshi, 2019, p.64). The previous considerations demonstrate the complexity and potentially dangerous covert and over actions that could exist within this object of study.

With the outlines for the concept of hybrid threat (and its visible part - hybrid warfare) already established, it is now important to provide an historical background for the evolutionary path of Russia’s foreign relations, to understand the role that hybrid threats play in its overall geostrategy, especially after the USSR collapse.

#### **1.4 The evolutionary path of Russia’s Foreign Policy**

The evolutionary path of Russia's foreign policy in the aftermath of the USSR Dissolution (in 1991), including its relationship with the West, is deeply rooted in its historical, socioeconomic, and political determinants. As argued by Schmitt (2020, p.940), Russian foreign policy may be framed by a highly hierarchized understanding of the international system by the Russian elites, putting in place towards a zero-sum game grounded on an identity narrative that places East vs West. Simons (2020), on the other hand, argues that Russia has experienced different political periods in the last 30 years, starting with a quest for being part of a global order led by the West. However, as a result of the U.S.A dominance, the relations between Russia and the West started



to deteriorate, leading to a quest for multipolarity and for a “post-Western global order”. (Simons, 2020, p.491).

Within that historical period, a decisive moment has contributed to paradigm shift in Russia’s strategic interests: Putin’s presidency, especially after 2012. (e.g., Gulnar and Katzman, 2019; Mousavi and Naeni, 2019). According to the authors, with Putin as President, Russia has grown as an economic power, with increasing revenues (primarily stemming from oil and gas) that encompassed the general standards of living of the country. This argument is quite demonstrable by analysing the evolution of the Russian GDP growth (annual %, 2022) and the natural gas rent (% of GDP, 2021), based on data from the World Bank. Such increase in domestic economic indicators fostered Russia’s foreign policy, establishing an important relation between the economical and the political determinants, both at domestic and international levels.

The internal politics has proven to play a crucial role in Russia’s foreign politics ambitions, acting as a possible stressor. For instance, Freire and Heller (2018, p.1206) argue that Russia’s foreign politics may be understood as a way to counterbalance external powers, but also internal elites’ pressure. Lewis (2022, p.657), reinforces the importance of domestic factors (along with the international ones) to formulate foreign politics, namely when concerning international security. Gulnar and Katman (2019), based on Kreutz work, also contribute to this discussion by arguing that, for Putin, politics was defined through pragmatism and realism. Some of those arguments find resonance in Russia’s official documents, as in the Foreign Policy Concept of the Russian Federation (2016) where, despite a rhetorical emphasis on multilateralism, there were clear regional ambitions and defined geopolitical priorities (as the geostrategic alliances in the Asia-Pacific Region). Mousavi and Naeni (2019) contribute to the discussion by arguing that Putin has a clear focus of “re-establishing Russia as a great power” and shifting the current (western-centric) unipolar world into a multipolarity, while assuming a “Turn to East” strategy (Mousavi and Naeni, 2019, pp.107-108). The geostrategic intentions and ambitions were already present in the Presidential address to the Federal Assembly in December 2012, where Putin stated, “In the 21st century, the vector of Russia’s development will be the development of the East (...)” (Presidential address, 2012). The Russian development goals are consistent 10 years after, as it may be seen in the Presidential address to the Federal Assembly of February 2023, where Putin refers that “(...) We will pay special attention to the North-South international corridor (...) This will open up new routes for business cooperation with India, Iran, Pakistan, and the Middle Eastern countries.” (Presidential address, 2023). As argued by Krickovic, and Pellicciari (2021), Russia intends to establish a “Greater Eurasia” building upon the idea of status seeking much linked with “status by association” (Krickovic and Pellicciari, 2021, p.87). Mousavi and Naeni (2019) argue that this strategy is also rooted in some underlying principles and motivations shared by other countries (e.g., China) and are built upon a common narrative, based on key concepts as non-interventionism, sovereignty, and non-interference. Despite the rhetorical emphasis on those

principles, Remler (2020) argues that, for Russia, “the concept of a multipolar oligarchy leads to the Russian concept that true sovereignty is possessed by only a few great powers” (Remler, 2020, p.1), addressing the existence of double standard perception on those concepts (e.g., Syria vs Ukraine).

The above-mentioned quest is being pursued through a unique style of power politics. Freire and Heller (2018), by analysing Russia’s ‘power politics’, frame it as “status-seeking actions of a status-inconsistent power that seeks to enhance and maintain its status through soft and hard means” (Freire and Heller, 2018, p.1206), under three distinct indicators: Opportunity, identity, and costs. Indeed, as recent history shows us, it includes not only the peripheral countries (including those that were part of the former USSR), but also other sub-regions (e.g., in Asia or in the Middle East). According to Lo (2018), Russia’s foreign policy is pursued through a realist vision of the world (predominance of the states’ role), and based on multiple strategic options, within an approach of “strategic flexibility” (Lo, 2018, p.16). This argument was supported by Mousavi and Naeni (2019), by arguing that Russia’s foreign policy is focused on avoiding long-term alliances. The overall strategy is rooted in national interests, instead of the classic dichotomy friend vs foe. The authors argue that Russia needs this flexible foreign policy due to the lack of power to lead a bloc. (Mousavi and Naeni, 2019, p.109). Carter (2020) adds an interesting layer to this discussion, by highlighting the relevance of geographic proximity. As argued by the author, more proximity to conflict areas leads to more relevance of geostrategic factors, therefore playing a significant role in Russia’s decision to commit resources. On the opposite side, with more geographical distance to a conflict area, the driver of Russia became “opportunistic economic” (Carter, 2020, p.9), with global politics playing a more preponderant role. Also as argued by the author, there is a pattern of growth and diversification, as may be seen in Ukraine, Syria, Libya or in Central African Republic (by reinforcing the presence of the Wagner Group), or even in Venezuela (Carter, 2020, p.9). This argument is supported by Lo (2018, p17), as the author exemplifies the achievements of Russia’s foreign policy in the Middle East, that stemmed from establishing itself as a central player in the region while showcasing the fragilities of the Western decision-making processes. Some examples include the enhanced relations with relevant regional powers as Saudi Arabia, Iran, Turkey, and Israel, and Russia’s influence in Libya, Egypt, or Syria<sup>1</sup>. Another argument brought by Lo refers to the work performed with the Saudis related to energy prices. The previous arguments are consistent with Carter (2020) “opportunistic economic” argument, that encompasses other previously mentioned determinants (e.g., historical, cultural, identarian) characteristics. Based on the previous arguments, the relevance of Russia beyond its neighbourhood should not be neglected. As argued by Mazloomi et al., (2018, pp.6-7), Russia

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<sup>1</sup> For instance, the Astana and Sochi processes, made in collaboration with Turkey and Iran, that may be seen as attempts to sidelining the UN mediation process in Syria.

still has a significant power to influence at international level for several reasons, including its nuclear weapons, the vast number of natural resources, its role/relationship with the former Soviet states or its role as a permanent member of the UNSC.

But what might be the concrete implications of Russia's power politics for its relation to the West (and specially with the U.S.A), especially at the light of the recent events (e.g., Syria, Ukraine)? Is it a stance against the Western normative project, in a way to counterbalance the American hegemony, motivated by geostrategic reasons? Or is it something deeply rooted in ideological polarization and in Russia's security interests? And how may it be perceived by the West? According to Mousavi and Naeni (2019), Russia's approach to power-politics does not necessarily imply a clear confrontation to the West (or to the U.S.A in particular) in a sense of a possible relapse into a new cold war, but just an attempt to increase its bargain power. This argument, however, is contested by Lo (2018), as the author warns that there is a growing talk of a possible "new cold war" (Lo, 2018, p.22) or even a possible military confrontation, as Russia is perceived in recent U.S.A documents as posing a threat to the American prosperity and security interests. The Maritime Doctrine of the Russian Federation also forecasts a possible harsh scenario, as it may be seen in the English translation provided by Davis (2015). As stated by the Director of Russia Maritime Studies Institute United States from the U.S.A Naval War College (RMSI) in his introductory note to the translation "The doctrine also provides insight into how Moscow might engage in a maritime conflict with the West (...)" (Davis, 2015, p.2). According to Özsağlam (2020) this document highlights Russian interests in the Mediterranean Sea, Atlantic Ocean, Baltic, but also shows Russia's vulnerability (as it can be seen in number 51-53 of the section dedicated to the Atlantic Regional Priority Area). The concrete implications are therefore not consistent with some forecast scenarios provided in scientific literature.

Within this eroding path between Russia and the West, we may find in the North Atlantic Treaty Organization (NATO) a key security concern that is having a significant impact in Russia's foreign policy. As stated in the article 52 of the Maritime Doctrine of the Russian Federation "The decisive factor in relations with NATO remains the tactics of the Alliance to advance its military infrastructure to Russia's borders and the attempt to globalize the efforts, which is unacceptable to the Russian Federation" (Davis, 2015, p.19). Simons (2020, p.493) contributes this topic by arguing that the expansion of NATO, among other reasons, has changed Russia's foreign policy and identity, leading to a period of Eurasianist orientation between the mid-late 1990s until the arrival of Vladimir Putin. However, according to some authors it might go beyond that. For instance, Mazloomi et al., (2018, p.9), based on the work of Baranovsky and Antonenko, argues that the strategic relationship between Russia and the West came to an end after NATO bombed Kosovo. Lewis (2022), on the same line, argues that this was a decisive moment to spotlight the political differences between Russia and the West. Despite previous peacekeeping operations missions in the Balkans, the military intervention polarized those relations. According to the

author, for Putin, the operations in the Balkans contrasted with the “emerging self-identity” of Russia in that period (Lewis, 2022, p.656). On the other hand, according to Fischer (2020) NATO’s intervention in Libya in 2011 was considered as a turning point in the relations between Russia and West. The author highlights that Russia abstained from voting the UNSC Resolution 1973 due to intention of a “reset policy” with the Obama administration. However, NATO’s action led to a “sense of betrayal” among Russia’s elite in Moscow. (Fischer, 2020, p.4).

Based on the previous considerations, it may be argued that Russia exercises power politics in an attempt to establish itself as a great power, leveraged on short-term ideological alliances (e.g., China and Iran), with clearly defined priorities. Russia may use different flexible strategies depending on key factors as proximity, opportunity or costs. However, even if some of those drivers may be perceived under an economic-opportunity analysis (under an expansionist agenda), there is also a much deeper layer rooted in Russia’s identity project and security concerns. The way Russia perceives the international system and the normative project led by the West (including the security threats to the Russian identity project, in the country’s perception), may also shape Russia’s motivation and strategies in the international scene, including in its role as member of multilateral organizations, as in the case of the UN (and specifically in the UNSC).

## **1.5 Russia’s foreign policy at the UNSC**

Understanding Russia’s involvement in the UNSC - including its main motivations, ambitions, aspirations, and the underlying strategies and tactics – is a complex process that would entail a historical analysis that goes back to the creation of the UN in 1945. In the aftermath of the World War II (WW II), the winning countries created the UN, with the UNSC as its main body, to prevent new world wars and to guarantee world peace and stability in the future. A veto power was therefore provided by the international community to the P5 members of the UNSC, namely U.S.A., U.K., France (being referred together as the Western P5), China, and Russia.

Despite that noble purpose, several historical events took place since the establishment of the UN, eroding the relation between the P5 members, and specifically between Russia and the West. An interesting way to frame this relation was brought by the author Dilip Sinha in his book “Legitimacy of Power: The Permanence of Five in the Security Council”, published in 2018. According to the book review made by the Ambassador Neelam D. Sabharwal (2019), Sinha identifies 4 stages of performance of the UNSC since its creation in 1945, with nearly two decades each one. The first one focusing on Western control; the second one focusing on the work performed between the USSR and the South; the third one led by the West, counting with the cooperation of Russia and China; and the fourth characterized by the comeback of the division East and West (Sabharwal, 2019, p.337). Despite the accurate categorization, the conflicts that have arisen around the world, and the need to protect domestic interests (or those of each one’s

allies) showcased the persistent ideological polarization between the P5 members since almost the onset of the UN, with the veto power being used as a powerful weapon (e.g., Korean war). This polarization was accentuated during the Cold War, culminating in the dismantling of the Soviet Union at the end of that period. In the meantime, the UNSC position related to some of the wars (e.g., Afghanistan) had a significant impact in Russia's foreign diplomacy (including inside the UN), thus contributing to the way Russia perceives the concept of (state) sovereignty.

The allusion to "sovereignty" is in fact much present in Russia's diplomatic discourse inside the UNSC and is grounded in the country's conservative assessment to this normative concept, aligned with its own identity project. As highlighted by Schmitt (2020, pp.937-938), Russia defends sovereignty above anything else, therefore opposing anything it may consider as an interference. That necessarily leads to a more conservative understanding of the UNSC's role in that regard. As highlighted by the author, by extension, it also justifies Russia's position regarding peacekeeping operations, as it may impact State's sovereignty. Additionally, in the Russian understanding, that concept is much linked to the concept of legitimacy. As highlighted by Remler (2020), the case of Syria is a paradigmatic example of the relation between sovereignty and legitimacy. According to the author, "In Russian practice, the legitimacy of recognized governments is absolute regardless of their origins, governance, human rights record, or any other external norm" (Remler, 2020, p.1). This represents a controversial assessment as, if pushed to the limit, it may imply that formalism in international law could surpass the respect for basic human rights. Baranovsky and Mateiko (2016) argue that this mindset also explains Russia's stance regarding the concept of Responsibility to Protect (R2P), highlighting how Russia assesses the concepts of "humanitarian intervention" or "limited sovereignty". (Baranovsky and Mateiko, 2016, p.49). However, as argued by Remler (2020), there seems to exist a "dual-track approach" between the equal sovereignty of some countries (e.g., Support to Serbia in the war in Kosovo or the support to the Syrian Government) and the ones from the former Soviet Union (Azerbaijan, Moldova, Georgia, or Ukraine) as it may be seen in Russia's patterns of behavior. (Remler, 2020, pp.7-8).

According to Schmitt (2020, p.940), Russia considers itself as a defender of the sovereignty norm, with this stance being materialized in a common narrative pursued by Russian diplomats in multilateral security organizations. According to the author, this narrative leads to criticism provided by Western countries, arguing that Russia is having an outdated perception of the international system and a deep focus on status considerations. This argument is coherent with the one provided by Remler (2020, p.1), when arguing that, with Putin as President, the focus relies on Russia being considered as a great power, using the UNSC as a strategic platform to pursue this aspiration. Simons (2020) provides a different approach to the topic, by arguing that, in the 21<sup>st</sup> century, a new approach to foreign policy (and public diplomacy) began, pursued through "national pragmatism", that could be summarized in three stages. A first one, where

Russia diversified international partners, through a “multi-vector” approach (including western); a second one more focused on Asia (e.g., due to the development of China); and a third one, post-Georgian war, where Russia driver became, as argued by the author, “a real global multipolarity, rather than a declared one”. (Simons, 2020, pp.491-494). Within this context, the relevance of the UN as a strategic platform to enhance Russia’s identity project is undeniable. The Russian presence in this multilateral organization allows it to amplify its voice, to promote its vision of the world and to enhance its political interests.

## **1.6 Conceptual framework**

This section presents the conceptual framework that will be applied to the case study (war in Syria) to test the presence of the legal and diplomacy domains of a hybrid threat in Russia’s actions as a P5 member of the UNSC (and the motivations for such use). The framework that will now be described, was part of a Science for Policy report published by the Joint Research Center (JRC), the European Commission's science and knowledge service, and the European Center of Excellence for Countering hybrid threats (Hybrid CoE), edited by Giannopoulos, et al., ed. (2021), and includes the main pillars that characterize a hybrid threat, namely actors, domains, tools, and phases.

The innovative approach in the application of such framework to this dissertation is that it will test the use of a hybrid threat, not by a State to leverage its interests against another State (as envisaged by this framework), but by a State to leverage its interests in the context of an international organization (in this case, the UN). Testing the application of this framework in such an unusual situation may possibly contribute to expand its application to other geographical situations (besides Syria) or to other international organizations (besides the UN).

The application of this framework in this dissertation will allow to understand if a State (Russia), that has strategic objectives, and limitations in achieving them, is applying a set of tools to specific domains, to carry out actions to achieve its objectives and affect its targets.

### **1.6.1 Actors**

According to Giannopoulos, et al., ed. (2021), there are several typologies of actors within the framework, namely State actors; non-State actors; States operating through non-State entities; each one with specific characteristics. This dissertation will focus on the “State actor” (Russia).

The framework refers to the fact that non-democratic States use hybrid threats as they have difficulty in achieving their strategic objectives and see the idea of hybridity as an important tactic to leverage their positioning. The authors argue that the authoritarian States see democracies as a threat to its power position and consider that that the only way to achieve influence is by using coercive methods, therefore using interference as leverage.

According to Giannopoulos, et al., ed. (2021, p.17), there is a fundamental difference in the internal domains between authoritarian regimes and democratic States, with implications for framing hybrid threats. Democratic States operate under the “rule of law” model (that relies on checks and balances), while authoritarian regimes operate through a “rule by law” model (use of the legal system as an instrument of repression and control to create influence). (Giannopoulos, et al., 2021, p.17). The authors refer that the authoritarian States use the law to obtain asymmetrical advantages, use checks and balances as a weapon against democratic States, avoid accountability for violations of the law and exploits legal loopholes.

Another important element present in this framework relies on the diplomacy perspective. According to the authors, Russia has a different understanding of diplomatic soft power, grounded on its strategic culture, that implies the use of a strategic thinking model centered on active measures and tactical interference. Accordingly, the Russian actions must be analyzed not from a soft power perspective but from a political one. The authors link the Russian strategic thinking with the concept of “Russianness”, characterized by Russia seeing itself as a great power and needing to protect its identity through anti-Westernism. (Giannopoulos et al., 2021, pp.18-19).

### **1.6.2 Domains**

The authors identify 13 domains in the framework including infrastructure; cyber; space; economy; military/defense; culture; social/societal; public administration; legal; intelligence; political; diplomacy; and information (Giannopoulos et al., 2021, p.27). Each tool targets one or more domains and aims to explore vulnerabilities or opportunities, but not all tools and activities related to a domain fall under the concept of “hybrid threat”. For the purposes of the dissertation, only two domains will be considered, namely the legal and the diplomacy ones (and indirectly the political one, from the perspective of its interconnection with the previous two).

The legal domain under this framework should be understood as “the aggregate of legal rules, actions, processes and institutions, including both their normative and physical manifestation, that are or may be used to achieve legal or non-legal effects” (Giannopoulos et al., 2021, p.30). The tools that could be used by the State actor could include “(...) legal thresholds, gaps, complexity and uncertainty; circumventing its legal obligations; avoiding accountability; leveraging rule-compliance by the targeted state; (...); and utilizing the law and legal processes to create narratives and counter-narratives” (Giannopoulos et al., 2021: 30). The report also highlights that the use of law does not depend on its illegality or legitimacy, but rather on: (1) attacking vulnerabilities in democratic societies; (2) Use of malignant effects against a target nation (or in this case, the UN), undermining their interests and promoting the interests of the actors that apply that domain; (3) using law in an abusive way or that undermines the rule of law; (4) that may affect other domains. There is an attempt from the actor who employs this domain to legitimize

their actions while delegitimizing the other actors and restricting their freedom of action (Giannopoulos et al., 2021, p.30).

The diplomacy domain under this framework is normally used to create divisions, including, among other possibilities, intervention in decision-making processes. Giannopoulos, et al., ed. (2021, p.31) highlight the interconnection with the political domain, at two different levels. Firstly, as the international negotiations would need to be ratified at national level. Secondly, as for authoritarian regimes, foreign policy is used to support domestic policy. Diplomacy, as the author states, also intersects with other dimensions, including the legal one, while both intersect (directly or indirectly) with the political one.

### **1.6.3 Tools**

The report presents a comprehensive list of tools, each one affecting one or several domains. Despite the exhaustive list, for the purposes of this dissertation, only the ones that intersect with the legal and diplomacy domains will be considered, namely “Exploiting thresholds, non-attribution, gaps, and uncertainty in the law” (contributes to undermine, among others, the legal, diplomacy and political domains); “Leveraging rules, processes institutions and arguments” (contributes to undermine, among others, the legal, diplomacy and political domains); Creating confusion or a contradictory narrative” (contributes to undermine, among others, the diplomacy domain) (Giannopoulos et al., 2021, pp.33-34).

Other tools exist within the authors framework that would be briefly mentioned during the analysis of the case study, namely physical operations against infrastructure; weapons proliferation; armed forces conventional/sub-conventional operations (proxies). However, it should be noted that, under the current framework, those tools do not relate directly with the legal and diplomacy domains (most of them are only related to the military/defense domain). Therefore, those would only be mentioned when providing some level of interconnectedness with the tools and domains under analysis.

### **1.6.4 Phases**

The framework identifies three possible phases under hybrid threats (that may possibly overlap), namely: 1) priming; 2) destabilization and 3) coercion; will all of them having an important psychological component (Giannopoulos et al., 2021, p.36).

In the “priming” phase, the actors want the target to take harmful choices or decisions, and this objective is achieved by using interference. Planning (e.g., shaping the outcome) is considered a precondition, therefore implying the need for being one step ahead and preparing the influence for the desired outcome, normally interlinked with military and intelligence aspects. Giannopoulos, et al., ed. (2021), also refers that this phase includes the element “psychological



interference” (Giannopoulos et al., 2021, p.37). The authors concept relies on the Russian literature on the topic (for instance the work of Valery Sobolnikov), that implies controlling human behavior and shaping the perception of the world and its inherent systems through manipulation. The authors highlight, based on Andrey Devjatov (long time KGB agent and author), that Russia is in a privileged position to implement such model due to its “cultural heritage, linguistic structure, perception of paradox and abstract thinking” (Giannopoulos et al., 2021, p.38).

In the “Destabilization through operations and campaigns” phase, there is a more concrete (pre-planned) objective, with the activity being more “visible, aggressive and possibly involves more violence” (Giannopoulos et al., 2021, p.40). This phase is also characterized by the actor’s frustration with a desired outcome, including blurred lines of acceptability and legality. It implies several different efforts to polarize or destabilize the target, including the use of plausible deniability and “more energetic narrative promotions, clear disinformation and propaganda” (Giannopoulos et al., 2021, p.40). The outcomes may include delay or even block a military action or any multilateral decision.

The third phase under this framework is “Coercion through hybrid warfare”. For Giannopoulos, et al., ed. (2021, pp.41-42), the last phase is grounded on a more clear and open activity, under hybrid warfare. As it was already defined, hybrid warfare combines elements of covert and overt military actions, along with several other domains (e.g., political, economic, cyber, disinformation). In this domain, every element would be possible. The authors frame that phase as exploiting new opportunities aiming destabilization.

## **1.7 Methodology**

The dissertation’s methodology will follow a deductive approach, grounded on qualitative and desk research/document analysis, to address the research questions of this study: 1) If Russia, in its role as a UNSC P5 member, is using the legal and diplomacy domains of hybrid warfare inside the UNSC, towards the war in Syria; 2) Why is Russia, in its role as a UNSC P5 member, using the legal and diplomacy domains of hybrid threats inside the UNSC, towards the war in Syria?

The analysis will be conducted within the conceptual framework, integrating data from different sources, including primary and secondary. As primary sources, this research will include the UNSC official documents, namely all the eighteen draft resolutions related to the war in Syria between 2011 and 2023 that were vetoed by Russia, combined with the record transcripts of the UNSC meetings where such draft proposals were vetoed, and with other related documents that were considered significant for those meetings (e.g., Secretary-General reports; UN General Assembly resolutions; United Nations Human Rights Council (UNHRC) resolutions; UNSC resolution; Russian draft resolutions). The research will include the analysis of the main

diplomatic and legal strategies and tactics that were used by the Russian diplomats during those decisive moments, followed by a correlation with Russia's possible motivations (what's in there for Russia?).

The deductive analysis will be complemented with discourse analysis of those meeting transcripts to understand the underlying narratives, language and patterns of discourse that support the legal and diplomatic strategies and tactics employed inside the UNSC by Russia. It will also test a possible correlation between the Russian actions and speech acts with the main motivations for that use. The analysis will be broadened to include statements provided by diplomats of other UNSC delegations as it may provide additional findings for the analysis (for instance, the main critics that were addressed to the Russian diplomats). The secondary sources include record keeping (e.g., reports from Non-Governmental Organizations (NGOs), journal articles, historical documents) to broaden the analysis with additional layers.

This approach was deemed appropriate due to the complexity and multiple angles that characterize the legal and diplomatic dimensions of hybrid threats. Given the complex nature of the topic, using mixed methods will provide more reliable results for the analysis. The ethical considerations were duly considered to avoid biased conclusions, including ensuring statements or documentation produced by organizations and/or authors from all sides (e.g., Western countries, Syria, Russia).

The research will start with an historical analysis of the relations between Russia and Syria, until the beginning of the war in Syria, to bring supporting information for the possible "motivations" for Russia's action in the UNSC. Then, the surrounding environment related to the Russian vetoes inside the UNSC, towards the conflict in Syria, will be also analyzed.

The hypothesis for the first research question (the "if") will be tested using the four pillars of the conceptual framework (actor, domains – legal and diplomacy, tools, and phases), to identify if Russia is using the legal and diplomacy domains of hybrid threats inside the UNSC, to leverage its political objectives the Middle East (and specifically in Syria). The hypothesis for the second research question (the "why") would be grounded on testing the relevance of domestic stressors (namely economic, political and security), geostrategic interests and the overall identity project of Russia (post-USSR) as underlying motivations for the use of such domains. The hypotheses will be put to test through a case study, namely the conflict in Syria in the post Arab spring (2011-2023).

The analysis will be conducted using realism (to analyze the power relations and interests of Russia grounded in Russia's national interests) and constructivism (to explore the correlation between the use of such domains and Russia's identity project). The combined use of both theories will provide a more holistic understanding of the topic.

## **CHAPTER 2 – Syria as a case study**

### **2.1 An historical analysis on the Russian (former USSR) - Syrian relations**

According to Aghayev and Katman (2012, p.2066), the Middle East (including Syria) plays an important role in Russian foreign policy with its policies towards the region being led by ideological, economical, and geopolitical reasons. Kreutz (2010, p.5) adds a valuable argument to the discussion, arguing that some critical aspect that brings Russia closer to Syria include the former's interest in cultivating good relations with the Islamic world, leveraging on these relations to safeguard its position, protect itself against the Caucasian separatism and to access the Mediterranean to avoid a possible NATO encirclement.

Lund (2019, p.4) identifies the recognition of Syria's independence by the USSR, on July 22, 1944, still in the remnants the French colonialism, as the genesis for this relation. Aghayev and Katman (2012, p.2067), add that this recognition was materialized by a secret agreement from February 10, 1946<sup>2</sup>, where the USSR would provide diplomatic and political support and help to establish the Syrian national army. The following decades would then become foundational for the diplomatic relations between both countries.

As highlighted by Lund (2019), some decisive moments took place in the 1940s, 1950s and 1960s, being the war between Syria and Israel (still at the end of the 1940s) one of the most significant. The war has contributed to distancing Syria from the West, while provided important space to enhance relations with the USSR, mostly due to the military support provided by the latest. (Lund, 2019, p.4). Also, as highlighted by Aghayev and Katman (2012, p.2067), the non-aggression pact signed on April 10<sup>th</sup>, 1950, leveled up the relation between both countries. The authors argue that each conflict that took place in the Middle East during the cold war led to a closer approach between Syria and the USSR, referring the Suez crisis (that led to the establishment of military and economic strategic agreements between both countries), and the Baghdad pact (as it was perceived by Syria as a pact against itself, therefore leading to close ties to the Soviet Union) (Aghayev, Katman, 2012, p.2067). The 1960s were also critical for enhancing diplomatic relations between both countries. On the one hand, the relation between both countries was reinforced with the entry into power of the Baath Party, under the leadership of the President Hafez al-Assad, that lasted from 1970 to 2000. (Lund, 2019, p.4). On the other hand, the outcomes of the 1967 war between Syria and Israel had a direct impact on Syria's and the USSR's foreign (and domestic) policy. Syria lost territory to Israel (the Golan Heights) due to

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<sup>2</sup> The agreement took place before the independence of Syria, as the country became independent only on April 17<sup>th</sup>, 1946.

the American support, leading to colder relations both with Israel and the U.S.A. As for the USSR, it showed a lack of military muscle in the conflict, a factor that has contributed to distance itself from Israel and to increase arms selling to its Arab allies (Lund, 2019, p.6).

If we look at the foreign relations between the USSR and Syria under the presidency of Hafez al-Assad, it is undeniable that it has been solidified<sup>3</sup>. Aghayev and Katman (2012) argued that Assad made a good assessment on the intentions and priorities of USSR towards Middle East (that included a naval and air bases in the Middle East) and knew how to navigate it for the regime's benefit. (Aghayev, Katman, 2012, p.2067). On the other side of this relation, the support provided by the USSR was grounded in two main reasons: 1) Softening the Western influence in the region, using Syria to spread the USSR anti-imperialist views across the Middle East; 2) Create an influence zone in the eastern Mediterranean to ensure nuclear balance, namely against the U.S.A (Aghayev and Katman, 2012, p.2067). Some examples of this close ties during Assad presidency may be found in the USSR's use of the ports of Latakia and Tartous and the strengthening of its arms exports to Syria. Lund (2019) highlights that the USSR's involvement in the war with Israel (1973) and the war with Israel in Lebanon (1980) were critical moments to show to the international community the relation between both countries, leading to the establishment of weapons programs and the direct deployment of USSR's air defense. (Lund, 2019, p.7-8). However, as Lund (2019, p.7) recalls, Assad did not allow outside interference in domestic affairs, being the relations between both countries established under a pragmatic model of cooperation.

According to Lund (2019), another event that has significantly contributed to the relevance of Syria to the USSR regional geostrategy relied on the reapproach between Egypt and U.S.A in 1973, during the Presidency of Anwar al-Sadat. The reapproach culminated in Sadat breaking a cooperation treaty with USSR and its subsequent support to the U.S.A in mediating a peace agreement with Israel, which led to the restitution of the Sinai Peninsula. As the author highlights, the Kremlin's regional position would have been weakened, reaffirming Syria's position as "the last pro-Soviet "frontline state" in the Arab-Israeli conflict". (Lund, 2019, p.8).

During the 1970s and 1980s, Assad became more receptive to the USSR, as a result of some economic problems and internal issues the country was facing, as well as the Sunni Islamic revolt. Assad feared that, after the establishment of a peace agreement with Egypt, Israel could use all its military power to attack Syria. Thus, the 1980s included an increased interest in military protection and armament and the signing of a treaty of cooperation with Moscow. This is supported by Lund (2019), by arguing that the 1980s were marked by the trading of billions of dollars in arms along with an exponential presence of USSR advisers in Syria (more than 13,000 in 1984, according to Lund).

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<sup>3</sup> Despite the ideological differences between the USSR's socialism and the Baath ideology.

However, with the Mikhail Gorbachev ascension to power in 1985, structural changes took place downplaying the relations between the USSR and Syria. Kreutz (2010, p.7) highlights the decline in such relations due to the perestroika, with a negative impact in arms supplies, along with a rapprochement to Israel. This argument was supported by Aghayev and Katman (2012), by arguing that the “glasnost” and “perestroika” led to significant economic changes in the country and the USSR politics towards the Middle East became focused in economic partnerships instead of building alliances (Aghayev and Katman, 2012, p.2068). As Lund (2019) argues, this shift had an impact on Syria at several levels, including on the credit and military support provided, along with an increasing political pressure for Syria to resolve its disputes with Israel and to withdraw from Lebanon (Lund, 2019, p.11). As a result of these developments, including the imminent outcome of an American victory in the cold war, and to ensure the position of the Baathist regime’s, Assad resumed relations with the West (Lund, 2019, p.11). A practical example was provided by Aghayev and Katman (2012), by highlighting that in 1991 Syria joined the coalition led by USA during the Gulf crisis (Aghayev and Katman, 2012, p.2068).

It goes without saying that the end of the cold war in 1991 had direct impacts on Syria, due to the dissolution of the USSR, leading to a temporary setback on the diplomatic relations between (now) Russia and Syria. As Lund (2019) points out, this setback led Syria to focus on the West, and to manage the ongoing issues with Israel and Lebanon while Russia was focused on resolving its internal political issues and externally on the near abroad (Lund, 2019, p.12). The Russian relations with the Middle East were centered on building new oil trade relations with the Arab Gulf, Turkey, and Israel and on loosening UN sanctions on Iraq (Lund, 2019, p.12).

The 2000s translates into an apparently relevant landmark in the Russian-Syrian relations, due to the emergence of two central figures in world politics. In the case of Syria, the new leader Bashar al-Assad. In the case of Russia, with Putin arrival to power (first as Prime Minister and then as President). As mentioned by Simon (2021), Russia was now experiencing a new era, particularly regarding its vision of state sovereignty. According to the author, one of the key characteristics relied on a more “instrumental” approach to the pursuit of foreign objectives, as opposed to a more “ideational” approach, leading to the co-existence of two models of sovereignty in Russian foreign policy “Westphalian” (beyond the Near Abroad) and “post-Soviet” (in the Near Abroad) (Simons, 2021, p.420). The author highlights three reasons for the existence of this co-model. Firstly, for the protection of Russian interests at the domestic, regional, and international levels; Secondly, as a balancing mechanism against the Western world, as it counterbalances a post-Westphalian model of sovereignty; 3) Thirdly, showing a “non-Western” power identity in an emerging multipolar global order (Simons, 2021, p.420).

Along with those important changes in the leadership of both countries, important foreign policy events have contributed to a new phase in the relations between Syria and Russia, while distancing both countries from external relations with Western countries (specially from the

U.S.A). Lund (2019) brings some paradigmatic examples, as the Syrian support for the Palestinian radicalism in the Al-Aqsa Intifada in 2000 (that isolated Syria from the international community) and the Assad's opposition at the UNSC to the American invasion of Iraq in 2001 under the “war on terror” policy. According to the author, Syria became a top problem to the U.S.A, which was translated into sanctions and pressure on Syria to withdraw troops from Lebanon. Also as argued by the author, such pressure on Syria coincided with a critical voice from Putin regarding the invasion of Iraq, NATO’s expansion and the color revolutions, topics that were perceived by Russia as a potential strategic encirclement (Lund, 2019, p.14-15). Kreutz (2010) reinforces this perspective, by arguing that, along with the rapprochement between Syria and Russia due to the international isolation, was the “renewal of Moscow proactive foreign policy” due to Iraq and NATO (Kreutz, 2010, p.14). The previous considerations show a shift in Russia foreign policy from a defense strategy to an assertive one, with Syria playing an important role in it. Between 2008 and 2012, Putin's Presidency was interrupted, leading to the temporary succession of Dmitri Medvedev. As Lund (2019, p.16) mentions, during his mandate, Assad supported Russia in the war with Georgia, calling it “legitimate interests”. The war had a significant impact on the relations between the two countries, including the creation of a major Russian military modernization program in Syria.

With the beginning of the Arab Spring in 2011, Russia gradually started to take a more assertive stance in defending the Syrian government. According to Lund (2019), the Arab Spring “triggered old fears of Western scheming against Russia”, that could include color revolutions or hybrid warfare. (Lund, 2019, p.19). Rezvani (2020) adds to the discussion, arguing that Russia perceives a regime change in Syria as threat to its geopolitical position, due to the “Sunni violent jihadi militias many of whom are from, or entertain ties with, the North Caucasus and other places in the Post-Soviet Space” (Rezvani, 2020, p. 895). Lund (2019) supports this argument, arguing that the presence of the I.S. in this conflict was also a threat to Russia, as in a potential stateless Syria post-Assad regime, they could destabilize the Middle East and the Caucasus. (Lund, 2019, p.27). Simons (2021) also adds to the discussion, referring the sense of betrayal that led to Russia’s decision makers to engage in this conflict due to the perceived abuse of the UNSC after the situation in Libya. According to the author, doing nothing would destroy Russia’s credibility as a great power and loose the profits of a successful diplomacy in the Middle East, but also loose at domestic level due to the internal support for the idea of Russia as a great power. (Simons, 2021, p.428). As argued by Simons (2021), Russia’s leverage on Syria provided influence in the Middle East, positioning itself as a key actor and mediator in other regional conflicts, as Libya or Yemen. However, the author considers that the positive outcome derives from a Western failure. (Simons, 2021, p.426). From Russia’s point of view, protecting Assad was a defensive action to protect an ally and the “UN-led, sovereignty-based international order” that at the same time contributes to Russia global influence. (Lund, 2019, p.19). That being said, there were several

possible motivations for Russia's involvement in the Syria war, using diverse strategies, tactics, in different forums. One of those was the UNSC through Russia's use of its veto power.

## **2.2 A comprehensive analysis of Russian vetoes in the UNSC (2011-2023)**

During nearly 12 years of conflict in Syria (2011-2023), several draft resolutions were put forth to voting by different delegations. These resolutions focused on different critical matters depending on the phase of that conflict, including establishing ceasefires between the parties, fighting the use of chemical weapons, providing humanitarian aid, among other vital matters. However, due to significant ideological differences and conflicting geostrategic interests between the P5 members, the action of the UNSC in critical matters that required immediate action became paralyzed. The fractural division may be seen, among other circumstances, by the number of times that Russia has vetoed draft resolution related to the war in Syria. The UN official document shows that, between 2011 and 2023, Russia has used its veto power 18 times<sup>4</sup>, followed by a Chinese veto in 10 of those occasions<sup>5</sup>. Given the special power conferred to the P5 members, all the 18 draft resolutions failed to be adopted.

The present section therefore focuses on the analysis of all the draft resolutions, and the respective UNSC meetings related to the war in Syria (2011-2023), in which Russia exercised its veto power. It will be examined whether there is enough supporting evidence to fundament the inclusion of the legal and diplomatic actions of Russia in the UNSC under the "legal" and "diplomacy" domains of hybrid threats. The analysis will include the vetoed draft resolutions, the voting procedures and the correspondent statements provided by the different country delegations with seats on the UNSC at each moment.

### **2.2.1 UNSC Draft Resolution S/2011/612**

The first Russian veto took place during the 6627<sup>th</sup> UNSC meeting (S/PV.6627) on October 4<sup>th</sup>, 2011, when the draft resolution S/2011/612 was submitted for a vote. It followed a UNSC presidential statement, several statements from the UN Secretary-General and a report from the Human Rights Council (A/HRC/S-17/1), all of them addressing alleged human rights violations in Syria.

The draft proposal S/2011/612 condemned the Syrian authorities for human rights violations and the use violence against civilians; urged the need to stop the hostilities to all sides; requested the protection of human rights and a Syrian-led political process; and asked the foreign

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<sup>4</sup> Russia had vetoed 1 draft resolution in 2011; 2 in 2012; 1 in 2014; 2 in 2016; 5 in 2017; 1 in 2018; 2 in 2019; 2 in 2020; 1 in 2022; and 1 in 2023.

<sup>5</sup> It is also important to highlight that Russia and China represent 2/5 of the universe of the P5 members within the UNSC, with the other 3/5 including U.K., U.S.A., and France (the so called Western P5).

governments to stop supplying arms to Syria. It also included measures under Article 41 of the UN charter in case of non-compliance. Despite the number of casualties and refugees<sup>6</sup>, and the 9 positive votes, the resolution could not be adopted due to the veto from Russia (and from China).

The arguments presented by the Russian representative included a reference to Libya and NATO interventionism as precedents that could be repeated with the approval of S/2011/612 and an accusation addressed to the Western countries of being confrontational. There was also a strong emphasis on “national sovereignty,” territorial integrity”, and “non-intervention” (S/PV.6627, p3), and a clear opposition to any kind of sanctions on the Syrian government. The Russian representative also stressed the disproportionality in the draft wording between references to the government and to the opposition, encouraged dialogue and defended the gradual reforms being implemented, arguing that that “a significant number of Syrians” would prefer that to regime change (S/PV.6627, p4). The French representative asserted that the Russian veto was not due to the wording but to a political decision to protect the Syrian government. The U.K. representative criticized the obstruction led by Russia (and China) and its opposition to any sanctions. The U.S.A representative strongly rejected Russian claims that the resolution would have allowed military intervention, by referring to Article 41<sup>st</sup> (and its difference to Article 42<sup>nd</sup>). The American diplomat also accused Russia of preferring continue to sell arms to the regime instead of protecting the Syrian people.

The evidence suggests the use of legal and diplomatic maneuvers that may fall under the category of hybrid threat. The veto exercised by Russia had a direct impact on the Syrian conflict, by delaying action and blocking a resolution that would otherwise send a strong message of unity from the UNSC to the world (and specially to Syria). By invoking Libya as precedent and accusing the draft resolution of opening a door for military intervention, Russia cast doubt about the intentions of those that supported and wrote the draft resolution, especially the western countries (even if article 42 was not referred in the draft proposal). Also, by framing the opposition as terrorists, the Russian diplomat changed the narrative for the Syrian conflict, portraying Russia as being fighting terrorism (while indirectly accusing the Western countries of backing up terrorists). The use of key concepts of “non-intervention” and “sovereignty” may be also seen as an attempt to weaponize legal arguments to prevent applications of sanctions against the regime.

### **2.2.2 UNSC Draft Resolution S/2012/77**

The second Russian veto took place during the 6711<sup>th</sup> UNSC meeting (S/PV.6711), on February 4<sup>th</sup>, 2012, when the draft resolution S/2012/77 was submitted for a vote. The draft proposal S/2012/77 reinforced the need for accountability for those perpetrating violence; supported a

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<sup>6</sup> There were 2.700 civilian victims and more than 10.000 refugees as recalled by the French representative.



Syrian-led political process; endorsed the action plan of the League of Arab States towards a democratic political transition and requested cooperation with the observer mission. The proposal explicitly expressed that any measures under article 42<sup>nd</sup> of chapter VII (military) would not be authorized.

Before moving to the analysis, it is important to provide the background facts. The first one was that, according to the American representative, Assad had agreed to uphold the action plan proposed (S/PV.6711, 5). The second one was that the Secretary-General of the League of Arab States, alerted the UNSC in the 6710<sup>th</sup> meeting that the Syrian authorities had violated commitments in the action plan (and protocol) with the League of Arab States. The third one, brought by the French representative, was that the UNHRC had thrice referred the Syrian regime's responsibility, and that 133 countries of the General Assembly had condemned criminal acts in Syria. However, despite unity in the international community, the draft resolution was vetoed by Russia (and China).

The arguments provided by the Russian representative were grounded in Russia's efforts to enhance diplomatic dialogues with Syria, regional countries, and international stakeholders and on accusations made against the Western counterparts of encouraging opposition and not distancing it from extremist group, and of undermining the chances for a political settlement by calling for a regime change. The German representative recalled that the resolution didn't include sanctions, arms embargoes, or even mandate a commission of inquiry concerning human rights violations, being focused on supporting the political framework of the League of Arab States. The U.S.A representative criticized its Russian counterpart, arguing that the UNSC became "hostage by a couple of members" (S/PV.6711, p.5).

Once again, the analysis suggests evidence on the use of legal and diplomatic maneuvers by Russia that may fall under the category of hybrid threat. The veto undermined the mediating efforts of the Arab League (due to a lack of diplomatic support) and blocked another attempt to bring the Syrian regime (and terrorist groups) accountable, therefore establishing a pattern of impunity. The Russian diplomatic discourse had also contributed to the counter-narrative of western support to terrorism.

### **2.2.3 UNSC Draft Resolution S/2012/538**

The third veto from Russia took place during the 6810<sup>th</sup> UNSC meeting (S/PV.6810) on July 19<sup>th</sup>, 2012, where two draft resolutions were submitted for a vote: S/2012/538 (presented by several countries, including Western ones) and S/2012/547/Rev.2 (submitted by Russia). The meeting also included a Secretary-General's report on the implementation of Security Council resolution 2043 (2012), showcasing the growing violence both from the Syrian government and the armed opposition.

The S/2012/538 had several objectives, including condemning the Syrian authorities for using heavy weapons in populated centres and of non-complying to withdraw military concentration; raising concerns related to the growing violence from armed opposition groups; and renewing the mandate of the UN Supervision Mission in Syria (UNSMIS) for 45 days. The end goal was to create a political process based on the Action Group framework, enforced by Chapter VII of the UN Charter.

The Russian representative withdrew the draft proposal S/2012/547/Rev.2 before it was voted, stating “we believe that continued confrontation in the Security Council is useless and counter-productive, and for that reason, we will not submit our draft resolution to a vote” (S/PV.6810, p.9). The draft Resolution S/2012/538 was not adopted due to the veto from Russia and China.

The veto led to several accusations from other delegations of prolonging the conflict and people’s suffering. As argued by the U.K. representative, more than 14,000 innocent Syrians had been killed since the first Russian veto in October 2011. The diplomatic arguments used by the Russian representative included a strong opposition to Chapter VII as Russia would not agree with a path that it would consider as an open door for sanctions and for military intervention, while also considering the sanctions as biased. The arguments also included accusations to the Western P5 for promoting confrontation inside the UNSC, flaming extremism, and not promoting dialogue between the parties, therefore leading to an escalation of the conflict. The Russian Diplomat also stated that the draft resolution was not aligned with the Geneva document's spirit and therefore could not be accepted. The U.K. representative strongly condemned Russia for preferring the Syrian government's promises instead of Kofi Annan course of action, with their actions potentially leading to an “all-out civil war” (S/PV.6810, p.3).

Once again, there seems to exist evidence on the use of legal and diplomatic maneuvers that may fall under the category of hybrid threat. The submission and withdrawal of an alternative draft resolution during the meeting may be considered, in objective terms, as a potential misuse of legal and diplomatic instruments. The Russian delegation used a competing legal instrument that led to division instead of unity, undermining the diplomatic negotiations and the outcome itself. The alternative draft resolution contributed for the Russia delegation to have additional arguments to spread a counter-narrative while shielding their allies in Syria, delaying once again the use of possible sanctions that could dissuade alleged additional violations of human rights.

#### **2.2.4 UNSC draft resolution S/2014/348**

The fourth Russian veto took place during the 7180<sup>th</sup> UNSC meeting (S/PV.7180), on May 22<sup>nd</sup>, 2014, where the draft resolution S/2014/348 was submitted for a vote. The meeting began with the Deputy Secretary-General delivering a statement on behalf of the Secretary-General, voicing support for the use of the International Criminal Court (ICC), and emphasizing its importance to

ensure accountability, both for those internal parties in the war in Syria and for all those supplying weapons and fueling the conflict. The statement was followed by the presentation of the draft Resolution S/2014/348, sponsored by over 60 countries. The document included several objectives, including condemnation for the alleged violations of the international humanitarian law in Syria<sup>7</sup> perpetrated by the Syrian authorities and pro-government militias, but also by the opposition armed groups.

The core discussion included the possibility of addressing those alleged crimes against humanity and war crimes to the ICC, therefore creating a legal basis for criminal prosecution. The French representative argued that there were no prospects for a peace agreement as the parties would refuse to negotiate based on the expectations of a military victory. The draft proposal S/2014/348 was voted upon, being vetoed by Russia and China.

As stated by the representative from U.K., the draft resolution had the support of 13 members of the UNSC, counted with 65 sponsors and with the support of over 100 NGO's and of the Syrian National Coalition, showing the level of isolation of Russia from the international community regarding the war in Syria. As highlighted by the French representative, there was precedents for the establishment of ICC jurisdiction, stating the examples of the resolutions concerning Darfur and Libya. However, the veto prevented ICC of being mandated to investigate those crimes and to conduct an international judicial process to ensure accountability. In the words of the Argentinian representative "it would seem that once again we are to accept as normal the exercise of selective justice." (S/PV.7180, p.10).

The diplomatic tactics provided by the Russian representative included diverting the main topic of discussion, by focusing on other situations where the P5 members have converged (as the destruction of the Syrian chemical stockpile or humanitarian issues), to convey a message of a less fractural ideological division while sidelining the main topic. The diplomat also accused France of promoting division among the P5 and politicizing the issue, while casting doubt on the Western intents of a possible armed intervention (that may be seen as an attempt to discredit the draft proposal). The topic of terrorism was also included, with the Russian diplomat arguing that the Western P5 were blocking condemnation to terrorist attacks (therefore inferring that they would be protecting it), while also accusing those countries of undermining the Geneva negotiations and of using the ICC to inflame the conflict to then justify military interventionism. Another example relied on discrediting the Caesar report<sup>8</sup> (S/2014/244, annex), accusing it of being presented to justify the draft resolution.

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<sup>7</sup> As per the report of the independent international commission of inquiry on the Syrian Arab Republic, under the mandate of the Human Rights Council.

<sup>8</sup> The report was brought by a Syrian military defector that photographed evidence concerning human rights violations.

The evidence suggests once again a possible use of legal and diplomatic maneuvers by Russia that may fall under the category of hybrid threat. The use of veto prevented accountability to the Syrian authorities (also automatically extended to the terrorist organizations), by blocking the possibility of an ICC prosecution, therefore providing impunity to the alleged perpetrators of human rights violations. It also contributed to the selective application of that mechanism, by blocking a legal basis for prosecution (when the same provision was applied in previous cases, as in Darfur). The legal and diplomat maneuvers have also contributed to downplaying the UNSC's mission of maintaining international peace and justice by using diplomatic pressure on the draft resolution, namely by saying that it would hinder the Geneva negotiations. Framing the perpetrators as being (exclusively) the terrorists, have also contributed to the Russian counter-narrative, indirectly portraying the Syrian authorities' actions as counter-terrorism measures.

### **2.2.5 UNSC draft resolution S/2016/846**

The fifth Russian veto took place during the 7785<sup>th</sup> UNSC meeting (S/PV.7785) held on October 8<sup>th</sup>, 2016, where two draft resolutions were submitted for a vote: S/2016/846, endorsed by several countries, and S/2016/847, endorsed by Russia.

The draft resolution S/2016/846 addressed the outraged situation in Syria (and specially in Aleppo), demanding the immediate cessation of hostilities, and the need for humanitarian assistance. It also emphasized the need for humanitarian access and requested all parties to stop collaboration with the terrorist groups, while supporting a Syrian-led political process. The draft proposal also advocated the need for a monitoring mechanism to ensure the cessation of hostilities under UN supervision and the need to "take further measures under the Charter" (in this case, there was no exclusion of military ones) (S/2016/846, p.2)

The French representative strongly argued that the events in Aleppo were not related to the fight against terrorism but instead with the attempt of the Syrian regime to take control over the city. The Diplomat presented the pattern followed in Daray and Hama accusing the Syrian regime of bombing and destructing civilian infrastructures and targeting moderate opposition. The diplomat also accused those backing up the Syrian government's strategy to secure the render of fighters, as contributing to a potential cycle of "ethnic cleansing" (S/PV.7785, p.2). The representative emphasized the need of a verification mechanism and accused Russia of imposing conditions on the halt of the bombing, including firstly knowing where the terrorists are, making it a paradox, as it was impossible to investigate before stopping the bombing. The Russian representative accused the "ill-conceived policy of regime change in Damascus" promoted by the Western P5 (S/PV.7785, p.2). The main arguments provided by the diplomat included Libya as the background for the pathos promoted by the Western P5 and referring that the ceasefire would be explored by terrorist fighters and illegal armed groups. The diplomat also advocated that the banning of military flights should only apply to the Eastern part of Aleppo, and not to the Western

part (controlled by the government) and accused the French delegation of bypassing the discussion of a draft resolution in the UNSC that predetermined the course of action, stressing the need for the restrictions to comply with the ceasefire<sup>9</sup>. The arguments also included a critique to the draft resolution for duplicating the monitoring mechanism, as according to the Russian representative the draft resolution would result on the creation of another mechanism instead of focusing on the International Syria Support Group.

Both resolutions were voted, but neither one was adopted. S/2016/846 was vetoed by Russia (and received a negative vote from Venezuela) and S/2016/846 was vetoed by the Western P5 (receiving negative votes from other members).

The U.K. representative accused Russia of backing up the Syrian regime by supporting and facilitating its campaign in retaking and destroying areas against the regime. The U.S.A representative accused the Russian draft proposal as being a “deceptive attempt to ratify what Russia and the regime are doing in Aleppo” (S/PV.7785. pp.12-13), in the sense of using counterterrorism as narrative to support the action that were being taken in Aleppo. The Syrian representative accused the U.S.A and some of its partners of supporting moderate armed groups, stating that some members ended up joining terrorist organizations.

The analysis suggests once again the use of strategic and tactical maneuvering by the Russian diplomats to navigate the diplomatic and (international) legal framework in its favor. The veto had contributed to shield the Syrian government by avoiding impunity, while it may also be seen as a selective use of international law by Russia. There seems to exist a clear contradiction between the alleged involvement in the bombing actions that led to civilian deaths and the defense of international principles and norms proclaimed by the Russian representative. The Russian draft resolution, presented as a “reasonable course of collective action” (S/PV.7785, 5) may also be considered as a maneuver to divert attention from the main objectives of S/2016/846, opening a path to control the narrative (e.g., portraying moderate opposition as terrorists) and to delay action. The above conclusions therefore suggest the use of possible legal and diplomatic maneuvers that may fall under the category of hybrid threat inside the UNSC.

### **2.2.6 UNSC draft resolution S/2016/1026**

The sixth Russian veto took place during the 7825<sup>th</sup> UNSC meeting (S/PV.7825), on December 5<sup>th</sup>, 2016, when the draft resolution S/2016/1026 was submitted for a vote. Once again, Syria arrived a new stage of the catastrophic scenario where action from the UNSC was most needed. As written in the draft resolution, at that time more than 13.5 million people needed humanitarian assistance, and 6.1 million people were internally displaced.

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<sup>9</sup> According to the Russian diplomat it were being violated by terrorist and illegal armed groups.

The draft resolution S/2016/1026 addressed the humanitarian crisis in Aleppo, demanded a 7-day period of cessation of hostilities to allow urgent humanitarian support, compliance with international humanitarian and human rights laws, and urged all parties to stop collaboration with terrorist organizations, also reaffirming the need for a Syrian-led political process as the only solution to stop the deteriorating situation in the country.

The meeting started with a procedural request from the Russian representative to delay the UNSC voting process, by arguing that the document was submitted without enough time to be properly analyzed and discussed to reach a consensus. Among the initial arguments was also the assertion that the draft resolution could undermine the ongoing negotiations between Russia and U.S.A., and that the Special Envoy Staffan de Mistura's plan would resolve the situation in Eastern Aleppo. The Diplomat also referred that the cessation of hostilities would be explored by fighters to have control over new parts Aleppo and that the draft was a result of pressure led by the Western P5 members, seeing it as a provocation that could undermine the work led by the International Syria Support Group. Some of those arguments were countered by the U.S.A representative. Regarding the negotiations with the U.S.A, the American representative stated that it was a "made-up alibi" (S/PV.7825, p.3). According to the American representative, Russia was focused on "preserving its military gains" (S/PV.7825, p.3) and to use prospects of diplomatic arrangements as a tactic to delay action within the UNSC, to be followed by "another relentless round of bombing" in Syria (S/PV.7825, p.3).

The draft resolution was voted and failed to be adopted due to the veto of Russia and China. The New Zealand's representative (co-penholder of the draft resolution) stressed that the draft had circulated among the UNSC<sup>10</sup> and was submitted to vote on December 2<sup>nd</sup>, therefore compliant with the necessary period in advance to ensure a proper submission. The U.K. representative also noted that the draft resolution had circulated for over a month, referring that the Russian delegation refused to engage during that period. Both representatives accused Russia of using procedural attempts (instead of focusing on substantial matters) to contribute to a military victory.

The analysis of the meeting's transcripts suggest an attempt led by the Russian delegation to delay action inside the UNSC, in this case towards a ceasefire in Aleppo. The Russian argument that the UNSC action could undermine the peace negotiations in place may also be framed as an attempt to discredit the work of the UNSC, contributing to its paralysis. The arguments also contribute to the counter-narrative of Western interventionism and to frame the war in Syria as a war against terrorism. The veto power may therefore be seen as an attempt to ensure additional time to Syrian authorities to maintain a military action in Eastern Aleppo.

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<sup>10</sup> According to the meeting transcripts, Russia was the delegation requesting more changes.

### **2.2.7 UNSC draft resolution S/2017/172**

The seventh Russian veto took place during the 7893<sup>rd</sup> UNSC meeting (S/PV.7893), on February 28<sup>th</sup>, 2017, when the draft resolution S/2017/172, endorsed by several countries, was submitted for a vote. The proposal came at a moment of growing concerns over the use of chemical weapons, including by terrorist organizations. The draft resolution had several objectives, including the condemnation of the alleged use of chemical actions, considering it as serious violations of international law. Concrete measures were included under chapter VII of the UN (including travel bans and financial measures), to provide accountability for those who were involved in the use of chemical weapons. The proposal also called for cooperation with the Organization for the Prohibition of Chemical Weapons (OPCW) and the United Nations Joint Investigative Mechanism (JIM), monitoring measures, among other objectives. A sanction's list was attached to the draft resolution, including several names of individuals and organizations.

Before the voting process, the French representative recalled the unanimously adopted UNSC resolution 2118 (2013), that imposed sanctions under chapter VII to all those in Syria non-compliant with the resolution on the prohibition of chemical weapons. This was an important background as the representative stressed that the JIM's findings shown that the Syrian regime was considered responsible in three cases on the use of chemical weapons and that Da'esh was responsible in another one. Despite the previous information, the draft resolution failed to be adopted due to a veto from Russia and China, igniting discussion surrounding accountability.

The U.S.A representative accused Russia of putting Assad's interests above global security and preventing the regime of being accountable for the use of chemical weapons. He also stressed that the fact-finding mission sent by the OPCW had already confirmed that chemical weapons were used (but it did not have the mandate to identify prosecutors), being the JIM created to also identify who have used those weapons. To that regard, the American representative noted that now that the conclusions were made for some of those uses, and with several other potential uses being investigated, Russia and China were questioning the investigation, also highlighting Russia's paradox of suggesting that the Syrian Regime should investigate itself. The representative from the U.K. also recalled Russia and China responsibilities, as P5 members and as parties to the Chemical Weapons Convention, to act against the use and proliferation of chemical weapons.

The Russian representative opposed to the sanctions in the draft resolution and shown skepticism on the conclusions of the third and fourth JIM's reports, considering it as not being based in "convincing facts", and grounded in "questionable information" (S/PV.7893, p.7). The diplomat also stressed that chemical weapons were being used by other extremist organizations and opposition groups, questioned the mission representativeness, and accused those conclusions of substantiating regime change. Another argument brought by the Russian representative was that when Russia agreed with the JIM, it was due to the need to investigate the use of chemical

weapons by terrorist organizations. The diplomat defended the need for the regime to investigate and verify the facts provided in the JIM's report (meaning, investigate the accusations against itself) and accused the inexistence of justification for the sanctions list attached to the draft resolution<sup>11</sup>, stating that the list had the end goal of addressing those sanctions to Damascus, accusing it of being the same one approved by the American administration.

The evidence suggests the Russian attempt to question the credibility of the JIM, including its representativeness, findings, and overall aims, along with discrediting the evidence by exploring ambiguities inside the reports. This may be interpreted as a legal tactic to undermine any legal basis for measures under chapter VII. The use of some strategic arguments to delay action, as the need for further dialogue or investigations, may also be seen as an attempt to paralyze UNSC action concerning accountability. The evidence once again suggests a possible use of legal and diplomatic maneuvers in the UNSC that may fall under the category of hybrid threat.

### **2.2.8 UNSC draft resolution S/2017/315**

The eighth Russian veto took place during the 7922<sup>nd</sup> UNSC meeting (S/PV.7922), on April 12<sup>th</sup>, 2017, when the draft resolution S/2017/315, endorsed by France, U.K., and U.S.A was submitted for a vote. The proposal condemned the reported use of chemical weapons southern Idlib in April 2017 and demanded accountability for it; supported the OPCW Fact Finding Mission (FFM) in ensuring investigation; requested the Secretary-General to facilitate cooperation between the FFM and the JIM and requested full cooperation from all parties in Syria with the OPCW and the UN, including the JIM, anticipating potential measures under chapter VII. The resolution was voted and, once again, failed to be adopted due to the veto of Russia (it also received a negative vote from Bolivia).

The Russian's representative argued that, on the same day of the voting process, the Russian Ministry of foreign affairs proposed in a meeting with the American Secretary of State to send a joint statement to the OPCW asking an independent international mission to go to Khan Shaykhun and that the American Secretary of State was considering that proposal. The diplomat also argued that on the next day a meeting with Executive Council of the OPCW would take place, having that topic on the agenda, while also emphasizing the Geneva and Astana processes and the work being done in those platforms. For all the above reasons, according to the diplomat, the draft proposed didn't have an "useful propose" (S/PV.7922, p.2). The Russian Representative also stated that the draft resolution was designed to assign guilt before an independent investigation took place, accused it of violating legal standards and questioned the working methods of the

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<sup>11</sup> There were indeed some criticisms brought by some delegation related to the inclusion of names on the list. The JIM did not provide that list of names and therefore, there were procedures that must be adhered to before creating a sanction's list specifying the names.



FFM, namely for not going to the sites<sup>12</sup>. The U.K. representative recalled that Russia was the “architect” of the 2013 agreement to dismantle the chemical-weapon in Syria, that was proved to fail (S/PV.7922, p.3).

The analysis of the Russia’s previous actions, veto, and discourse analysis suggests a Russian attempt to discredit the draft resolution and to bypass the UNSC discussions (e.g., Astana, Geneva, the bilateral meeting with the U.S.A on the same day when the draft resolution was voted upon). Additionally, questioning the current investigation mechanism and discrediting the process (e.g., for instance the reference to a need for an “impartial investigation” (S/PV.7922, p.7) may be framed as an attempt to divert attention from the real subject, meaning the use of chemical weapons in Syria. This potential use of legal and diplomatic maneuvers led Russia to a short-term win of gaining more time for Assad government, by blocking any international measures to take place. The evidence therefore suggests the use of legal and diplomacy domains of hybrid threat inside the UNSC.

### **2.2.9 UNSC draft resolution S/2017/884**

The ninth Russian veto took place during the 8073<sup>rd</sup> UNSC meeting (S/PV.8073), on October 24<sup>th</sup>, 2017, when the draft resolution S/2017/884, supported by several countries, was submitted for a vote. The document had a very clear objective: To decide the renewal of the JIM mandate for one year<sup>13</sup>, to investigate and identify the perpetrators for the use of chemical weapons.

The Russian representative started the meeting requesting to postpone it to a later date, as Russia could only vote the JIM’s renewal after seeing its report (despite arguing that the request would not compromise the JIM’s future).The diplomat also stated that in the past year he didn’t see a “substantive report” from the mechanism (S/PV.8073, p.2) and accused the promoters of this proposal of trying to politicize the issue. The U.K. representative referred that Russia was attempting to link the renewal of JIM and the presentation of its report, therefore accusing Russia of making such politicization. According to the diplomat, the only way to avoid that was to vote the renewal without a dependence on the report analysis, while also stressing that the only ones benefiting of such delay will be the ones perpetrating those crimes under investigation. The procedural attempt to postpone the voting didn’t pass due to eight negative votes (including three vetoes from the Western P5), also counting with some abstentions.

The Russian representative presented several additional arguments against the potential motivations for presenting such draft resolution, being one of those related to the unilateral measure taken under Trump Administration. According to the diplomat, the U.S.A carried out a

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<sup>12</sup> That was a common (and understandable) criticism, that would continue to be addressed in the following meetings.

<sup>13</sup> It is worth noting that the mandate would be concluded on November 17<sup>th</sup>, 2017 (the meeting was being held on October 24<sup>th</sup>).

missile strike in April 2017, targeting the Shayrat airbase in Syria after the Khan Shaykhun chemical attack, with the illegal action being only justified if the JIM reports confirm the American version of the facts. Another important note relies on the discourse analysis of the diplomat statement, as he advocates for the need of “irrefutable proof of guilty” (S/PV.8073, p.4) when it comes to the JIM. It is important to highlight that it is not the JIM’s competence to comply with such high (almost impossible) standards as the JIM did not have competences for a criminal prosecution. The Russian representative also discredited the JIM’s integrity arguing that, even when the mandate would be discussed, Russia would insist to include “elements of professionalism and impartiality” (S/PV.8073, p.4). The draft resolution was vetoed upon and failed to be adopted, due to the veto of Russia (it also counted with the negative vote from Bolivia). The U.S.A representative questioned Russian ultimate motives to attack the JIM’s works and recalled that the JIM went to Syria to ensure investigation on site. The U.K. representative recalled that if Russia didn’t change its mind, the JIM will end. Several other countries expressed their concerns, stressing the need to have the JIM operating, with impartiality and without political pressure.

The analysis of this meeting transcripts suggests evidence of legal and diplomatic maneuvers led by Russia that may fall under the category of hybrid threat. For instance, by discrediting the process and the JIM itself, while attempting to accuse the Western countries of being politicizing the issue for their own interests, Russia contributed to its own narrative and undermined JIM’s credibility even before the presentation of the report. Also, the discredit of the investigation process may be seen as a diversion to recenter the discussion on the JIM instead of on the findings (the use of chemical weapons). Also, the attempt to postpone the meeting to a moment when the report would be released provides additional space to ensure other legal and diplomatic arguments related to the report itself, that could potentially be used to block the renewal.

#### **2.2.10 UNSC draft resolution S/2017/962**

The tenth Russian veto took place during the 8105<sup>th</sup> UNSC meeting (S/PV.8105), on November 16<sup>th</sup>, 2017, when two draft resolutions were submitted for a vote: S/2017/962 (submitted by several countries), and S/2017/933 (submitted by Russia). The S/2017/962 proposed to renew the JIM for one year; encouraged the mechanism to consult with relevant UN counterterrorism and non-proliferation bodies, and to conclude the report and present its findings to the UNSC and to the OPCW Executive Council.

The meeting started with a disagreement on the order of presenting and voting the draft resolutions, with Russia asking to have S/2017/933 voted after the S/2017/962. The U.S.A representative recalled that the order should be the one of submission. The Russian representative reinforced its position, but the procedural request was not approved due to several negative votes (from the ones that have submitted S/2017/962). After the non-approval, Russia withdrawn

S/2017/933. The draft resolution S/2017/962 was voted but failed to be adopted due to the Russian veto (it also counted with a negative vote from Bolivia). Therefore, the mandate wasn't renewed.

The U.S.A representative argued that Russian veto killed the JIM Mechanism and questioned Russia's contributes to bring peace to Syria. The diplomat also accused Russia of using S/2017/933 as a distraction so it would not look bad at the eyes of the international community for defending the Syrian regime. The French representative highlighted that more than 60 cases required investigation, with that meeting representing the future of the international non-proliferation regime of chemical terrorism. The U.K. Representative accused Russia of not accepting any investigation that may blame their Syrian allies, and that its draft resolution intended to undermine and discredit the JIM findings<sup>14</sup> that chemical weapons were used by the Syrian regime. As stressed by the Egyptian representative, the Russian draft resolution "polarized the handling of the conclusions of the Mechanism's report and the renewal of its mandate." (S/PV.8105, p.12).

This UNSC meeting was marked by an unexpected turn of events brought by the Bolivian representative. The diplomat, in his statement, requested to put the Russian resolution to vote under procedural rule 35 of the UNSC. The Russian representative defended the veto of S/2017/962 by discrediting the report, stating that the draft resolution did not address the flaws on the investigation. He also compared the approach to the Syrian conflict led by some countries (including U.S.A) with the one led in Iraq, framing it as an attempt to mislead the international community to justify intervention. At the end of his statement, the diplomat stated that would like to support the Bolivian suggestion of resubmitting the draft resolution to be voted on that meeting (the same resolution that Russian diplomat had withdrawn for not being discussed secondly). In his statement, the representative accused the "fundament flaws" of JIM that had impeded its renewal (S/PV.8105, p.16). Therefore, according to the diplomat, the draft resolution that was resubmitted by Bolivia (now with the number S/2017/968) wanted to "extend the mandate with significant improvements in the quality of the JIM" (S/PV.8105, p.17). In his statement, the diplomat presented the following statement as a concession on the diplomatic negotiation to try to show good will: "We were willing to correct the operational paragraph on the re-evaluation of the conclusions from the JIM's reports of last year, confining it solely to the episode in the Sarmin area." (S/PV.8105, p.17). According to the American representative, this resubmission of the draft resolution was an attempt led by the Bolivian delegation to vote the Russian proposal after voting S/2017/962. He also argued that Russia didn't find the flaws that now invoke when it was addressed to the Islamic State in Iraq, but only when the Syrian Regime was referred. Regarding the process itself, the diplomat referred that Russia didn't ask for consultation before submitting

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<sup>14</sup> It is however important to highlight that some representatives stressed the need to improve the JIM's working methods (e.g., through site visits).

the draft resolution. The Ukrainian representative stated that the document presented was an attempt to undermine the credibility of JIM and FFM. Both countries referred the intention of Russia to micromanage JIM. The Syrian representative accused the Western P5 of manipulating the investigation mechanism and denying the use of banned toxic chemical substances.

The evidence related to this meeting suggests a potential use of legal and diplomatic maneuvers by Russia, in this case both in procedural and substantive matters, that may fall under the category of hybrid threat. Firstly, there seems to exist an attempt to obtain diplomatic leverage through a plan b, after the procedural request (plan a) had failed. The main objectives seem to “wrap the proposal” in a new package and present it as the best possible alternative after the failed draft resolution proposed by the Western counterparts, placing itself in the role of non-opponent to the JIM mandate and presenting the resolution as being a solution to improve the mechanism. The strategy seemed to include presenting a diplomatic concession of excluding the full re-evaluation of the conclusions, as an attempt to prove good faith so that a resolution can be approved. However, the analysis shown that it could lead to a process of micromanagement of that mechanism, putting the JIM’s impartiality at risk.

#### **2.2.11 UNSC draft resolution S/2017/970**

The eleventh Russia veto took place during the 8107<sup>th</sup> UNSC meeting (S/PV.8107), on November 17<sup>th</sup>, 2017, when draft resolution S/2017/970 was submitted for a vote. The proposal, submitted by Japan, suggested a technical renewal of the JIM for 30 days and requested the UN Secretary General to propose a structure and methodology for that mechanism, that would reflect the views of the UNSC members. The end goal was to ensure that the investigation could continue while the UNSC was trying to achieve consensus on this matter. However, the draft resolution failed to be adopted due to the Russian veto (second veto in 24h), also including a negative vote from Bolivia.

Once again, the American representative stated that Russia would not agree with any measure that may show the use of chemical weapons by the Syrian regime and that Russia wasn’t interested in saving the JIM. The diplomat also accused Russia’s actions as being attempts to distract and defeat efforts that would ensure accountability for the use of chemical attacks in Syria. The French representative recalled that the veto would prevent the JIM renewal (the mandate would finish at midnight), therefore leading to its dissolution. He also stressed that the veto had undermined the non-proliferation mechanisms, blocked accountability, and provided a precedent to be explored by those who could use such weapons. The Russian representative defended his veto by arguing that Russia always tried to be engaged in diplomatic negotiations but would never agree to the possibility of renewing the mandate since “(...) the mechanism leadership (...) has signed on to the unsubstantiated accusations that have been made against Syria” (S/PV.8107, p.7). The diplomat also diminished the importance of the JIM by stating that the non-proliferation would

depend on other instruments besides the JIM, referred the chemical terrorism and blamed the countries that did not approve the previous Russian draft resolution (resubmitted by Bolivia) for the outcome that day.

Once again, there seems to exist evidence that supports the existence of legal and diplomatic maneuvers led by Russia that may be framed under the category of hybrid threats. The veto power prevented a draft resolution from being adopted, leading to the extinction of a mechanism (created by the same organ) that had the mandate of investigating the use of chemical weapons (if those were used and by whom), at a moment when the names started to appear in the reports. The use of terms as “unsubstantiated accusations” opens legal spaces to be explored using diplomatic and legal arguments, promoting a narrative against the JIM. The Syrian regime was once again protected from accountability (extended protection was granted to terrorist organizations), investigations on the use of chemical weapons were blocked, the JIM credibility was undermined, and the mandate was not renewed.

#### **2.2.12 UNSC draft resolution S/2018/321**

The twelfth Russian veto took place during the 8228<sup>th</sup> UNSC meeting (S/PV.8228), on April 10<sup>th</sup>, 2018, when three resolutions were submitted for a vote, namely S/2018/175 (submitted by Russia), S/2018/321 (submitted by Several countries) and S/2018/322 (also submitted by Russia). Draft resolution S/2018/321 recalled that the chemical attacks were still under investigation by the FFM of the OPCW (that did not have a mandate to attribute responsibility); expressed concerns over the alleged chemical attacks in Douma (Damascus); reaffirmed grave concern over the terrorist fighters and organizations operating in Syria; and proposed the establishment of the United Nations Independent Mechanism of Investigation (UNIMI) with one year mandate, to investigate and identify possible perpetrators.

Before the voting process, the French representative stressed that the non-proliferation regime was under threat of a dangerous normalization of chemical uses and attacks, therefore existing a pressing need for being protected. The U.S.A representative condemned the attacks in Douma and criticized the Russian draft resolution for undermining the independence of the investigations, as it would provide Russia with the power of choosing the investigators and assessing the outcomes. The Russian representative argued that the U.S.A was trying to mislead the international community with a draft resolution that didn't enjoy unanimous support from the UNSC. The diplomat also reinforced that the UNSC should be the one determining who was responsible based on “reliable evidence that would leave no room for doubt about the correctness of the conclusions” and that the Russian veto was used to “protect international law, peace and security” (S/PV.8228, p.4). The draft resolution S/2018/321 was voted and failed to be adopted due to the veto of Russia (it also received a negative vote from Bolivia). As highlighted by the

representative from the Netherlands, that veto was the 12<sup>th</sup> of Russia regarding the war in Syria (and the 6<sup>th</sup> related to the subject of chemical weapons).

The Russian draft resolution (S/2018/175) was also voted upon and failed to be adopted due to the veto of several P5 members. The U.K. representative stated that the Russian proposal was a “distraction”, and that there was no attempt to accommodate concerns brought by the other delegations (S/PV.8228, p.9). The diplomat also stated that Russia wanted to create a “quasi-judicial standard — “beyond a reasonable doubt”” (S/PV.8228, p.9) and that if the objective would be to ensure a criminal investigation, then that intention should be formalized with the ICC. The American representative argued that Russia’s intention with S/2018/175 was to allow it to approve the investigators and for the UNSC to have access to the findings before the report being released. The Kuwait representative argued that the delegation abstained from voting the Russian draft resolution as it deprived the new mechanism of determining the perpetrators of the attacks. The Russian representative casted doubt on the veracity of the chemical attacks in Douma, by phrasing “(...) there was an emotional discussion of the event, or the alleged event, in Douma on 7 April.” (S/PV.8228, p.13), arguing that, based on Russia’s own investigation, the attacks could not be confirmed.

After a short period for consultation requested by the Swedish delegation, a new Russian draft resolution (S/2018/322) was voted upon. However, it was also not approved, due to the polarization inside the UNSC (vetoes from the Western P5, some negative votes and abstentions). The U.K. representative stated that the U.K could not approve the draft resolution as it didn’t include a mandate to identify the perpetrators. The Swedish representative, on the same line, stated that Sweden could not approve the draft resolution as the accountability part lacked clarity. The American diplomat argued that despite Russia agreeing with the consultation process requested by Sweden, it didn’t allow any changes to the document, also highlighting the problem of micromanaging the fact-finding mission. According to the French diplomat “Russia persists in a dual strategy of obstruction and diversion on the matter.” (S/PV.8228, p.17). The Syrian diplomat questioned the Western motivations and the use of double standards, along with the alleged financing of international terrorists (also recalling the unilateral measures of the U.S.A.).

Once again, there seems to exist evidence of legal and diplomatic maneuvers led by Russia that may fall under the category of hybrid threat. Russia seems to be promoting itself as a defender of the same investigation mechanism that the evidence suggest that is being undermining by its veto power (e.g., by attempting to include a contra-proposal that would compromise the mechanism’s impartiality). The attempt to include a new draft resolution (S/2018/322) may be seen as an attempt at creating a diversion in the UNSC that contributes to its polarization. Furthermore, by creating its own investigation and questioning the veracity of the chemical attacks, contributes to its own counter-narrative. Adding to that, by attributing responsibility to the militias, it removes from the discussion the need for accountability to other actors. The “take

it or leave it” counter-draft proposal would imply the UNSC control over the mechanism, therefore undermining the investigation process. Finally, there seems to exist a politicization of that legal mechanism by Russia due to the excessive burden attributed to the evidence to be brought by UNIMIS. As it is objectively impossible to comply with such high standards of evidence, then this excessive (impossible) onus would rely on the mechanism, with a predictable outcome of an objective impossibility to bring any kind of evidence that Russia would accept. It may also be seen as a selective application of this kind of mechanisms (when comparing to other similar situations that took place in the past) and as an abuse of process for Russia’s political objectives by undermining the credibility of the INMIS investigation process since the onset. As the end game, this veto obstructs the creation of an (independent) mechanism that would have the mandate to identify perpetrators on the use of chemical attacks.

### **2.2.13 UNSC draft resolution S/2019/756**

The thirteenth Russia veto took place during the 8623<sup>rd</sup> UNSC meeting (S/PV.8623), on 19 September 2019, when two resolutions were submitted for a vote: Draft resolution S/2019/756 (submitted by Belgium, Germany, and Kuwait) and S/2019/757 (submitted by Russia and China).

Draft resolution S/2019/756 addressed the problem of humanitarian need in Syria and the increasing violence and attacks that took place in Idlib, including through the presence of terrorist groups. It would decide on the immediate cessation of hostilities in Idlib; stressed the need for the counter-terrorism measures to comply with international law; reflected the lack of humanitarian access in Syria and the need for all parties to respect the ceasefire agreements. Among other key topics, it also recalled that some of the violations in Syria may be considered as war crimes and crimes against humanity and urged the need for accountability.

At the beginning of the meeting, the German representative presented S/2019/756 as a balanced document between humanitarian objectives and counter-terrorist measures to be taken under international humanitarian law. He also recalled that the Russian draft resolution (S/2019/757) was not shared or discussed with the other delegations, therefore not being compliant with procedures that should be followed within that UNSC. The Russian representative stated that the S/2019/756 was driven by less noble intentions, including attempts to protect the international terrorist in Idlib from defeat and to present Russia and the Syrian government as being responsible for the situation in that area. He also stated that S/2019/756 didn’t portray the need to combat terrorism, that the ceasefire did not cover terrorist groups and that it was using double standards, only using humanitarian attempts in areas under the control of terrorist organizations. Additionally, the diplomat stressed that “As the Syrian Government forces move closer to the strongholds of the terrorists, those terrorists suddenly become the representatives of the Syrian opposition” (meaning an accusation to some countries for legitimizing terrorism)

(S/PV.8623, p.3). He also accused the terrorists of violating the ceasefire and requested the removal of all foreign armed groups whose presence is illegal, to advance the political process.

The draft resolution S/2019/756 underwent a vote but failed to be adopted due to the Russian and Chinese vetoes. The German representative, following the conclusion of the voting process, accused the Russian proposal of not addressing the protection of civilians and of not preventing a humanitarian catastrophe. The American representative stated that “The Al-Assad regime and Russia were responsible for 1,031 civilian deaths in Idlib province between 29 April and 29 August, according to the Office of the United Nations High Commissioner for Human Rights” (S/PV.8623, p.5). The diplomat also argued that the counter-terrorism measures of the Syrian regime and its allies were a pretext for military campaigns. The U.K. representative stressed that the draft resolution submitted by Russia and China establishes that the humanitarian situation in Idlib was exclusively due to the terrorist groups. He also accused the counter-terrorism measures taking place of not complying with the principle of proportionality and distinction. Several other delegations reinforced that the counter-terrorism operation should comply with the international law, including humanitarian law. The Russian representative portrayed S/2019/757 as a humanitarian proposal to rectify the situation in Idlib while also accusing the U.S.A of violating the ceasefire and arguing that the airstrikes of Russia in Syria were compliant with the principles of distinction and proportionality<sup>15</sup>. He also stated that the armed side of the conflict “has essentially come to an end”, (S/PV.8623, p.10) stating that the ones interested in the political dialogue were already onboard. The diplomat also reinforced that the humanitarian issues should not be addressed for political objectives and that the only ones prolonging the war were the terrorists, suggesting that some countries were attempting to portray them as deradicalized. The Syrian representative criticized the Western draft proposal, portraying it as biased and grounded in political drivers instead of humanitarian ones, stressing that supporting terrorism is also against international law and the UN Charter and that the speeches and acts of the co-penholders and sponsors did not translate to practice.

The draft resolution S/2019/757 was voted upon but was not adopted due to the veto of the Western P5, along receiving several negative votes and abstentions from other delegations. The representative from Poland stated that she voted against the proposal as the counter-terrorism measure should be aligned with international law, therefore not serving as pretext for violating human rights or to indiscriminate target civilians. The representative from Indonesia highlighted that the draft resolution was submitted only one day before, therefore providing no space for a comprehensive discussion.

Once again, the analysis of the meeting records suggests that Russia is using legal and diplomatic maneuvers inside the UNSC that may fall under the category of hybrid threat. By

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<sup>15</sup> Stating that the same didn't take place by the U.S.A in other situations (by quoting Iraq and Mosul).



introducing its own draft proposal, Russia presented itself with a counter-narrative, that recenter the discussion on the topic of counterterrorism. We may see in it a possible selective application of Russia's adherence to international humanitarian law as the representative defended the nobility of such principles while at the same time the draft resolution disregard its application in concrete military operations. The argument of compliance with International Humanitarian Law was used in a way that would legitimize its actions while accusing the counterparts on non-adherence with the same principles, being a paradox in its nature.

#### **2.2.14 UNSC draft resolution S/2019/961**

The fourteenth Russian veto took place during the 8697<sup>th</sup> UNSC meeting (S/PV.8697), on December 20<sup>th</sup>, 2019, when two draft resolutions were submitted for a vote: S/2019/961 (submitted by Belgium, Germany, and Kuwait) and S/2019/962 (submitted by Russia).

S/2019/961 would renew the decisions in the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of the UNSC resolution 2165 (2014), specifically the cross-border mechanism that would provide humanitarian support for the Syrian population in need. That would include access through the routes of Bab al-Salam, Bab al-Hawa and Al Yarubiyah (and not renewing the access through Al-Ramtha) for a period of six months, followed by an additional period of six months (subject to the UNSC decision).

The German representative recalled the 11 million people in need, with 4 million depending on the cross-border mechanism, as the reason for the previous adopted resolution 2165 (2014)<sup>16</sup> that established the four cross-boarding mechanisms. The diplomat stated that, after several consultations and divisions on the number of mechanisms to be renewed, three were considered, while recalling that the proposed renewal for six months plus another six months (instead of the previous 12months) was a concession. The Russian representative stated that the 2165 (2014) became obsolete, and that Syria has evolved since its adoption in 2014. Another arguments provided by the diplomat included that the Syrian authorities had restored control in several parts of Syria, and therefore the cross-border mechanisms would no longer be needed in those areas, that the border with Jordan (Al-Ramtha) wasn't being used since 2018; that the delivers through the Iraq (Al Yarubiyah) were "insignificant" and could be ensured through official checkpoints under Syrian control or within Syrian territory (20/12/2019, p.2). The diplomat also accused the militants of not allowing humanitarian assistance to enter, preferring to control themselves the process of delivering and distribution; that the recipient country didn't agree with the current form of humanitarian mechanism (pre-condition for humanitarian assistance according to the Geneva Conventions and UN General Assembly resolution 46/182); that the draft resolution proposed by Russia only focused on the humanitarian aspects while also extended the cross-border mechanism

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<sup>16</sup> At that time, those were four, namely Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha.

(for 6 months instead of the previous 12 months) to the north-western Syria (less than the areas that were covered until then).

The draft resolution S/2019/961 was vetoed and failed to be adopted due to the veto of Russia and China. All other members voted in favor. The French representative argued that the cross-border humanitarian assistance was crucial for those 4 million people and that there was no alternative for such assistance, especially in Idlib, stating that regime is continuing to “weaponize humanitarian assistance” (S/PV.8697, p.4). He also argued that a renewal for six months would compromise the planning of humanitarian operations and contradicted the Russian arguments referring that Al-Yarubiyah (the border in Iraq) provides 40 per cent of medicine for the humanitarian operations in the north-east of Syria and that the Iraqi authorities already agreed to maintain the route open. The American representative recalled that one of the most important common grounds in the UNSC, despite the ideological differences, was the cross-border mechanism. He also recalled the millions of lives at risk when winter would come and accused Russia and China of, despite advocating support for the resolution 2254 (2015) (that focus on the need for a Syrian-led political process), facilitating a military victory for the Syrian regime.

The draft resolution S/2019/962 submitted by Russia was also vetoed and failed to be adopted due to the vetoes from the Western P5, along with some negative votes and abstentions from other delegations. The Belgium representative reinforced the impact of the cross-border mechanism (41 per cent of the total assistance provided to Syria) and recalled the inclusive drafting procedure for the S/2019/961 that allow to create a text grounded on compromise. The U.K. representative stressed that Russia and China didn't provide credible explanations for the vetoes or for presenting a second draft resolution (S/2019/962) that halved the number and the renewal period for those crossing points. The diplomat also recalled the UN Secretary-General message that the humanitarian situation was deteriorating on the ground with over 11 million people in need of assistance (therefore contradicting the optimistic scenario raised by the Russian diplomat) and justified the reason for vetoing the Russian draft proposal stating that “we will not negotiate with a gun held to our heads over a cynical offer that would save fewer lives (...)”. The diplomat urged the need to surpass such impasse before the end of the mandate on January 10<sup>th</sup>, 2020, while accusing the Russian diplomacy in that case of being grounded on a “take it or leave it” strategy (S/PV.8697, p.7). The Russian representative argued that Russia was willing to extend the mechanism to areas where assistance would be needed and that the counterparts that accused Russia were the same who killed the mechanism. He also asked what difference a 12-month or a six-month extension would make for the ones that really need assistance. The American representative stated that U.S.A vetoed the Russia proposal as it mocked values and principles of the UN; did not meet the request of the Office for the Coordination of Humanitarian Affairs (OCHA); and prevented a mechanism that saves lives in Syria. The diplomat also stressed that the goal of Russia was to undermine the credibility of the UN, win political points and to ensure

that the topic under voting would fail. She recalled that OCHA supported a fifth crossing point at Tel Abyad, but due to compromises, the crossing points were reduced to three in S/2019/961. The Syrian representative accused the draft resolution S/2019/961 of not being compliant with the humanitarian purposes and accused OCHA officials of manipulating data. The diplomat also noted that the focal point for taking humanitarian action should be Damascus (according to the principle of sovereignty), accused the Turkish regime of supporting Al-Nusra Front, and affirmed that the new suggested cross border would only allow the Turkish regime to harm Syria. He also stressed that the way to support Syrian humanitarian and political aspects would require lifting restrictions imposed to the country and facilitating reconstruction and relief efforts in critical economical areas.

The evidence suggests the use of legal and diplomatic maneuvers by Russia in this situation, that may fall under the category of hybrid threat. Firstly, the Russian veto on S/2019/961 may be seen as an abusive use of its power in the UNSC to block a resolution that could be explored by its allies to use humanitarian aid selectively towards a political win and/or to force a military win. Additionally, the evidence suggest that S/2019/962 could potentially be used as a diversion maneuver that allows Russia to promote a humanitarian counter-narrative, despite cutting in half the period of assistance and the number of routs. Accusing the Western countries of politicizing the humanitarian issue may be seen as a diplomatic maneuver as contributes, once again, to a counter-narrative where Russia portrait itself as the defender of the true international norms and principles. The common argument of selective justice and double standard contributes to undermine the credibility of the Western countries (e.g., by comparing with other situations in the past), while creates a sense of legitimacy for Russian actions.

#### **2.2.15 UNSC draft resolution S/2020/654**

The fifteenth Russian veto took place during the month of July 2020, when the draft resolution S/2020/654 (submitted by Belgium and Germany), was submitted for a vote by letter (S/2020/661). The draft proposal S/2020/654 emphasized the need for humanitarian assistance including the renewal of the cross-border mechanism; expressed grave concern over the socio-economic and the humanitarian impact of the COVID-19, calling for humanitarian provisions to all parties in Syria; stressed the need to find alternative solutions for the cross-border of Al Yarubiyah and included a twelve-month renewal for the crossing points of Bab al-Salam and Bab al-Hawa. Due to the pandemic situation that the world is facing, the procedure took place remotely. The draft resolution was submitted to vote on July 6<sup>th</sup>, 2020, and a letter was sent, on the next day, by the President of the UNSC to the Secretary General of the UN and to the Permanent representatives, stating the conclusions of the voting procedure. The resolution S/2020/654 failed to be adopted due to the veto of Russia and China, despite all the other delegations having voted favorably. On July 8<sup>th</sup>, 2020, the President of the UNSC addressed a

letter to the Secretary General of the UN and to the permanent representatives that included the voting statements submitted by the UNSC delegations.

According to that letter, the Representative from China accused the unilateral coercive measures and the “years of illegal sanctions” (S/2020/661, p.21) of having a profound impact in the country’s economic and social development, and that the draft resolution didn’t address these questions. The diplomat also advocated that the cross-border mechanism should be temporary, being the government’s responsibility to improve the humanitarian situation and highlighted the improvements of the crossline humanitarian operations, seeing it as the way to go forward and requested the removal of the obstacles in that process. The representative, however, referred to the fact that there was still need for the cross-border mechanism, despite the need to comply strictly to the principles of humanitarian emergence assistance, to ensure impartiality. The Russian representative argued that the need for the cross-border assistance should be transposed to humanitarian delivery, according to the principles outlined in the UN General Assembly resolution 46/182. The diplomat once again emphasized that the situation on the ground improved, as the government had controlled most of the area since 2014<sup>17</sup>. He also argued that due to the still pressing need of providing humanitarian assistance to Syria, Russia would present a draft proposal that would extend the mechanism for six months for the entry point of Bab Al-Hawa, defending that need as the Idlib territory was controlled in 30 per cent by terrorist groups and that Bab Al-Hawa would cover the needs for that area, while Bab Al-Salam was “only” providing 14 percent of those deliveries. The U.K. representative, once again criticized the vetoes of Russia and China, portraying it as a politicization of the issue and a political calculation. The American representative stated that Bab Al-Hawa and Bab Al-Salam would allow the provision of Humanitarian assistance to nearly 4 million people in the next year. The Diplomat recalled the Secretary General words stating that there was no alternative for the cross-border operations through the Bab Al-Hawa and Bab Al-Salam and urged the need to maintain the 12-month renewal.

The examination of the Russia position in the humanitarian aid topic shows a possible pattern of legal and diplomatic maneuvering. By exercising its legal authority in the UNSC, Russia contributed to delay the humanitarian assistance, and provided leverage for future political negotiations on the same topic (as for the new draft resolution that the Russian representative has mentioned). The veto had also contributed to provide leverage for the regime to have control over the distribution of humanitarian aid that could eventually be instrumentalized for political gains (e.g., Regime re-legitimization or contributing to the surrender of some anti-regime moderate groups). Therefore, the findings in this analysis are consistent with a potential use of legal and diplomatic maneuvers that may fall under the category of hybrid threat.

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<sup>17</sup> Date of the resolution that established the cross-border mechanism.

### **2.2.16 UNSC draft resolution S/2020/667**

The sixteenth Russian veto took place on July 2020, when the draft resolution S/2020/667 (submitted by Belgium and Germany) was submitted for a vote by letter (S/2020/693). The draft proposal S/2020/667 requested the renewal of the crossing points of Bab al-Salam and Bab al-Hawa for a period of six months (instead of twelve). The proposal was submitted for a vote by letter on July 9<sup>th</sup>, 2020, and on July 10<sup>th</sup>, 2020, the President of the UNSC sent a letter to the UN Secretary-General and the permanent representatives with the voting conclusions. The draft proposal was not approved due to the veto of Russia and China. All other members voted in favor.

The representative of China encouraged the use of crossline humanitarian operations in Syria, despite not objecting the need for cross-border operations at that stage. The diplomat once again referred to the impact of the illegal sanctions and the unilateral measures (e.g., the American law “Caesar Act”) in the Syria’s development and reinforced the need for the draft resolution to consider that topic. The diplomat also stressed the need to consider the political, counterterrorism, security, and humanitarian aspects all together. The Russian representative argued that the new resolution was disconnected to the reality on ground. He also questioned the accountability and monitoring aspects, while also stated that the Russian position was consistent since the onset, towards phasing out gradually based on the assessment on the ground. The diplomat also highlighted that closing Al-Yarubiyah stimulated cooperation between the UN (e.g., through the World Health Organization (WHO)) and the Government of Syria. The diplomat also accused some areas in Syria of having a sanctions-free regime, leading to isolation inside the country and stressed that if the objective was to keep humanitarian aid flowing to Idlib through the cross-border mechanism for another year, then they should support the Russian proposal.

The evidence suggests that Russia was once again putting the counterparts between a rock and a hard place, as if they do not support the Russian resolution, those would be the ones to be seen as not cooperating with the international norms and principles. Russia continues its “phasing-out” narrative related to the cross-border mechanism and included arguments to downplaying the relevance of such mechanism, including that cross-border mechanism had stimulated cooperation between the UN and the Syrian Government. The findings are consistent with the use of legal and diplomatic maneuvers under the category of hybrid threat.

### **2.2.17 UNSC draft resolution S/2022/538**

The seventeenth Russian veto took place during the 9087<sup>th</sup> UNSC meeting (S/PV.9087), on July 8<sup>th</sup>, 2022, when the draft resolutions S/2022/538 (submitted by Ireland and Norway) and S/2022/541 (submitted by Russia) were submitted for a vote. Draft resolution S/2022/538 requested a 6-month renewal for the cross-border mechanism at Bab al-Hawa (with a possible additional extension of another 6-months); reaffirmed the pressing need to support the Syrian

people due to the spread of the covid-19 pandemic; welcomed initiatives to broaden the humanitarian activities and requested the support of other international humanitarian agencies.

The Norwegian representative recalled that the proposal relied on compromises within the UNSC. The initial intention was to create a 12-month extension for the Bab Al-Hawa crossing point that was cut in half (six plus six months) to accommodate some delegations' concerns. The diplomat defended the transparency of such mechanism for providing support to the north-west Syria, while also advocating the critical need for NGOs to have at least 12 months to plan and coordinate its operations. The diplomat also referred that voting against that draft was voting against early recovery efforts that would be needed as part of humanitarian response. The Kenyan representative highlighted that the ten elected members were in favor of a 12-month renewal, also stressing that he had consulted the United Arab Emirates (as an Arab representative at the Council), and that the Arab countries supported that draft resolution. The draft resolution S/2022/538 was voted upon but failed to be adopted due to a veto from Russia (China has abstained in this voting procedure). All other countries voted in favor.

The American Representative accused Russia of putting its political interests above humanitarian assistance and claimed that, with this veto, there would be less of the transparency claimed by Russia. The diplomat also highlighted that Russia was interested in ensuring that the resolution would expire. The Russian arguments included that Russia would not accept a 12-month extension, despite being flexible in other issues; that the draft resolution lacked the interests of Damascus, considering it as being its main beneficiary; that the UNSC had failed to achieve the objectives of deliveries through domestic routes in north-west Syria and of donor assistance for early recovery projects; and that the Russian delegation had submitted a draft resolution that day (on the same day of the meeting) and that the other delegations would have the opportunity to vote. That draft resolution would consist of a six-month extension with a possible renewal "once the required parameters of the work we (the delegations) agreed on last year have finally been achieved" (S/PV.9087, p.5). The diplomat added that all the key points highlighted by the U.S.A delegation were covered in that resolution arguing "I hope that everyone will vote in favor of the draft resolution we submitted, because the alternative is the final and irrevocable closure of the cross-border mechanism." (S/PV.9087, p.5). The U.K. representative recalled that the UN and humanitarian organizations stressed the need for a 12-month period and that the 6 months (proposed by Russia) would only compromise the work of the organization on the ground in terms of planning, procurement, or human resources. The American representative accused the Russian draft resolution of benefiting more the Syrian regime than the Syrian population, stressing that it would imply that the aid assistance would stop during the winter, creating a "nightmare scenario" in the region (S/PV.9087, p.6). The diplomat also recalled a past positive vote of six plus six months on that matter (setting a precedent) and the fact that the Russia proposal surpassed the negotiation process in the UNSC, with Russia disregarding the other proposal. The Russian

resolution was voted upon and did not pass due to the veto of the Western P5 members. The proposal also garnered several abstentions.

The Russian representative accused the Western counterparts of killing the mechanism, as they had the opportunity to support a renewal for a year as proposed in Russian draft on the condition that the assistance would reach all country. The French representative accused the Syrian regime of continuing instrumentalizing aid for political reasons. The Representative of Brazil stressed that the crossline modality was not sufficient to match the scale and the scope of the cross-border modality, as the latest was providing vital aid for 2.4 million people each month, therefore being indispensable. The diplomat tried to reconcile the diverging P5 members based on the topics that were commonly agreed and encouraged further negotiations. The Syrian representative stressed that Syria had provided positive contributes for the flaws in the cross-border mechanism, including the double standards in the promotion of access from within. The diplomat had also highlighted the need to implement early-recovery projects in vital areas and the need for a monitoring mechanism for the implementation, while also arguing that the 6 months would be enough time to ensure a review and follow-up process on the implementation. He also accused the Western P5 of suffocating the country economically, violating its sovereignty and politicizing humanitarian work.

The inflexibility of the Russian position related to the renewal period shows a stalemate that would be impossible to overcome in reasonable terms and that would block any rationale attempts of further negotiation. The arguments of less donor support and less deliveries than expected in north-west routes are not directly related to the extension of the mechanism itself, and therefore could be considered as attempts to divert the attention for the main topic under discussion: The renewal of a cross-border mechanism. The attempt to bring an alternative resolution to the table on the same day of the meeting, without previous discussion, also reinforces a pattern of diplomatic negotiation where the other delegations were confronted with a hard choice of being framed as the ones that killed the mechanism or to agree with a proposal that was not previously negotiated and that would provide limitations to that mechanism. The analysis may also suggest a potentially dangerous effect of politicizing humanitarian aid as would allow control over the deliveries of aid that, in the worst possible scenario, could be instrumentalized as political leverage to be used against the moderate opposition. For those reasons, the veto power and the underlying legal and diplomatic maneuvers strategies may potentially be framed under the category of hybrid threat, with the goal of ending the cross-border mechanism while portraying Russia as a defender of international principles.

#### **2.2.18 UNSC draft resolution S/2023/506**

The eighteenth Russian veto took place during the 9371<sup>st</sup> UNSC (S/PV.9087), on 11 July 2023, where the draft resolutions S/2023/506 (submitted by Brazil and Switzerland) and S/2023/507

(submitted by Russia) were submitted for a vote. The S/2023/506 came at a time where, along with the covid-19 pandemic, a devastating earthquake in February had a tremendous impact in Syria. The proposal aimed at the renewal of the Bab al-Hawa cross border mechanism for 9 months; requested the expansion of the humanitarian activities in Syria; called upon all parties in Syria to enable crossline deliveries to all parties of Syria and encouraged activities with the donors and other parties to implement those measures, including progress in early-recovery projects and crossline access.

The Brazilian representative recalled the inclusive and constructive process that led to the S/2023/506 proposal and emphasized that, although humanitarian actors were advocating a 12-month renewal as necessary to implement projects that go beyond life-saving supplies, the draft proposal only presented a 9months renewal to reach a compromise within the UNSC. The diplomat also recalled that the text explicitly included humanitarian aid to all those in need in Syria through all modalities<sup>18</sup>, crossline operations and the expansion of humanitarian operations with more funding for early recovery projects and humanitarian mine<sup>19</sup>. The Japanese representative recalled that the draft resolution would guarantee aid for nearly 4 million people in north-west Syria while noting that the issues previously raised in the UNSC were covered in that proposal. The American representative stressed that the humanitarian aid through Bab Al-Hawa was paused, waiting for the UNSC action and that despite the importance of crossline aid delivery, it was impossible to supersede the cross-border mechanism in terms of scope and scale. The diplomat also recalled that U.S.A intended to expand to three cross-boarders and that even Assad had reportedly told that was open to that possibility, despite at that time didn't publicly committed or called for the extension, as referred by the diplomat.

The proposal, however, failed to be adopted due to the veto of Russia (China has abstained). The Swiss representative recalled that the mandate for the mechanism had expired at midnight and left the Syrian people without knowing if they will continue receiving humanitarian aid. The American representative accused Russia's veto of being beneath the dignity of the UNSC, and that the obstruction should not be accepted. The Albania representative framed it as a "stab in the back to solidarity — one of the *raison d'être* of the United Nations" (S/PV.9371, p.5), arguing that 32 NGO's operating in Syria described Bab Al-Hawa as the most critical way for providing humanitarian aid, and framed the UNSC as being "hostage" by the misuse of veto and the "sickening geopolitical games played at the expense of innocent life" (S/PV.9371, p.6).

The Russian representative accused the Western countries of, during the negotiation stage, framing critical topics as concessions to Russia instead of considering provisions since the onset (therefore betraying their humanitarian attitude) and accused the Western intention of supplying

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<sup>18</sup> One of the concerns expressed in the previous draft resolution that was vetoed.

<sup>19</sup> Aligned with the concerns that were inclusively referred during the 9371<sup>st</sup> UNSC meeting by the Syrian representative.



terrorists. Another important argument brought by the Russian diplomat – used to counterarguing the accusation that the veto would lead to collapse of the humanitarian aid to Idlib - was that the government had open two new cross border points, for their sovereign initiative. The representative brought additional arguments to the discussion as accusing the draft resolution of not allowing improvements to the mechanism, therefore not being a compromising text; arguing that Russia would not agree with a mechanism that terrorists could explore to prevent crossline humanitarian aid to enter their enclave; that Western countries were only financing early - recovery and humanitarian aid in those areas that were not under the Syrian government control while applying sanctions to the country; that the cross-border violated the principle of sovereignty. The Diplomat also warned the UNSC that if the counterparts would not agree with the Russian proposal, the cross-border mechanism would be closed.

The Russian proposal (S/2023/507) was voted and failed to be approved due to the veto of the Western P5. Several countries abstained and the only votes in favor came from Russia and China. The French representative framed the opposition to one year renewal as a political manipulation and cynicism, recalling that 90 percent of the humanitarian aid to Syria was granted by the U.S.A and the European Union (including by its member-states), along with Canada and Japan, with Russia almost not providing humanitarian aid. The American representative recalled that the Russian proposal wouldn't allow humanitarian aid during the winter and accused Russia of making an ultimatum, with a diplomatic stance of “my way or the highway” (S/PV.9371, p.11), delaying the vote while pretending to negotiate. The diplomat criticized the Russian representative's discourse where it was said that, or the draft resolution was positively voted, or the cross-border mechanism will close, claiming that the veto was a choice. The Syrian representative stressed the Syrian constructive approach to the negotiations, while expressing concerns with the weaken implementation of the resolution 2672 (2023). The diplomat also shared the Syrian understanding on how the UNSC could respond to the humanitarian situation, including accelerating crossline humanitarian aid, strengthening early-recovery projects, and expanding it to include other vital areas, supporting the voluntary return of displaced people, and providing assurances that the unilateral coercive measures would not impact humanitarian operations. The representative also stressed the need for donors to increase funding and argued for the limit of the 6-month renewal. He also questioned the extension of 9 months as the funding was only 12 percent of what was needed for that year.

The Russian veto, along with a concurrent use of a draft resolution that would only include a 6-month renewal of that mechanism, against what several organizations on the ground advocates, may be seen as a tactic to delay or prevent action within the UNSC. The several vetoes on this topic provides have contributed to narrowing the cross-boarding mechanism created by the UNSC from four to zero aid points while advocating the need for more funding under humanitarian aid to Syria, under Syrian regime control. The fact that the Russian representative recalled that the

cross-border mechanism established by the UN was violating the principle of sovereignty can be seen as a selective application of international principle as it was now on their interest that the cross-border mechanism would not continue, despite a still objective need for the mechanism to maintain its operations. The evidence is therefore consistent with a potential use of legal and diplomatic maneuvers inside the UNSC that may fall under the category of hybrid threat.

## **CHAPTER 3 – Analysis and discussion of results**

The evidence gathered and preliminary findings in the preceding chapters will now be used to test the hypotheses presented in this dissertation, within the framework of Giannopoulos, et al., ed. (2021). The main goal is to test the existence of the legal and diplomacy domains of an hybrid threat within the UNSC towards the war in Syria, led by Russia, motivated by a potential causal effect between Russia's domestic and foreign policy, built on its post-soviet identity project, with the goal of enhancing its own geostrategic interests. The analysis will include the actor (Russia); the domains and tools; and the phases.

### **3.1 Actors**

As mentioned by Giannopoulos, et al., ed. (2021), the use of hybrid threats relies on the actor's difficulty in achieving its objectives, therefore needing to leverage its position. In this specific case, the actor corresponds to the typology of "state actor", namely Russia.

Regarding long-term objectives, the evidence presented suggests the relevance of Russia's identity project, geostrategic interests, and correlation between internal and external factors, closely aligned with the concept of "power position", as motivations for Russia's use of veto. Russia feels the need to protect Syrian interests, as it is interconnected with its own interests.

The findings are consistent with Baranovsky and Mateiko (2016) argument that Russia has a more conservative understanding of the international system, privileging formal (by opposition to material) international law. The Russian position regarding the topic humanitarian assistance within the UNSC is consistent with this argument (e.g., principle of non-interference), as its understanding of state sovereignty surpasses any other principle that limits its application.

Therefore, based on the analysis of the draft resolutions under the "actor" pillar of the framework, it may be argued that Russia considers the Western role in international politics as a threat to its power position, and therefore uses its influence in the UNSC through the veto power, as a coercion method to achieve its political objectives (e.g., security and defense, geostrategy, economical). The stalemate in the UNSC in critical matters related to the conflict in Syria, as for the accountability for the use of chemical weapons or cross-border mechanism of humanitarian assistance are paradigmatic examples. The evidence suggests that Russia is operating through the "Rule by law" instead of the "Rule of Law", using international law as an instrument of influence to block action within the UNSC. The evidence also suggests that Russia is using the Western conception of checks and balances against those countries, exploiting legal loopholes and making use of the selective application of law, to prevent accountability of the Syrian regime.

## 3.2 Domains and tools

As previously mentioned, for the purpose of this dissertation, the framework will be applied in its legal and diplomacy domains (including their intersections with the political one).

### 3.2.1 Legal domain and respective tools

The evidence suggests that Russia is using the legal domain to legitimize its actions while discrediting the actions of the Western countries, at different levels. An important background relies on the fact that, in eight out of the eighteen times that Russian delegation vetoed a resolution proposal, it simultaneously presented a counterproposal that provided space for using legal tools.

One of those tools consists in exploring legal thresholds to achieve political objectives. An illustrative example may be observed in a broad and ambiguous interpretation of terrorism to justify the military actions led by the Syrian regime (supported by Russia), framing it as anti-terrorist measures. This tool allows space to include any opposition group in that category depending on its interests at each moment. Some examples may be found in the S/PV.6627; S/PV.7180; S/PV.7825 and S/PV.8623 meeting records. An additional instance may be observed in the discussion and voting process related to the chemical attacks and the respective need for an investigation to identify the acts and the perpetrators. This is a topic with a high amount of evidence that suggests the exploitation of thresholds, mainly between 2017 and 2018. Concrete examples may be found in the analysis of the S/PV.7893 meeting records, where the Russian diplomat have questioned the representativeness, findings, and overall aims of the JIM while discrediting the evidence by exploring ambiguities within the reports. The same pattern was reinforced in the S/PV.7893, through a successful attempt of preventing the creation of a new mechanism (INMIS) by discrediting the evidence and trying to transform the investigation process in a quasi - judicial one.

Another example of a tool used by Russia under the legal domain is leveraging rule-compliance. Accusing several Western draft resolutions of promoting military interference may be seen as an attempt to prevent the UNSC interference<sup>20</sup>. This tool is being used by promoting the need to comply with the international principles of “sovereignty” and of “non-interference”.

The selective application of Russia’s adherence to international law is another example of a tool under the legal domain. The evidence suggests that the argument of compliance with international humanitarian law (e.g., in S/PV.8623), is being used by Russia to legitimize its actions while accusing the counterparts of non-adherence to the same standards. The Russian

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<sup>20</sup> Despite the alleged crimes against humanity highlighted in several reports from NGOs.

military operations in Syria<sup>21</sup> while preventing the UNSC interference is an illustrative example of selective use.

One additional tool under the legal domain relates to avoiding accountability. As the evidence in the previous chapter suggests, Russia has prevented accountability for the Syrian government on several occasions, through its veto power. Some examples can be found in S/PV.6711 (vetoing S/2012/77, that would provide accountability for criminal acts led during the war in Syria); S/PV.7180 (vetoing S/2014/348, therefore avoiding the attribution of a mandate to the ICC to prosecute crimes); S/PV.7893 (vetoing S/2017/172, that would provide accountability for the use of chemical weapons under chapter VII of the UN Charter); S/PV.7922 (vetoing S/2017/315, that would provide accountability for the use of chemical weapons in southern Idlib); S/PV.8107 (vetoing S/2017/970, therefore blocking the extension of the JIM to investigate and identify perpetrators of the use of chemical weapons); S/PV.8228 (vetoing S/2018/321, therefore blocking the mandate of the JIM); S/PV.8623 (vetoing S/2019/756, therefore blocking accountability while there was accusations of a Russian alleged involvement in military operations in Syria).

Using law and legal processes to create counter-narratives is also a tool within the legal domain. Besides the reference to counterterrorism and using Libya as precedent to anchor the counter-narrative, the evidence suggests other examples brought by the Russian diplomats. The humanitarian counter-narrative presented by the Russian representative in the S/PV.8697, while cutting in half the period of assistance and the number of routes; questioning the OPCW methods, discrediting the process and arguing the need for an “impartial investigation” (S/PV.7922, p.7), creating an ambiguity that contributes to its counter-narrative; questioning the veracity of the attacks, despite evidence on the opposite way as it was seen in S/PV.8228.

The evidence also suggests the use of delay tactics by the Russian delegation as a tool under the legal domain, at different layers. For instance, procedural delays such as the request to postpone a voting process (S/PV.7825), by arguing a late submission of S/2016/1026 by the counterparts, making it impossible to reach consensus<sup>22</sup>. There were also “substantive” delays, as in the voting process related to the renewal of the JIM in the S/PV.8073 meeting records (draft proposal S/2017/884), in which Russia requested to postpone the voting process grounded on the need to relate the renewal with the publication of its report (that suggests that the evidence to be presented could potentially influence the outcome of the voting process). The evidence also suggests the use of additional tactics, as the one in S/PV.8073, where the Russian diplomat

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<sup>21</sup> The meeting transcripts shows that Russia justifies its military operations as being counter-terrorism measures and that these are taken at the invitation of the Syrian regime's, therefore aligned with the principles that Russia advocates.

<sup>22</sup> Both the representatives from New Zealand and from U.K stressed that it had circulated for over a month and that was submitted in due time, with several changes being requested by Russia.

withdrawn its draft proposal as it was not voted in second place<sup>23</sup> and have it resubmitted by Bolivia (being voted in second place as previously intended) based on the UNSC legal procedures.

The findings in the analysis are consistent with the use of the legal domain of the framework, through different tools. The evidence suggest that Russia is attacking vulnerabilities in a multilateral organization, through legal thresholds, creating counternarratives, avoiding countability and using delay tactics, therefore using law and the rule of law in an abusive way to promote its political objectives, while undermining the work of the UNSC.

### **3.2.2 Diplomacy domain and respective tools**

The evidence also suggests the exploitation of the diplomacy domain by the Russian diplomats as a strategy to promote Russia's political objectives. For instance, the several alternative draft proposals and veto statements contributed to the Russian counter-narrative, that includes influencing perceptions within the international community. One of the patterns consists of references to precedents of interventionism, using examples that include Iraq (S/PV.8105) and Libya (S/PV.6627; S/PV.7180). There is also a solid pattern of accusations led by the Russian diplomats against Western countries for trying to deceive the international community (S/PV.8228), promoting provocations (S/PV.7825; S/PV.9371), divisions (S/PV.7180) and confrontation positions with Russia within the UNSC (S/PV.6627; S/PV.6810). The counternarrative also includes accusing the Western counterparts of framing Russia and the Syrian government as the responsible parts for the conflict in Syria (S/PV.8623), while promoting a regime change policy in Damascus (S/PV.7785). Another common counter-narrative argument used by the Russian diplomats is closely linked to the Russian identity project, being anchored on the recurrent use of principles of International Law, such as "national sovereignty," "territorial integrity," and the "principle of non-intervention" (S/PV.6627; S/PV.9371) already referred in the legal domain. The evidence also suggests a pattern of accusation against the Western countries for legitimizing terrorism, while framing the Russian position in the Syrian conflict as being based on counterterrorism (S/PV.7180). Some examples includes accusing the Western countries of blocking the condemnation of terrorism (S/PV.7180); that the ceasefire would be exploited by terrorist fighters to gain control over parts of Syria (S/PV.7785; S/PV.7825); that the Western P5 were encouraging the opposition and not distancing themselves from extremist groups (S/PV.6711; S/PV.6810), while protecting (S/PV.8623) and supplying (S/PV.9371) them.

The evidence also suggests that the selective application of international law by Russia is supported by a diplomatic discourse that promotes itself as a true defender of international principles. A paradigmatic example may be seen in S/PV.7785, where the evidence suggests a

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<sup>23</sup> It would allow additional diplomatic leverage given that the western proposal had already been vetoed.

contradiction between the alleged involvement in the bombing actions that led to civilian deaths and the defense of international principles and norms proclaimed by the Russian representative.

The evidence also suggests that the Russian delegation is framing the draft proposals presented by the counterparts at the UNSC as being misaligned with other international negotiation/mediation forums and/or international legal principles, therefore downplaying the role of the UNSC towards the conflict and sidelining an effective active role in the conflict in Syria. A concrete example relies in accusing the lack of alignment of a draft proposal with the “spirit” of the Geneva Convention (“spirit” in this situation is an ambiguous concept that can be explored) or with the negotiations held in that forum (S/PV.6810; S/PV.7180; S/PV.7922). The tool also includes accusing the draft resolutions of potentially undermining the ongoing bilateral negotiations as the ones led between Russia and U.S.A (S/PV.7825; S/PV.7922). It is worth saying that, in one of those situations, Russia proposed a meeting with U.S.A on the same day that a UNSC meeting took place and used this action as an argument to veto the UNSC resolution S/2017/315. Another example includes references to the meeting with the Executive Council of the OPCW or to the Astana process (S/PV.7922). A similar strategy for this tool was used on the topic of cross-border humanitarian assistance, using the General Assembly resolution 46/182 to defend the need to transit from cross-border assistance to humanitarian delivery (S/2020/661). Another example of that tool relies on the accusation that the draft resolution presented in S/PV.7825 was undermining the work led by the International Syria Support Group.

There is also a strong diplomatic position from the Russian delegation that led to a stalemate in the negotiation inside the UNSC. *Per se*, strong diplomatic positions are not necessarily part of the diplomacy domain of this framework, but a careful analysis related to the overall motivation suggests that it should be included in this domain. The main reason relies on the fact that these strong diplomatic positions are leveraged in the Russia position as a P5 member of the UNSC and based on a win-lose strategy where there is no room for concessions and compromise solutions. Some examples include the total opposition to any measures under Chapter VII of the UN, including sanctions (S/PV.6810; S/PV.7893); or the impossibility of renewing the mandate of a mechanism to investigate crimes and identify those responsible, alluding to “unsubstantiated accusations” (S/PV.8107). In the last example, the ambiguity of this sentence sends a strong message that any attempt to hold the Syrian government accountable would not have the Russian support, with the attacks to the credibility of that mechanism (e.g., processes, evidence) supporting this argument. Another stalemate argument concerns humanitarian action, more specifically the renewal of the cross-border mechanism. Russia was inflexible regarding the 12-month extension period (S/PV.9087) presented by the counterparties, even though it was defended by the other delegations and by the NGO’s on the field that less than 12 months would compromise any planning of humanitarian operations. The analysis of the Russian counterproposal suggest that it would only accept the renewal of the humanitarian cross border

mechanism by compromising the autonomy of it. A concrete example is the tough negotiation that took place during the S/PV.9087 (regarding the voting of S/2022/538), where, after vetoing the extension, the Russian diplomat presented a “take of leave it” proposal on the same day, portraying it as the only way to save the mechanism (with the limitations to its autonomy already identified). And last, but not least, Russia opposition to any possibility of a political resolution of the conflict based on regime change (as argued on the meeting records of S/PV.6711).

Another diplomatic tool includes attempts to distract and re-shift the discussion from the main topic. An illustrative example may be found in the S/PV.7180, through the voting and discussion of S/2014/348 (that would address the possibility of opening a legal path for the ICC to investigate crimes perpetrated in Syria). The evidence suggest that Russia focused on the main topics of convergence with the Western P5 to portrait a less ideological division, while sidelining the main topic. Another example includes arguing the obsolescence of resolution 2165 (2014) that allows cross-border humanitarian action, and including arguments that are not related to the main topic under discussion (which would be renewing cross border aid). Those arguments included that the Syrian Government had restored control in numerous areas within the country; that some of the routes were not being used; that the volume of use of other routes was insignificant; that the militias were controlling humanitarian aid rather than letting it in; that the recipient country (Syria) no longer agreed with this exception of interference (necessary precondition). The evidence suggests that those arguments are intended to downplay and sideline those routes and transferring the distribution of humanitarian aid to the Syrian government.

The evidence also suggests Russia is discrediting mechanisms and evidence (a diplomacy tool that interconnects with the legal domain). Some examples include discrediting the Caesar report (S/2014/244, annex), based on the argument that it was only presented to the UN to justify the draft proposal (S/PV.7180) or discrediting the JIM at various levels. There is also evidence of the same pattern regarding humanitarian cross-border mechanism, accusing it of being exploited by terrorists. Adding to that, accusing the double standards led by western countries where these would only finance early - recovery and humanitarian aid in areas that were not under the Syrian government control, while at the same time applying sanctions to the country (S/PV.9371). The same pattern may be seen in S/PV.7922, during the discussion and voting of S/2017/315 (e.g., the Russian diplomat referred “the need for an “impartial investigation”) or in the S/PV.8107 (e.g., using terms as “unsubstantiated accusations”), therefore opening legal spaces to be explored using diplomatic arguments.

The findings in the analysis are consistent with the use of the diplomacy domain of the framework, through different tools. The analysis suggests a very assertive Russian diplomacy, grounded in a consistent counter-narrative, that makes use of linguistic structure, abstract thinking, and perception of paradox (as referred in the framework) as tools to achieve political objectives. Some practical examples include skillfully deconstruct accusations of selective



application of international law or explore legal thresholds and use it in its favor; frame the draft proposals presented by the counterparts at the UNSC as being misaligned with other international negotiation/mediation forums and/or international legal principles; to enhance diplomatic stalemates or to distract and re-shift the discussion from the key topics.

### **3.3 Phases**

The evidence suggests that, since the beginning of the war in Syria, Russia already fulfilled the three phases of the framework, namely priming; destabilization; and coercion.

Regarding the first phase, priming, the evidence suggests that the actor (Russia) wants the target (UNSC) to take harmful decisions (being in this case understood as not adopting resolutions that would ensure accountability for the Syrian government). Russia's objectives (to protect the Syrian government as a means to enhance Russian's political objectives) is achieved by using interference (using its veto power to block any measure against the Syrian government). The evidence suggests that Russia's political objectives include establishing itself as a major power in the Middle East, avoid spillover effects in the region that would result from a possible regime change, take advantage of its position to promote geostrategic interests grounded in new alliances with other powers and advance economic interests, while also contributing to its internal politics (e.g., security and defense from NATO expansion). As the framework states, this phase implies planning the interference, in this case grounded on a close coordination with the Syrian government, Russian's international partners (e.g., China) and with regional partners (e.g., Iran) to align an overall strategy where the UN only plays a partial role. The evidence also suggests the alignment of the main diplomatic arguments between Russia, China, and Syria in the UNSC. The planning phase also involved bilateral diplomatic dialogue with the Western counterparts, using it as leverage to justify its veto as already presented. Another example consists of preparing the counter-narratives and alternative draft resolution in advance, anticipating the arguments from the counterparts, and using it to portray an image of a humanitarian defender of international principles. The evidence also suggests the development of short-term alliances inside the UNSC, as with Bolivia, to support its strategic objectives (e.g., having one of its resolutions voted in second place). Notwithstanding the primary focus of this dissertation on the veto processes, it is worth noting that, in the overall picture, Russia does not block all draft resolutions. It prefers to take careful analysis of the odds at stake and uses its veto power only in strategic moments where the impacts would be most felt in the Syrian government. Outside forums as Sochi and Astana were also strategically used to support the interference in the decision-making process in the UNSC (ex. by sidelining or downplaying the role of the UNSC). Still focusing on the first phase of the framework, the evidence suggests the use of a psychological element in the Russian diplomacy towards the conflict in Syria, namely in the attempt to manipulating the narrative based

on the legal and diplomacy domains (e.g., using the legal thresholds, diplomatic maneuvering). Given the scope of this phase, and based on the previous considerations, it can be argued that this phase has occurred continuously since the beginning of the war in 2011 (still ongoing), with the main objective being diplomatic influence in the UNSC to protect Syrian State sovereignty.

The evidence also suggests the existence of the second phase of the framework, namely “destabilization” (through operations and campaign). As the historical track-record shows, Russia increased its military presence in Syria after 2014/2015, due to the stalemate in the negotiations (including inside the UNSC) and a failure in the previous mediation efforts (e.g., UN Special Envoys, Arab League, Geneva Talks). There was a general sentiment of frustration with the process that led to a need to become more involved, with more concrete and pre-planned objectives. In this phase, the Russian diplomacy became more assertive, with references to terrorism and the need for counter-terrorism measures at the center of the Russian narrative. Disinformation campaigns start playing a major role in the overall strategy and contributed to the Russian counter-narrative inside the UNSC. The Guardian (2017) provides an illustrative example of, through an alleged Russia-backed campaign to link the White-Helmets with al-Qaida. This phase is also characterized by additional military presence and support, and the use of tactics that includes plausible deniability. The evidence suggest that this stage is still ongoing, with the main outcomes being delaying and blocking a military action or any other multilateral decision from the UN that may hinder the Syrian government.

The evidence suggests that the third phase “coercion through hybrid warfare” exists also since 2015 (still ongoing). Firstly, the Astana and Sochi processes are concrete examples of attempts to sideline the efforts in the UNSC and to use it as diplomatic leverage for Russia as a major power and active mediator in the region (e.g., de-escalation) and to support the Syrian government to reconquer the Syrian territory (e.g., Aleppo). This phase also includes a stronger establishment of diplomatic alliance with Turkey and Iran and the use of this diplomatic influence in the region to promote geostrategic interests. There is also a stronger activity at the Tartus base, and a more active military presence, with alleged support for air strikes and the use of tactics that includes plausible deniability, including the alleged involvement in military operations through paramilitary entities (e.g., Wagner Group) and the support to pro-government militias. With the closure of the UNSC cross border mechanism, Russia positions itself alongside the government in establishing new humanitarian aid mechanisms, being portrayed as a humanitarian actor in the region. Several other domains of this framework become more preponderant, as military/defense (more active support); economy (e.g., energy sector); infrastructure (e.g., intention of Russia to be the main supplier in the reconstruction of the country); cyber (this is a very overt domain where it is hard to identify concrete examples); cultural/societal (e.g., Russian Cultural Center in Damascus).

## CHAPTER 4 – Conclusions

This dissertation has drawn on the analysis of a possible hybrid threat within the UNSC, promoted by Russia (as a P5 member), using Syria as a case study. The analysis had two main objectives. The first one, to confirm if the hybrid threat did exist (the “if”), through the analysis of its legal and diplomacy domains, under the framework proposed by Giannopoulos et al., ed. (2021). The second one, to explore the main motivations (the “why”) for the existence of the hybrid threat, through the correlation between the use of the legal and diplomacy domains and the Russian geostrategic interests and identity project.

Regarding the first objective, the evidence suggests the existence of hybrid threat (materialized in its legal and diplomacy domains), particularly in the context of the Russian veto. These domains were materialized through specific tools under the framework, that included exploring thresholds or ambiguities, leveraging rules and processes, creating confusion, or even using counter-narratives, among other examples. The evidence also suggested the existence of the 3 phases of hybrid threat under the framework, including priming (2011- ongoing); destabilization (2015 – ongoing); and 3) coercion (2015 – ongoing). Therefore, the analysis leads to the conclusion that there are signs of the existence of hybrid threat (at least in its legal and diplomacy domains) led by Russia, within the UNSC, regarding the conflict in Syria.

Regarding the second objective (more complex), the evidence suggests the overall objective of reestablishing Russia as a great power. The Russian geostrategic interests and the development of its identity project are being advanced in a post-Soviet international system that is experiencing a paradigm shift from a western-centric global order to a multipolar world. Russia is taking opportunity of this shift to promote counter-hegemonic moves, under a “strategic thinking” model (as predicted in the framework), that may include active measures and tactical interference. The Russian geostrategic objectives, allied to the country’s security concerns and ideological heritage, are consistent with the Russian’s realism (which necessarily intersects the concepts of security and power relations), where the geostrategic development of Russia prevails. Several reasons contributed to that fact, including the fear of a spillover effect related to power transition in Syria (that could destabilize the region and establish a new precedent for Western interventionism), along with NATO expansionism (that could lead to a possible Russian entanglement). The way Russia perceives the international system and the normative project led by the West (including the threats to the Russian identity project, in the country’s perception), shapes Russia’s motivation and strategies in the international scene, including in its role as member of multilateral organizations, as in the case of the UN (and specifically in the UNSC). The evidence brought by the case study suggests a well-designed geopolitical strategy, supported by the diplomacy and legal domains of hybrid threat, within the UNSC, that is used to advance its political objectives.

This dissertation therefore contributes to the fields of international law and of security and defense, specifically with respect to the understudied phenomenon pertaining to the existence of hybrid threats inside multilateral organizations, such as the UN. It contributes to understanding the implications that the use of hybrid threats poses to the legitimacy of the international legal system and to the rule of law in democratic societies. Additionally, understanding the main motivations for using hybrid threats (including its correlation with the domains, tools, and phases) may also provide room for further research related to concrete countermeasures that multilateral institution (e.g., UN) could use to protect itself against inside threats, including anticipating and developing strategies to block these threats.

One merit of this dissertation relies on the application of the framework to another target beyond a State-target (original focus) with the findings contributing to expand the application of such framework. Another merit relies on the comprehensive analysis held, with all the meeting records related to the veto power held by Russia being duly analyzed, and the respective contributes to identify patterns of discourse, and recurrent legal and diplomatic tools (including strategies and tactics). The findings may support the work of politicians and practitioners in the field to anticipate the use of legal and diplomatic strategic and tactics and the respective domains.

The limitations of this dissertation were also acknowledged. One of those limitations relates to the demonstration of a hybrid threat. This is a very complex and still understudied topic that includes covert actions (more complex to demonstrate) and confidential information (difficult to access). Another limitation relates to the sources, at different levels. Firstly, the analysis was focused on the draft resolutions that were vetoed by Russia between 2011 and 2023 (useful to identify patterns of behavior and maneuvering). Although the analysis was strengthened with a comprehensive literature review on Russia's foreign policy and through the analysis of other documental sources, there were several other UN official documents intentionally left out (due to space-time constraints) that could potentially provide additional contributes for understanding the topic of hybrid threat inside the UNSC. Another limitation relates to the geographical balance of the sources (Russia and West). The author used sources that would ensure that the vision of all sides, including from Russia, Syria and Western countries, as it may be seen in this work, but acknowledges limitations to achieve a complete balance on this topic (e.g., lack of internal information from Russia or considerably more literature on the topic from Western countries when comparing to Russia's authors are some of the examples).

It is worth noting that, despite the findings have demonstrated the existence of the legal and diplomacy domains of hybrid threat inside the UNSC, led by Russia, it does not exclude the possibility of its use by other countries (including Western countries). Additional research will be needed in this area. Some interesting research topics may include complementing the analysis using other domains to provide a more comprehensive application of the concept of hybrid threat in the UNSC; testing the application of the legal and diplomacy domains of the framework in the

UNSC using other P5 members; testing the framework in other conflicts, therefore strengthening the potential for using this analysis framework (e.g., comparative analysis between Russia's involvement in Syria and in Ukraine); enhancing the research including active counterstrategies to be developed by States and multilateral organizations to protect themselves against hybrid threats.

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