Legitimizing Vetoes:
A Discourse Analysis of How Vetoes are Motivated in the United Nations Security Council

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The President: The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (spoke in Russian): I should like to note that my French colleagues has not sounded very convincing today.

The President: The representative of France has again asked for the floor.

Mr. Araud (France) (spoke in French): Only those wish to be persuaded are persuaded.

The President: The representative of the Russian Federation wishes to make a further statement.

Mr. Churkin (Russian Federation) (spoke in Russian): We shall not concede that point.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at noon.

(S/PV.7180:18)
Abstract

How is a veto justified? Within the discipline of International Relations, discourse analysis is gaining a higher status. However, there is a surprising lacuna in the literature as a discursive approach to the veto in the United Nations Security Council, is yet to be taken. This is unfortunate, given the Security Council’s prominence. The way in which the council members make meaning through their word choice has profound effects for politics in the international system. There is, nonetheless, a growing debate on the functioning of the council, and the veto-power is an important object of contestation. Motivated by current veto-restraining initiatives, this thesis performs a discourse analysis on the 19 cast vetoes between 2005-2016. The actors of relevance are the permanent Security Council members China, Russia, and the US, and the study demonstrates how the concepts of sovereignty, intervention and legitimacy are employed in the discursive construction of the legitimate veto. The thesis further argues that there are patterns and reoccurring themes in the way meaning is created that can be summarized into a contra-discourse — a veto-discourse — contrasting the dominating discourse within the Security Council.

Keywords

United Nations Security Council, veto, discourse analysis, contra-discourse, legitimizing

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Abbreviations

ASEAN Association of Southeast Asian Nations
CHINA People’s Republic of China
FRANCE French Republic
ICC International Criminal Court
NATO North Atlantic Treaty Organization
P5 Permanent five members of the Security Council
PAG Palestinian Authority Government
R2P Responsibility to Protect
RUSSIA Russian Federation
UK United Kingdom
UN United Nations
US United States of America
UNSC United Nations Security Council
USSR Union of Soviet Socialist Republics
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1. Introduction

Cynthia Weber states in her influential book *Simulating Sovereignty*, that intervention “brings to the fore the importance of casting meanings in particular ways which enable specific forms of practice to take place legitimately” (1994:13).

The United Nations (UN) is the only international body with the mandate to legally authorize enforcement actions. Further, it is the Security Council (UNSC) that enjoys the unique authority to order coercive measures in the international system. This is postulated in Chapter VII of the UN Charter, the UN’s basic constitutional document (United Nations, n.d: Article 39-51 and 53). Since the end of the Cold War, there has been a dramatic increase in the Security Council’s employment of this prerogative; 93% of all passed Chapter VII resolutions have been adopted post-1989 (Malone 2004:19). UN interventions are a growing empirical phenomena and the Security Council an international actor of mounting importance. This new interventionism is, nevertheless, accompanied by heightened controversy. Increasing global attention is devoted to the functioning —or *malfuctioning* —of the Security Council. The UNSC’s regional representation is inadequate; the composition of permanent and non-permanent members is undemocratic; and the transparency, at best, insufficient. The critiques are multiple. (Global Policy Forum, n.d.) But, a lot of the times, it is about the veto.

The decision-making in the Security Council grants five out of 15 members the privilege of a veto. The People’s Republic of China, the French Republic, the United Kingdom, the United States of America and the Russian Federation enjoy the status of being permanent members and having a ‘last word’ —they are the ‘P5’. All resolutions on substantive matters need the approval of these states in order to pass. Enshrined in the UN Charter, this exclusive power is as well-protected as it is unregulated. A reformed decision-making process necessitates amendment of the Charter which in turn requires hard-won unanimity. A proposal seeking to remove the veto, is most likely, destined to be vetoed. On how the veto is to be used, there is no further guidance beyond that, while discharging its duties, “the Security Council shall act in accordance with the Purposes and Principles of the United Nations.” (United Nations, n.d: Article 24 (2)). Correct practices surrounding the veto have been up to the discretion of the practitioners.
In 2005, the concept of the ‘Responsibility to Protect’, or R2P for short, was introduced and seconded by the world’s political leaders. The primary responsibility to protect citizens resides with the state, however, if unable or unwilling to do so, the international community has a responsibility to react. The principle, therefore, calls upon the P5 to refrain from vetoes in cases of genocide, crimes against humanity and war crimes (Security Council Report 2015:4).

R2P’s adoption serves as a precedent for three veto-restraining initiatives that are currently gaining momentum: The Elderly’s Proposal, The French-Mexican Initiative, and the Accountability, Coherence and Transparency Group’s Code of Conduct. Each addresses decision-making in the UNSC and the veto is consequently on their radar. Although distinct in the details, the shared aim is to limit the use of the veto without Charter amendment; they propose a voluntarily commitment not to cast a veto on a draft resolution that is to halt mass atrocity crimes (Security Council Report 2015:5-6). These veto-restraining initiatives have been developed against the backdrop of the on-going civil war in Syria, a crisis that highlights the discussion on the reach of the international community’s responsibility to protect.

Weber holds that language is constitutive of meaning, and further, that how meaning is constructed has implications for what sets of actions become possible, or even thinkable (Weber 1994:13). It is asked from the P5 that the veto-power be excluded in cases of mass atrocity crimes. Words are invested with power. Before any restraint, there must be agreement on what is defined as war crimes, genocide, crimes against humanity and the P5’s perceptions of any given situation. We need to know how the words used influence how these events are seen and responses taken or not taken. The chosen narrative necessarily frames the possibilities of response. For instance, something within the representation of the raging Syrian civil war motivates a veto.

1.1 Aim and research questions
Although the veto-reform proposals are the point of departure for this thesis, they are not the main focus of inquiry. The aim is rather to take a step back and explore discursive practices around the veto. As we are to see, the role of discourse is gaining a higher status within the discipline of International Relations. Even though recognized as important, there is a lacuna in the literature on the UNSC veto; it has yet to be studied how the veto is motivated through discursive practices. Instead of assuming pre-given interests to govern states’ actions and thus
also the P5’s use of the veto, the social processes surrounding the UNSC veto are to be addressed. Focus is on how rather than why. Given that the veto, as an institution, is highly unregulated, it must be understood how the practitioners themselves understand and act out the privilege assigned to them. What understandings of the veto-power are the veto-restraining initiatives seeking to limit?

It is the contemporary discursive practices constituting the veto that are of interest, and the actors of relevance are three out of five permanent Security Council members. They are relevant in a double sense: they are the ones casting vetoes, and they are not signatories to any of the mentioned veto-restraining initiatives. The scope of inquiry is the veto-motivations articulated by China, Russia and the US. The UK and France have not employed their veto-power since 1989, and are, therefore, excluded altogether from the material. A further delimitation is made following the adoption of the R2P-principle in 2005, a choice that will be further discussed in the section ‘Case selection and material’.

The task at-hand is to map out how a cast veto is discursively constructed as legitimate through the attachment of meaning to specific signs. It will furthermore be explored whether possible patterns can be summarized into a veto-discourse, a particular way of talking and understanding the veto, within the discourse of the UNSC. Although an explanatory endeavour, focus is on providing a constitutive rather than a causal understanding. The main research question to be answered is;

*How is a cast veto discursively constructed as legitimate in the post-2005 United Nations Security Council?*

followed by the sub-question;

*Are there any possible patterns and/or recurrent themes in the articulated motivations that may be seen as forming a veto-discourse?*

If Weber’s words are taken seriously, a discursive approach to the UNSC veto is important. Given the prominence of the Security Council, the way in which these actors make meaning has profound effects for policy making and governance in the international system. There are real world implications following from how the veto is understood and the study is thus
relevant to practice. Theoretical relevance is achieved by beginning to address the surprising gap concerning studies on how the veto is motivated through discursive practices.

1.2 Disposition
The thesis is structured in five parts. The next section is a literature review, providing empirical background and an overview of the previous research. Part three presents the applied theoretical framework of intervention discourse. Part four proceeds with the methodology, operationalizations, and self-reflection regarding delimitations following from case selection and the methodological framework. Part five comprises of the empirical analysis and concludes with a summary of the findings. The attached appendix contains a veto list with summaries of respective draft resolutions.
2. Literature review

As will be shown, much of the research on the UNSC has been conducted through a positivist lens. Assumptions of underlying interests have been taken to guide the use of the veto. However, a formative event is identified, changing both the empirical political climate and how it is studied. There has been an empirical and theoretical movement towards more normative and discursive approaches.

2.1 What has been said about the veto?

Sydney D. Bailey and Sam Daws’ *The Procedure of the UN Security Council* (1998) and Anjali V. Patil’s *The UN Veto in World Affairs, 1946-1990* (1992) are classics in the field of UNSC studies. Starting from the very inception of the UN, they provide a comprehensive study of the Security Council’s actions undertaken until 1998 and 1990, respectively. The Security Council is studied as an institution and its performance evaluated in relation to the Charter. As a founding document, the Charter is a reflection of the power relations and world views of the 1940s. When the formulation of the Charter was negotiated, it became clear that the permanent status in the UNSC and the power to veto were privileges, needed to ensure the participation of the Great Powers. Other future members did contest this, fearing great power dictation. The Tanzanian president articulated it as, “when two elephants fight, it is the grass that suffers” (Bailey & Daws 1998:139). The protests were, however, made in vain —the permanent members were uncompromising. No veto, no elephants.

Leading up to the final founding conference in San Francisco, in 1945, the P5-members did, nevertheless, address some concerns regarding the veto. In what came to be known as the *Yalta Statement*, the US, USSR, UK and China (France associated itself at a later point) asserted that “It is not to be assumed, however, that the permanent members, any more than the non-permanent members, would use their ‘veto’ power wilfully to obstruct the operation of the Security Council” (Bailey & Daws 1998:457). The P5 was given a primary responsibility and “they could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred” (Bailey & Daws 1998:457). In their eyes, the veto was nothing but legitimate.
Article 27(3) of the UN Charter states that all decisions on substantive issues are decided upon “by an affirmative vote of nine members including the concurring votes of the permanent members” (United Nations, n.d.). Further guidance regarding the veto is not given. That the meaning of ‘concurring’ is distinct from that of ‘affirmative’, and that the physical absence of a P5-representative does not affect the Security Council’s competency to act, or what decisions are non-procedural versus procedural, are all results of praxis. In April 1946, a Russian abstention on the Spanish question was considered a concurring vote and the resolution in question passed (Bailey & Daws 1998:251). During an eight months boycott in the 1950s by the USSR, four resolutions on the Korean War passed in the UNSC and the absence of one or more members been viewed as not obstructive to the decision-making process ever since (Bailey & Daws 1998:257). The design of the agenda and rulings of the President are examples of matters that have been treated as procedural and thus not liable to a veto (Bailey & Daws 1998:226). The UNSC veto has come to be defined as a negative vote by a P5-member, during a non-procedural vote in which nine or more Security Council members vote in favour.

Patil’s analysis groups vetoed resolutions under three headings: membership, political, and organizational matters (1992). Using this categorisation, Peter Wallensteen and Patrick Johansson show how the subject matter of vetoed resolutions have changed from mainly concerning electing new members to the organization in the 1940s and 1950s, to more political salient issues, including threats to peace and security, from the 1960s onwards. 44 vetoes have been cast regarding the election of the new Secretary-General (in Malone 2004:20). Sally Morphet further nuances the political vetoes cast between 1946-1989 by creating four themes: East-West rivalry, self-protection, protection of allies, and confrontation by veto (Morphet 1990:346). All referred to scholars identifies one formative event with unparalleled impact on the Security Council and thus, on the use of the veto. The end of the Cold War meant the end of the bipolar international system. Antagonism was replaced with consensus-seeking and the UNSC could “return to its original operation: to be an organ that would function when the major powers cooperated” (Wallensteen & Johansson 2004:17). The cooperative orientation was of such magnitude that vetoes were taken to mostly result from miscalculations on the seriousness of a veto-threat; it was close to being seen as irresponsible to ‘provoke’ a veto (Bailey & Daws1998:228; Wallensteen & Johansson 2004:20). Unified UNSC decisions regarding Haiti, Somalia, Bosnia and the Iraq-Kuwait crisis mirrors, according to Thomas Schindlmayr, the changed political reality in the 1990s (2001:230). Still
primarily motivated by the pursuit of national interests but “by using less confrontational means they (the P5) avoided harming their friends” (Schindlmayr 2001:230).

The increased possibility for political action in terms of international security made questions about legitimacy all the more relevant. The new P5 comity sparked increasingly loud calls for reform of the decision-making within the UNSC. Historical necessities were no longer accepted as alibies for the veto. The practitioners’ new focus on normative questions is mirrored in the research agendas of theorists. Bardo Fassbender has analysed the reform proposals within a constitutional framework and finds that claims are made out of principle; both equality and effectiveness need to be enhanced (1998:12). Developing countries have long wished to see the General Assembly strengthened vis-à-vis the Security Council in order to limit the prerogatives of the Great Powers, and perceptions of ineffectiveness have sparked reform debates ever since the first cast veto in 1946. However, concerns about ineffectuality have, due to the changed P5-relations post-1989, been replaced with concerns about selective activism. Gelijn Molier (2006) argues that, as the Security Council started to authorize the use of force under the parole of ‘collective humanitarian intervention’, intrastate conflicts were made legitimate UNSC business. The scope of possible interventions was widened from mainly concerning dictatorial regimes oppressing its population (e.g., Pol Pot in Cambodia in the 1970s), to include interventions in weak states where internal conflicts meant violations of human rights (e.g., the Somalian civil war) (2006:40-1). The guardians of international peace and security added additional tasks to their agenda. The elephants were back on the grass, just not fighting this time. Albeit the altruistic notions, this was not seen as unproblematic. Article 27 grants unlimited and uncontrolled power to the P5, “If there are any limits, what are those limits and what body, if other than the Security Council, is competent to say what those limits are?”(ICJ Judge M. Shahabuddeen 1992, quoted in Fassbender 1998:14). Pleas for ‘less veto, more action’ were to a large extent altered into ‘more vetoes, less action’.

The Rwandan genocide and the crisis in Libya and Syria swung the pendulum once again. Theresa Reinold traces the idea of the responsibility not to veto to increased normative demands of an international rule of law in the 21st century (2014:270). R2P was first introduced in the 2001-report by the International Commission on Intervention and State Sovereignty, and formally adopted in the UN General Assembly in 2005. The principle should be seen in the light of fear of arbitrary UNSC activism. By setting standards for the new interventionism, R2P attempts to reconcile the doctrine of humanitarian intervention with the
principles of non-intervention, state sovereignty and the prohibition of the use of force. Instead of constituting a right, sovereignty came to be thought of in terms of responsibility (Molier 2006:39-48). Intervention is not only legitimized, but ultimately expected. Mohammed Ayoob explains the rationale as if the state fails to provide the minimum level of protection, the subject is no longer bound to the state and an intervention is not a breach of sovereignty since it no longer exists. The Hobbesian social contract has ceased to apply (2002:82).

The global normative climate is changing, in what direction still remains unclear. At the same time as justifications for non-action with referral to the principles of sovereignty and non-intervention are becoming less tenable, those exact principles are enshrined in the UN Charter (United Nations, n.d: Article 2(4)). The intervention in Libya and the non-intervention in Syria must be analysed within this dynamic. In the case of Libya, even the strongest opponents to intervention (i.e., Russia and China) did eventually align (i.e., they did not use their vetoes) with the rest of the international community, authorizing intervention. Any other action entailed too high of political costs. Looking in the rear mirror, however, the success of the intervention is highly dubious. There is a perception that the actions undertaken by NATO did not correspond to the rhetoric of the UNSC decision (Reinold 2014:273). If there was any normative agreement at the outskirts of the Libya crisis, this is no longer the case. The current debate on the international community’s response to the Syria crisis makes this clear. The situations in Libya and Syria have renewed old tensions between the overall aim of the UN to “save succeeding generations from the scourge of war” (United Nations, n.d: Preamble) and the cardinal principles structuring the international community (Reinold 2014:283-93).

In the case of the UNSC, the most pressing form of legitimization is the one of the use of force, interventions authorized under Chapter VII (United Nations, n.d: Article 39-51). Is it to be used for interventions in interstate conflicts or is it meant to serve as a protection of sovereignty and inhibit external intervention? Reinold concludes that those with the primarily responsibility to fend for international peace and security are under increased pressure to justify the actions taken or not taken. Reason-giving as a process is an important element in the global rule of law in the 21st century (Reinold 2014:294). Words are becoming ever more important. This is certainly the case with the R2P. While formally adopted, the principle is far from an accepted international norm. Quinton-Brown (2013) identifies six themes of R2P.
dissent that need to be addressed; “Politicization, Misuse, and Abuse; Traditional Sovereignty and Non-Interference; Aversion of the Use of Force; Postcolonial Ideology; Security Council Illegitimacy; and Early Warning Deficiencies” (see Quinton-Brown 2013:265). The opposition might be in the minority but they are nonetheless affecting the status of the principle.

This review only addresses a fraction of the existing literature on the UNSC. Although unsatisfactory in coverage, it does, however, identify what is of general importance. The UNSC and the veto have for a long time been studied through a positivist lens rather than as social and linguistic constructions. The casting of vetoes have been used to analyse the political relationships between the Great Powers, its use taken as a political tool in the pursuit of national interests. Vetoes have been studied in order to understand something else, rather than being studied as important phenomena in and of themselves. The public explanations given by Security Council members in general and P5 in particular, have thus rarely been out of interest. Bailey and Daws state that a given justification “is not necessarily the real reason: any diplomatic decision is likely to be based on a complex of motives which do not necessarily sound plausible or respectable when paraded in public” (1998:228). Justifications are seen as adhering to an extra-discursive ground of pre-formed interests and distribution of material power. They are narrative trees keeping us from seeing the forest.

All referenced to scholars (more or less implicitly) do, nonetheless, recognize the importance of words. The veto results from specific interpretations of the wording of the UN Charter. The veto was a polemic tool through which the Cold War was fought. Different proposals of UNSC reform emphasizes different formulations in the Charter. Reinold and Quinton-Brown can furthermore be said to represent a newer generation of studies wherein increased attention is paid to discursive practices. This thesis will build upon their work, and perform a discursive study of legitimization within the Security Council. More specifically, it will study the justifications of UNSC vetoes.
3. Theoretical framework

Following from the thesis’ discursive approach, the chosen theoretical framework focuses on the construction of meaning within International Relations. Constructivist applications on legitimacy, interventions, and sovereignty will be drawn upon —motivated by the research questions and the fact that the most critical form of UNSC authorization regards enforcement action. This section shows how discursive practises connecting sovereignty and intervention stipulate what is perceived as legitimate, one set of actions will be made possible and others made impossible.

3.1 Legitimacy

First, a few words needs to be said about legitimacy per se. Legitimacy is to be understood as a social status that is to be distinguished from legality. Legality refers to compliance with existing law and may not necessarily correspond to legitimacy; judgements of actors and their actions according to a shared standard of (commendable) behaviour (Coleman 2007:20-32).

The intervention discourse —justifications for intervention practices —in the UNSC, is a question about “politically significant approval and disapproval of the claims, policies, and actions of states” (Claude 1966:367) undertaken as members of the international organization. States care about international legitimacy. It is preferable that their own actions are perceived as legitimate in the eyes of the international community (Wheeler 2000:21-4). Whether one adheres to a substantive account of a moral consensus among states, or to a more procedural conception that states value stability in the international system, there is an agreement among scholars that legitimacy matters (Coleman 2007:32-41). In the words of Hedley Bull, whenever a state does decide to break a given set of rules, there seems to be an idea “that it owes other states an explanation of its conduct” (1977:45).

3.2 Intervention and sovereignty

Within International Relations theory, a traditional understanding of intervention is that it is a violation of state sovereignty —the cardinal principle of international politics (Malmvig 2001:253; Olsson 2015:428). Sovereignty is in turn generally understood as “the absolute authority a state holds over a territory and people as well as independence internationally and recognition by other sovereign states as a sovereign state” (Weber 1994:1). Sovereignty provides a good as it brings order to the international society, structuring it in external and
internal spheres (Malmvig 2001:254). Interventions are thus external interference in something recognized as internal by the international community. Following from this logic, interventions are signs of malfunction in the international society; they are deviations from the normal state of affairs and must therefore be carefully motivated. The interventional practices that are undertaken, and consequently justified, have changed throughout history. Martha Finnemore accounts for how military debt collection was an accepted practice among sovereign states up until the 20th century (2004:24). Alex Bellamy and Paul Williams argues that the UN’s response to the crises in Côte d’Ivoire and Libya reflects a modern intertwinment of intervention and civilian protection (Bellamy & Williams 2011:826).

The practice of legitimization can be seen as mediation between the two opposing concepts as, “The very concept of intervention would not make any sense, and the need, to justify it would not arise, unless states were assumed to be sovereign and entitled to immunity from external interference” (Parekh 1997b:56, cited in Malmvig 2006:38).

These theoretical definitions of legitimacy, sovereignty and intervention will be further operationalized in the methodological chapter and employed in the analysis.

3.3 Intervention/Sovereignty
As should be becoming clear, to talk about legitimizations of intervention is to simultaneously have a conversation about sovereignty. Sovereignty is “a site of political struggle. This struggle is the struggle to fix the meaning of sovereignty in such a way as to constitute a particular state —to write the state —with particular boundaries, competencies and legitimacies available to it” (Weber 1994:3). Weber holds that there is no ‘natural’ sovereignty to fall back on. Sovereignty and the sovereign state are constructed concepts. Sovereignty is commonly understood as socially recognized political authority and interventions are fundamental challenges to this authority. In order for there to be an intervention, however, something sovereign to intervene on must exist. For something to be sovereign, boundaries must be drawn and competencies established. When a given intervention is being justified, the concept of sovereignty is given meaning. It is the actual practice of intervention that determines spatial borders, where sovereignty is located, and what is of national versus international concern. It writes the state. Rather than being conceptual opposites, intervention and sovereignty go hand in hand as conceptual dependencies; intervention/sovereignty (Weber 1994:123-9).
Weber’s analysis is motivated by the claim that conventional literature has utterly failed to reflect on its own positioning in the intervention discourse.¹ The state has been taken as sovereign, sovereignty has been used as a point of reference and intervention framed as its antonym. Boundaries between sovereignty and intervention have been treated as pre-existing, the object of inquiry one is said to study has been presupposed. What is to be considered an intervention has come to depend on theorists and their assumptions rather than theorisation of empirical events (Weber 1994:24-7). The boundary intervention/sovereignty should be treated as an open ended question, where only temporary fixations are possible. By analysing five ‘interventions’ taking place over three time epochs, Weber gives a strong case for how the intervention discourse is a site for historical production.

Building on Weber’s main assumptions, Helle Malmvig explores how the meaning of sovereignty varies across time and space (2006). Malmvig studies the intervention of Kosovo and the non-intervention of Algeria and finds that both events demanded forceful legitimization by the world’s political leaders, challenging the fact that non-intervention has been treated as a non-event in the literature. How non-Western engagement in Algeria was justified and formulated as intervention had become the new norm and, consequently, non-intervention the exemption (Malmvig 2006: 138-155).

Weber and Malmvig’s studies show how states justify intervention (or non-intervention) differently across time and space. Both scholars have the present as a starting point for their analysis and, an outcome of intervention or non-intervention is what motivates the study. Having a particular outcome as a point of departure and the ambition to map out the discourse enabling the policy in question, creates links between the outcome and something taken for being a dominant discourse. It is not a causal relationship in terms of a particular discourse leading to a particular outcome, but it is a causal relationship as in dominant discourses leading to and conditioning certain types of outcomes. Taken together, interventions versus non-interventions are treated as agreed upon policies. The interventionists are a collective of states that through contestation and discursive fights reach some kind of consensus, temporarily fixating the meaning of intervention/sovereignty and enabling a certain policy outcome. In Malmvig’s discussion on her choice of cases it is stated that, “The point is therefore not to

¹ Weber focuses on two conventional approaches to the study of intervention: behavioralist and traditionalist. For a detailed account of what they entail and her critique of them, see Simulating Sovereignty 1994:17-29.
reveal that the events in Algeria and Kosovo were equally monstrous and brutal, and yet that the international community – or alternatively the great powers – chose to approach them differently […]” (2006:28). There is an (implicit) assumption of reached ‘unity’. The veto, however, is a permanent manifest of disunity at a given point in time. Instead of being seen as an outcome in terms of action (intervention) or non-action (non-intervention), the presence of a veto could be regarded as a withheld action. One did not agree upon anything since a minority (a veto casting P5-member) opposed the proposed policy (the dominant discourse).

3.4 Why talk about how the veto is talked about; contribution

In the introduction, Weber was quoted saying that the construction of meaning is vital in order to “enable specific forms of practice to take place legitimately” (1994:13). How meaning is constructed in international politics, has implications for how international politics is conducted. Julien Pomarède and Théa Schjødt’s (2015) study of NATO’s air-lift operation in Darfur exemplifies the constitutive role of discourse. Deliberate discursive practices not only made it possible, but even made it seem ‘natural’, for an alliance of North American and European countries to cross the ocean to participate in a conflict on the African continent. The use of the veto should be studied in the same way as it entitles unmatched discursive influence “by granting some states the power of a definitive ‘last word’, thus exempting them from the rules of the discourse which apply to the other members of the international community” (Fassbender 1998:9). Building upon more recent research having a discursive approach within International Relations, this thesis will focus on how, rather than why.

The contribution of a study on how vetoes are legitimized is two-fold. Empirically it fills a gap as a discursive approach to the veto has not been taken by previous scholars to any significant extent. With regards to current veto-restraining initiatives, it is vital to understand how the veto is understood by those whose restraint is demanded. Conceptually and theoretically, the study might advance our understanding of resistance within discourses; the veto, per definition, means that a minority blocks a Security Council action preferred by the majority. The analytical framework presented by Weber and Malmvig will be applied onto the discourse in the UNSC. Some adjustments will, however, be made. In the presence of the UNSC veto, the intervention discourse can be said to vary not only across time and space but also within the same locus, parallel in time and space. The veto power entails special discursive powers, a definitive ‘last word’. Taken as an effect of social processes, the veto might provide some further insights on the formation of contra-discourses within dominant discourses.
4. Methodology, case selection, operationalization and evaluation

Providing a brief account on the foundations of discourse analysis, this section positions the thesis ontologically and epistemologically. The method consists of theoretical tools developed by Laclau & Mouffe, combined with a set of analytical questions. How these are to guide the analysis of the empirical material is demonstrated. The post-2005 delimitation is motivated and the raw material presented. A critical discussion on the evaluation of interpretations and the possibility of generalizing concludes the chapter.

4.1 A few words on the importance of words

The theoretical premises of discourse analysis springs from constructivism, social theories of society and culture that pose a “vexing question” (Jackson 2011:201) within International Relations. Knowledge about the world is never simply reflections of the actual world, but rather results of social interactions. In Friedrich Nietzsche’s words, “There are no facts in themselves. It is always necessary to begin by introducing a meaning in order that there can be a fact” (1981:15, cited in Klotz and Prakash 2008:79). Applying a discursive approach within constructivism means that the primary object of inquiry is speeches and representations or, simply put, language. Language, just as knowledge, is not merely a reflection of a pre-existing reality but is rather structured into different patterns of constructed discourses.

Discourse and discourse analysis are nevertheless two contested concepts. Consensus has not been reached on an actual definition of what a discourse is, nor how it is to be analysed. In the absence of a generally accepted definition, a generally uncontested one will have to do. According to Marianne Jørgensen and Louise Jane Phillips, discourse can be broadly defined “as a particular way of talking about and understanding the world (or an aspect of the world)” (2002:9).

Discourse analysis is to be seen as simultaneously a method and a theory; there is a non-negotiable theoretical framework consisting of specific ontological and epistemological understandings of language as playing the lead role in the social construction of the world. This is not to say that no objective materiel exists, rather that it is always mediated through discourse. A discourse establishes an order of relations between meaning and ‘things’ —objects, subjects and concepts. Thus, the boundaries of what we can possibly be, know and do, corresponds to the boundaries of discourses. Language use is furthermore situated, embedded in time and
space. The social world is constituted by multiple discourses, and there is not one, general system of meaning.

Signs and words get their meaning, not from a correspondence with reality but from an internal, discursive process. Content is attached to a sign as one meaning is valued over the opposite. Put differently, signs and discourses, are to a large extent defined by what they are not. Meaning is relational. Ernesto Laclau and Chantal Mouffe, refer to this as a discursive struggle (Jørgensen & Phillips 2002:11-7). The fluid relationship between language and reality is exploited as different constructions of meaning try to become dominant. Trends of stability might occur, but they are to remain merely trends. Discourse cannot be absolutely fixed nor absolutely un-fixed; it is inherently unstable but nonetheless structured. Any utterances made through language must refer to some kind of structure (i.e., dominant discourse), otherwise they would not be meaningful. These utterances can, however, challenge the structure (i.e., be contra-discourses). To justify a given UN action, without taking into consideration representations found in the international society, would not be fruitful. The justification can, however, add to the scope of what is represented as legitimate in the international society. It is a circular relationship: concrete use of language must be based on structure, and the structure is in turn created, reproduced and changed by concrete use of language (Jørgensen & Phillips 2002:11-7).

4.2 Case selection and material

The research questions will be answered through a case study of 19 vetoes. The selected cases are all the 13 vetoed draft resolutions post-2005, and include a wide variety of enforcement actions. The 19 vetoes belong to the US, China, and Russia; six are Chinese, 10 Russian, and three American.

A first delimitation was made following the end of the Cold War. The difference in the global environment pre-1989, make its inclusion irrelevant to the modern context. New veto-patterns have emerged since. The post-2005 limitation was made because the R2P-principle was formally adopted at the World Summit 2005. The R2P is directly linked to the veto-restraining initiatives that inspired this thesis and its adoption, as has been shown, displays the

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2 See Appendix 1
normative climate within which the actors are now performing. A case study of vetoes cast between 2005-2016 is in accordance with the aim of this research.

A few words, nonetheless, need to be said about the studied epoch in relation to other possible selections. Since 1946, when the first veto was cast, 276 vetoes have been recorded, blocking 230 draft resolutions. In total, Russia (or the USSR) has cast 132 vetoes, the US 83, France 18, UK 32, and China 11. The US has been the most frequent user since the 1970s. The delimitation, therefore, means that the absolute majority of the least frequent veto-user’s vetoes are included; China has cast six out of its 11 vetoes since 2007. The opposite goes for the US; for half of the UN’s history, the US has been the most frequent veto-player, but only three American vetoes are captured in the time period (Sciboz, n.d.). These findings are, however, not problematic since focus is on the use of the veto as an institution, not on individual veto-users.

The text material consists of UN Official documents. It is discursive constructions conveyed in ‘Meeting Records’, texts of official Security Council meetings, that are to be studied. These official meeting records contain transcripts of speeches delivered in English and the translation of speeches delivered in alternative languages.

Focus on exclusively canonical texts is motivated since the aim is to explore the veto-powers’ ideas of the legitimate veto, not to describe all discursive positions on the matter. Interest is in the discursive relational practices between the Security Council members, making clear why popular texts with statements made by the P5 in the media are not included. The chosen material captures the discourse taking place within the UNSC, specifically.

4.3 From vetoes to discourse
To study how meaning is constructed is to study representations. Being socially produced, meanings are literally re-presented. A discourse normally consists of one dominating representation and one or more alternative ones. They are all representations of the same thing but are distinct due to different attached meanings (Neumann 2008:61-77). A vetoed draft resolution in the Security Council expresses such a pluralism and the task is to set up an inventory of existing representations.
A selection of the theoretical concepts presented by Laclau & Mouffe’s will be applied in the analysis. Signs, elements, moments and antagonism will serve as ‘thinking tools’ when the construction of a legitimate veto is studied. This toolbox is motivated due to an emphasis on discourse as a struggle. Given that the veto delineates an opposing minority, focus is on resistance within the dominant discourse. How does a veto-player justify its opposing position? As previously mentioned, discourses are made up of signs. A sign is given meaning by privileging one meaning over another. A sign thus consists of the signified and the signifier, the term and its content. An element is a sign whose meaning is not yet fixated, rather, there are multiple possible meanings. Moment refers to a sign with a fixed meaning, there is (temporarily) no struggle over its content. Through the transformation of elements into moments, a discourse seeks to reach stability (Jørgensen & Phillips 2002:27-31). However, recall how a discourse ‘cannot be absolutely fixed nor absolutely un-fixed’. Antagonism regarding the meaning of signs can never be completely ruled out. Different meanings will exclude each other and different constructions collide as they try to dominate the discourse. There will be dominating discourses and contra-discourses (Jørgensen & Phillips 2002:47).

To be noted is that the analytical tools will be used somewhat outside its normal scope of application. A discourse analysis is typically very comprehensive in terms of studied material. Many social spheres are included when a specific discourse is inquired, rather than only the linguistic, social practices between three actors (Jørgensen & Phillips 2002:9). Following from the sub-question, however, the possibility of a contra-discourse is to be explored in the analysis.

Through preliminary readings of the material, and in accordance with the theoretical framework presented by Weber and Malmvig, sovereignty, intervention and legitimacy are identified as elements when UN action is debated by the Security Council. These terms are given different meaning by different actors as their own position in the vote is justified. The task is to map out how a cast veto can be justified through the attachment of meaning to these specific signs. Or, in other words, it is a study of the antagonistic process whereby meaning is attached to these specific signs in order to transform them from elements into moments.

Some operationalizations are needed in order to understand how statements are analysed and classified as attaching meaning to one of the elements. However, only minimalistic definitions will be given. What constitutes legitimacy, sovereignty and intervention in terms of vetoes, is
determined through the discursive practices among the P5. Complete definitions can only be found through the empirical analysis, not before (see for instance Weber 1994:24-7).3

*Sovereignty* is recognized political authority over a political unit; consisting of a people and/or a geographical territory.

*Intervention* is external interference into something recognized as internal by the international community.

*Legitimacy* is a social status wherein actions undertaken are accepted as proper behaviour by a relevant interpretative community.

To guide the analysis, two ‘themes’ with respective sets of questions, have been developed. The questions will be posed to the material and serve to map out existing representations and it is through these representations that the elements are signified. The themes build upon the theoretical framework:

*Representations of the actors and the subject matter of contestation*

- How is identity(ies) of the concerned actors constructed so as to delegitimize UN action?
- Where is sovereignty considered to be located?
- What would the UN intervention interfere with?

and,

*Representations of the foundational authority that is to make judgements of what is considered adequate UN response to a given situation*

- Who or what is the interpretative community whose approval is required for the action to be perceived as legitimate?

3 Page 15, in this thesis; Weber claims that International Relations scholar’s tendency to presuppose the meaning of interventions determines the object of inquiry pre-hand.
The following excerpt from meeting record S/PV.7180, on the referral of Syria to the International Criminal Court, serves as an illustration of how the analysis is practically performed:

China believes that any action to seek recourse to the International Criminal Court (ICC) to prosecute the perpetrators of serious violations should be conducted on the basis of respect for State judicial sovereignty and the principle of complementarity. China is not a State party to the Rome Statute. China always has reservations concerning the referral by the Security Council of particular country situations to the ICC. This is our principled position. (S/PV.7180:13)

The Syrian identity is represented as consisting of both perpetrators and a constitutional state. Sovereignty is undoubtedly located within the state of Syria, the Syrian state is to prosecute the crimes committed by nationals within their spatial borders. The state is capable and referral to the ICC therefore unnecessary. Signatories to the Rome Statute are not invested with any foundational authority and in accordance with the principles of state judicial sovereignty and complementarity, the approval of the state of Syria is required if the dossier is to be referred.

The representation attaches meaning to the elements: sovereignty is fixated as meaning political and judicial authority by the state over its people and territory. Intervention is the application of international law in a domestic sphere, and legitimacy corresponds starkly with legality; if a signatory, ICC jurisdiction might be seen as legitimate.

This is an example of how, what turned out to be a double-veto, can be justified.

‘What’ a potential veto-discourse is in opposition to (i.e., the dominating discourse within the UNSC) will not be explicitly addressed. Merely studying the opposition, this study should be regarded as a possible first step towards a more a comprehensive understanding of the whole of UNSC-discourse. Further, since focus is on the process of how vetoes are legitimized, not on individual veto-players, who is behind a specific statement will only be specified when doing so is deemed as having an explanatory value. The statements are furthermore not studied in relation to concerned draft resolutions. No evaluation of the consistency between
the resolution’s content and the veto-users understanding of it, nor judgements of correspondence between statements and ‘facts on the ground’, will be found. It is not a study of true or false.

### 4.4 Evaluating the interpretations and generalizing

Constructivism’s ontological and epistemological assumptions ought to generate a discussion about self-consciousness. If all material taken to exist is given meaning and brought into ‘being’ first when touched by language, the same must hold for any object of inquiry. Discourses do not exist before we construct them and, as non-existing, they can hardly tell us how they are to be studied (Malmvig 2006:24). What we come to know and how we will know it, is a question about what we choose to study and how we study it. Following from this, the analysis and the findings of this thesis must be seen as attempts of knowledge *production*. In the words of Kevin C. Dunn, this thesis is ultimately an attempt to “try to write a convincing narrative that provides an understanding of the ‘how’ question [...]” (2008:92). The interpretation nonetheless needs to be judged in terms of validity.

When evaluating qualitative text analysis in general, and discourse analysis in particular, Gøran Bergstrøm and Kristina Boréus (2012) propose the criteria of transparency and demonstration of self-reflection. Transparency of how the analysis has been conducted, what methodological choices have been made and why, and awareness of the researcher’s positioning in the social world and how it politicizes the analysis are required (Bergstrøm & Boréus 2012:41).

For transparency, analytical choices and delimitations regarding material and method are carefully motivated throughout this thesis. The practical performance of the analysis is demonstrated; the short empirical example in ‘From vetoes to discourse’ shows how the construction of legitimate vetoes is systematically extracted from the text material. The reader is further provided with supporting evidence of made claims. Quotations and excerpts from the empirical material are multiple and the material is moreover accessible to anyone.

Reflections over personal values and prejudices have been a constant element throughout the work with this thesis, although harder to demonstrate in writing.

As noted by Bent Flyvbjerg, the possibility to generalize is highly valued when scientific research is evaluated (2006). This thesis is a case-study of discursive practices within the UNSC
and thus highly context-dependent. The ambition is not to generalize to any other empirical population. The findings from this highly delimited study could, nonetheless, be of importance on a more abstract theoretical level. As “formal generalization is overvalued as a source of scientific development, whereas ‘the force of example’ is underestimated” (Flyvbjerg 2006:228), this study can contribute to theories of discursive practices within International Relations.
5. Analysis

The analysis will be structured around the three elements. In turn, it will be demonstrated how meaning is attached to sovereignty, intervention and legitimacy in relation to cast vetoes. Firstly, the analytical questions are asked to the material. How are the actors, the subject matter and the foundational authority represented? Through possibly revealing patterns or recurrent themes, how the three elements are given meaning will be sketched out.4

5.1 Constructing sovereignty

When casting vetoes, China, the US and Russia are found to represent sovereignty along three dimensions: locus, content and absoluteness. Many different constructions of sovereignty consequently emerge in the study of the 19 vetoes: the location of sovereignty can be exact (Israel, S/PV.5488;5526;6484), or open ended (Syria, S/PV.6627;6711;6810;7180). Its content ranges from control over national elections (Zimbabwe, S/PV.5933), to civil uprising (Myanmar S/PV.5619), and the protection from external interference is far-reaching, though not absolute (Crimea, S/PV.7138).

As a prerequisite, the location of sovereignty must be defined. The civil war in Syria and the Israeli-Palestine conflict demonstrates what a tricky task this can be. Multiple possible bodies wherein sovereignty can be invested are represented in these two Middle-Eastern crisis.

The war between Israel and Palestine is fought between the state of Israel on one hand, and numerous Palestinian actors on the other. Israel is consistently referred to as merely ‘Israel’ or alternatively ‘the state of Israel’, meanwhile there is the ‘Palestinian Authority Government’ (PAG), the ‘Palestinian people’, ‘Hamas’ and ‘Hizbollah’ (S/PV.5488;5565;6484). The locus of the Israeli sovereignty is unquestionably taken to reside within a united state, suggesting that there is no need to separate people, political authority, and military. The Palestinian sovereignty, on the other hand, is a much more open question. Links are created between the ‘people’ and the ‘PAG’ as “The failure of the Palestinian Authority Government to take these steps hurts the Palestinian people.”(S/PV.5488:3). The PAG is not performing as the people’s representative. It is not necessarily the case, however, that the PAG is the source of legitimate

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4 The meeting records are referenced to in the format of S/PV.XXXX and their corresponding draft resolutions are summarized in Appendix 1.
political authority—the existence of other political bodies complicates the picture. It is said that any PAG has a responsibility to address terrorist infrastructure but “[…] Hamas has failed utterly in this regard […]” (S/PV.5565:3). Hamas is invested with a similar responsibility as PAG, Hamas and PAG are separated but potentially one and the same. Who has the political authority over the Palestinian people and its territory seems to be debatable.

The unified identity found in Israel is likewise lacking in the case of Syria. The Syrian conflict is represented as including a ‘people’, a ‘government’, and an ‘opposition’,

We regret the outcome, in the first place, because of the people of Syria, whose children suffer on a daily basis the horrors of the spiral of violence, which began with peaceful protests by citizens against their Government, but has now spawned an armed conflict where barbaric acts can be attributed to both sides. The main thing is to put a stop to the violence, no matter where it comes from, and the key to taking the first step is in the hands of the Government. (S/PV.6810:9)

The citizens initially launched legitimate claims towards their government but somewhere along the road, the citizenry was fractioned into a suffering people and those committing barbaric acts, posing a threat towards the government. Sovereignty still resides with the regime as they are invested with a primary responsibility in the transition to peace, but it is unclear who, besides the anguishing people, is included in the political body over which the government has authority. The boundary between legitimate protests, like the initial ones, and those classified as barbaric, has yet to be drawn.

The Israeli-Palestine conflict is largely between two state actors (even though Palestine is not recognized by the whole UN system as such), while the Syrian conflict is between a state and non-state actors. The representation of multiple identities is nonetheless possible in both cases. A state does not equal absolute sovereignty, sovereignty does not presuppose an absolute state.

Independent of the lack of a clear locus for sovereignty, another pattern emerges. Both situations are represented as being equal fights between equal parties. All articulated Middle-Eastern statements convey ideas of the resolutions at hand being biased. It is said that the UN is to serve as an honest broker and all parts in a conflict must perceive it as such. Yet, the drafts
“[…] placed demands on one side in the Middle East conflict but not the other […]” and did “[…] not adequately reflect the true state of affairs in Syria and sent a biased signal to the Syrian sides.” and were rejected (S/PV.5488:3;6711:9). Unbalanced drafts with accusatory bents towards only one party motivate a veto. The call for equal condemnation implies equal responsibility and the resolutions seek to intervene between parts perceived as equal. The UNSC should not get involved in a ‘fair fight’ as the primary responsibility for the conflict resides with the concerned parties. It is, for example, “[…] unwise for this Council to attempt to resolve the core issues that divide Israelis and Palestinians.” (S/PV.6484:5). Peace is not imposed by outside forces, but results from the parties themselves ending their fight.

The locus of sovereignty is complex. It is enough to identify a political authority in order to delegitimize external intervention, it does not need to be exactly located. In Palestine, exactly who possesses the political authority is not specified, but sovereignty resides somewhere and Israel is thus up against an equal party. In Syria, sovereignty seemingly resides with the government, as (current) representative of the people. Some branches of the opposition are, nonetheless, represented as making legitimate claims, and thereby challenging an absolute regime-locus of the authority.

Moving from locus to content, once identified as existing, it must be specified over what matters sovereignty holds political authority. The line between national and international responsibility needs to be drawn. For instance, the resolutions on ‘the Saffron Revolution’ in Myanmar in 2007, and the election-related violence in Zimbabwe in 2008, are examples of domestic situations that have figured on the UNSC’s agenda. The resolutions were both vetoed as the crises were considered to be national rather than international responsibilities.

The proposed UN action would not facilitate the “national reconciliation” in Myanmar and the Security Council’s agenda should not include an “inter-Zimbabwean conflict” nor any “[…] grave challenges relating to refugees, child labour, HIV/AIDS, human rights and drugs.” (S/PV.5619:2;5933:10;5619:3). Vetoes were cast because the resolutions addressed internal affairs of the states, and as such, the problems and the solutions were thought to be domestic and not international. The entire international community hopes to enjoy democracy, the rule of law, economic development, and social harmony. However, when a country is faced with challenges in these areas, it must not be forgotten that “[…] no country is perfect and every country has to go through a process of constant improvement.” (S/PV.5619:2). Civil peace is
reached through the slow moving process of socioeconomic changes and the specific country is to take the lead in the transition. It is up to relevant, *national* parties, like in the case of “[…] Zimbabwe to take to heart the overall interests of the nation, keep calm and exercise restraint, and settle their differences […]” (S/PV.5933:12).

The state is represented as a highly independent system, wherein there might be times of imbalance and disruption, but the system as a whole strives toward stability. It has a self-regulating trait that is too easily disregarded, “The negotiating process in Zimbabwe has begun; dialogue has been launched between the representatives of the Government and the opposition and is proceeding apace.” (S/PV.5933:9). The same goes for Syria where; “[…] changes, even if they are late in coming, are still beginning to be implemented, and we must not overlook this.” (S/PV.6627:4). The internal spheres of Zimbabwe, Myanmar, and Syria can be thought of as homeostats.

The international community are thus to support intra-Syrian, intra-Zimbabwean and intra-Myanmar transition processes. The UN can play an important, supportive role in intra-state conflicts *if* this is done with due consideration to national conditions and faith invested in the concerned parties,

> As an old Chinese saying goes, one cannot enjoy eating hot bean curd if one is too anxious. While the intention of the international community is sincere and good, it has to be accompanied by practical and feasible ways and means. (S/PV.5619:3)

UN action in Myanmar, Zimbabwe and Syria were blocked as external interference was represented as unnecessary, and in terms of sovereignty, the principles of independence, territorial integrity and non-interference were taken to be ever so valid. The veto-players proclaimed themselves as guardians of these basic standards. Sovereignty implies a responsibility (right) to clean up (set up) the own backyard, a principle around which international relations must be structured. It is therefore looked upon with worry when a draft resolution is thought of as promoting UNSC actions that goes beyond its primary responsibility to maintain international peace and security. The use of the Security Council in other purposes is “[…] illegitimate and dangerous and apt to lead to a realignment of the entire United Nations system.” (S/PV.5933:9) Russia explicitly stated that its veto on the
Zimbabwe-resolution partly served to ensure compliance with the national/international division (S/PV.5933).

The internal affairs of a state thus enjoys far-reaching protection as a closed, self-regulating system. However, the homeostat is not absolute. There are limitations that can motivate external interference. For instance, another important principle applied in the international community,

[...] the principle of equal rights and self-determination of peoples, enshrined in Article 1 of the Charter of the United Nations [...] We do not dispute the principle of the territorial integrity of States. It is indeed very important. It is also understandable that the enjoyment of the right to self-determination involving separation from an existing State is an extraordinary measure, applied when further coexistence within a single State becomes impossible. (S/PV.7138:2, emphasis added)

The quote concerns the recognition or non-recognition of the referendum in Crimea and can be taken as manifesting the outer limits of the state’s self-regulation. Principles of non-interference in international law are important in international relations but they are not absolute, the internal affairs of a state can become of external concern. This specific veto was Russian and cast with referral to historic and political specificities. Generally agreed upon principles in the international sphere are interlinked and, their lexical ordering is dependent upon how the veto-player represents the status of the homeostat.

The theoretical definition of sovereignty as ‘recognized political authority over a political unit; consisting of a people and/or a geographical territory’ (Weber 1994:1), has through these representations, been further developed. The element sovereignty is signified as: recognition by the international community of far-reaching political and judicial authority over a people and a territory. The protection from external interference is valid even if there is no exact locus of the sovereignty at a given point in time. The authority means the right to accept or deny international support in its various forms and the control of the maintenance and development over many societal phenomena. Sovereignty means the right and responsibility to sustain one’s internal sphere, but it is not absolute. The outer limits are threats to international peace, security, and to some extent, other internationally recognized principles.
5.2 Constructing intervention

A wide variety of types of interventions are included in this material. The 13 vetoed draft resolutions range from the establishment of an international tribunal for transportation disasters (Malaysian Airlines, MH-17, S/PV.7498), to imposing economic sanctions (Zimbabwe, S/PV.5933), the release of detained prisoners (Myanmar, S/PV.5619), dismantlement of settlements (Israel-Palestine, S/PV.6484), observing missions of ceasefires (Georgia, S/PV.6143), and the recognition of anniversaries of genocides (Bosnia and Herzegovina, SP/V. 7481). Intervention can mean many things. What all these interventionist practices share, however, is that the veto-players perceived them as being either unnecessary, misguided, contra-productive, or outright dangerous since they would “further aggravate the turmoil”, “further complicate the situation” or even “[…] trigger a full-fledged conflict in Syria and destabilization in the region as a whole.” (S/PV.6810:13;6711:9;6627:4). Blocked by either a veto or a double veto, none of the 13 proposed interventions were carried through.

The interventions became negative through a combination of discursive processes. The predictions are linked both to the idea of the state as capable of self-regulation and to previous, dire experiences. Learned lessons from Libya are for example looming over the discussion on Syria as,

> The demand for a quick ceasefire turned into a full-fledged civil war, the humanitarian, social, economic and military consequences of which transcend Libyan borders. The situation in connection with the no-fly zone has morphed into the bombing of oil refineries, television stations and other civilian sites. The arms embargo has morphed into a naval blockade in western Libya, including a blockade of humanitarian goods […]. These types of models should be excluded from global practices once and for all. (S/PV.6627:4)

The UN intervention in Libya was the first application of R2P and is questionable as a precedent. The Russian delegation, for instance, will not allow the Security Council to “[…] get involved with legitimizing previously adopted unilateral sanctions or attempts at violent regime change.” (S/PV.6627:5)
Previous experiences can be used to both denounce interventions, like in the Syria case, or to advocate for even more comprehensive action. Meeting record 6143 concerned a resolution that aimed at establishing a technical rollover of an observation mission in Georgia and the Transcaucasian ceasefire. It was vetoed by Russia with the motivation that the text did not mention Georgia and the Republic of Abkhazia and thus did not grant them the same independent status. History was disregarded in this case because, “Political wisdom is not to be found in blind adherence to the vestiges of past thinking, but in showing restrained approaches, bearing in mind current realities.”(S/PV.6143:3)

The minimal definition of the element of intervention was set to: ‘external interference into something recognized as internal by the international community.’ (Malmvig 2001:254). In accordance with Weber’s predictions, how the veto-players attach meaning to intervention is contingent on how sovereignty is understood. Together, the two concepts draw the border of national/international. Multiple occurrences are named UN interventions e.g., economic sanctions, weapon embargos, military actions, the establishment of criminal tribunals, peace keeping missions, and denouncements of elections and referendums. Something internal is being touched upon. Whether the interventionist practice has negative notions and is consequently subject to a veto, depends on how the situation is represented in relation to international principles and to previous, similar events.

5.3 Constructing legitimacy

Understood as a social status, legitimacy is generated through the judgement of adequacy from a relevant interpretative community. Several such foundational authorities are represented in the material with the people as the natural point of departure. It is the claims of “the people of Myanmar” that is outmost to be respected and “We must bear in mind that a significant number of Syrians do not agree with the demand for a quick regime change and would rather see gradual change.” and “The Palestinian people deserve leaders who are prepared to renounce terror, accept the Quartet principles, and become a legitimate partner in peace.” It is furthermore beyond comprehension when council members “[...] negated the right of the people of Crimea to express their will [...]” by not acknowledging the validity of the Crimean referendum (S/PV.5619:2;6627:4;5565:3;7138:12).

The accumulated approval or non-approval of the people must, however, be mediated through a representative body. A few options of legitimate voices to speak for the citizenry are put
forays: the government (Israel and possibly Syria, S/PV.6484;6627), regional actors (Association of Southeast Asian Nations, ASEAN, S/PV.5619), and in rare cases, the international community (ICC, S/PV.7180).

The perhaps most obvious representatives of the popular authority are the national political leaders. But, it is complicated. In the case of Syria, representations that both strain and affirm the relationship between the regime and the people are used simultaneously, “With respect to Syria, we are not advocates of the Al-Assad regime. We believe that the violence is unacceptable, and we condemn the repression of protests by peaceful demonstrators.” (S/PV.6627:4) The government is nonetheless thought of as a source of foundational authority in Syria, “Russia is continuing to work with Damascus. We call on the Syrian leadership to more speedily implement the changes.” (S/PV.6627:4) The government represents those “[…] who comply with the law-enforcement authorities” as it is the violence against them that must stop. Russia furthermore aims to “[…] continuing to work with constructive patriotic groups of the Syrian opposition who are concerned about the fate of their country and who have said that they want no foreign interference in their internal affairs.” (S/PV.6627:4) The opposition is expected to play by the rules and discuss any laws thought of as imperfect with the Al-Assad regime. The people are divided into those who are represented by the government in the transitional negotiations, and those who are to sit on the other side of the table, making patriotic (legitimate) claims. The opposition is represented as including both those constructive groups, and barbaric villains that are excluded altogether from the political process. The people and the opposition seem to largely overlap and the regime as a source of foundational authority is not continuous. (S/PV.6627;6810)

Regional actors, such as neighbouring countries and regional organizations, are generally invested with an authoritative voice. The privilege to formulate the problem (and to some extent, decide if there is any problem in the first place) and work out subsequent solutions are largely bound up with geography: “As a matter of fact, all of Myanmar’s immediate neighbours, all ASEAN members and most Asia Pacific countries believe that the current situation in Myanmar does not pose a threat to regional peace and security.” and “[…] the African Union resolution on the question of Zimbabwe represents an important position that reflects the consensus of African countries on the current situation. The Security Council should accord it great attention and full respect.” (S/PV.5619:3;5933:13)
It is the judgements and recommendations of these actors that, taken together, can result in a realistic approach to resolve any internal conflict. Draft resolutions that disregard regional positions will not help solving the situation at hand and can even worsen it, as argued for in the case of Bosnia and Herzegovina, where the proposed resolution caused “[…] an extremely painful reaction in Bosnia and Herzegovina and beyond. The diametrically opposed proposals coming from the various entities in Bosnia and Herzegovina serve to illustrate that the draft resolution before us will not promote peace.” (S/PV.7481:6). The resolution noted the 20th anniversary of the Srebrenica genocide and sought to establish international mechanisms to prevent similar events.

The International community is represented through the UN, and the UN Charter is thought of as specifying an international ‘labour division’ which allocates responsibility and legitimate authority. Being the UN’s executive body, the Security Council is to act on international problems as “[…] the primary responsibility entrusted by the United Nations Charter to the Security Council is to maintain world peace and security […].” (S/PV.5619:3) The labour division is to be respected as a matter of both principle and competency,

Everyone must do his own job. Let historians analyse the vicissitudes of the conflict in the former Yugoslavia and its genesis, including the role of the various countries and alliances that took hasty decisions. Let experts help the Secretariat and the international community to understand where our weaknesses lay. But let us not immerse the Security Council in historical events, for we already face too many unresolved issues in the contemporary world. (S/PV.7481:6)

Foundational authority is located in accordance with the idea of subsidiarity, and the issue at hand must be represented as being of international dimensions if the UNSC is to be considered the primary source of authority. Myanmar, Zimbabwe and Israel-Palestine are examples where the crisis was represented as national rather than international, and the same goes for all the 13 resolutions in this material. The 19 vetoes imply that no threat to international peace and security was considered to be addressed and UNSC action was therefore not motivated. It is a question about efficiency, as previously shown, but also of the goods of foreseeability. The case of the ICC clearly manifests how lack of foreseeability can be framed as hypocrisy and motivate a veto,
They advocate fighting impunity but are themselves practicing a policy of all-permissiveness. The United States frequently indicates the ICC option for others, but is reluctant to accede to the Rome Statute itself. In today’s draft resolution, the United States insisted on an exemption for itself and its citizens. Great Britain is a party to the ICC, but for some reason is unenthusiastic about the exploration in the Court of crimes committed by British nationals during the Iraq war. (S/PV.7180:13)

Not all UN-members (nor all P5-members) are state parties to the Rome Statute, and thus not subject to the court’s jurisdiction. The court is nonetheless an employed tool in the toolbox of the Security Council; dossiers have been referred and tribunals have been authorized. The resolution that aimed to submit the crimes committed in Syria to ICC scrutiny was, ironically, double-vetoed with concerns of (populist use of) the rule of law.

In sum, ‘legitimacy is a social status wherein actions undertaken are accepted as proper behaviour by a relevant interpretative community’ (Coleman 2007:20-32). The discursive practices by China, the US, and Russia constitute the element legitimacy as acceptance and approval by either the people, mediated through its political leaders, regional actors, or, in rare cases, the international community. The interpretative community is defined when the level of problematization is fixated. To render the status of a source of legitimate foundational authority, the body must act in accordance with an idea of effectiveness and foreseeability, it must correspond with the UN Charter and the ‘labour division’ specified therein.

5.4 Revealing an ego image

The analytical questions that were asked to the material were developed in relation to the theoretical framework. They did not capture a reoccurring theme of relevance. Perhaps not too surprising, given that the analytical framework of Weber and Malmvig has been used somewhat outside its original purview. The discursive variations of the meaning of sovereignty, intervention and legitimacy have been studied within the same locus, as opposed to across time and space (Weber 1994; Malmvig 2006). The unexpected findings are incorporated as they seem to be of increasing importance empirically, the practices occurred in the newest part of the material. How these types of statements are to be theoretically understood is a task for future research.
A new discursive pattern is identified in the two most recent meeting records on draft resolutions addressing the situation in Syria. The discussion is moved to a more abstract level, the representations are not so much about facts on the ground as of a P5-identity. Referrals to the own self-image and the own actions have been common throughout the material, but have been made in terms of individual claims such as “[…] no outside country has invested more than the United States of America in the effort to achieve Israeli-Palestinian peace.”, or that “China has always adopted a responsible approach and has made vigorous efforts to encourage and facilitate […]” and when a grand crisis is to be averted, “Russia, for its part, will continue to work precisely in that direction.” (S/PV.6484:5; 5619:3; 6711:9). To be a permanent member has been represented as a responsibility bestowed *individually* on each and one of the five.

Meeting records 6810 and 7180 contain representations where emphasis is on reflections regarding *the group* rather than *one’s place in the group*. Instead of delineating their own position within the Security Council, the P5-members are extracted as a group within the council. *P5-unity* is the word of the day,

> There has been no dearth of complaints about the lack of unity concerning Syria among the five permanent members (P5) of the Security Council. Indeed, when that unity is present, we manage to achieve concrete positive results […]. P5 unity is important. After all, it is the reason for which France has been pushing for P5 engagement in the political settlement of the crisis. (S/PV.7180:12)

To challenge, or simply not actively work for, unity is considered irresponsible, “Why deal such a blow to P5 unity at this stage? Is it just to try once again to create a pretext for armed intervention in the Syrian conflict? […] It should be pointed out that this damage to P5 unity is being inflicted at a critical point in the efforts to find a political solution to the Syrian crisis.” (S/PV.7180:12) It is framed as suspicious when a vote is pushed for before consensus among the five has been settled. What hidden and questionable motives are there?

Unity is highly valued and it is something hard-won, it requires that each and every one does their own share and promote consultations, “[…] rather than forcing a vote on the draft
resolution, in order to avoid undermining Security Council unity or obstructing coordination and cooperation on questions such as Syria and other major serious issues.” (S/PV.7180:14).

The P5-group ought to be prioritized by the individual P5-member, implying that there are some discursive rules to which one must pay attention. Political accusations are costly and political shaming among the five should not take place openly in front of the other ten. The US and UK’s critique of the Chinese veto on Chapter VII actions in Syria, was deemed as completely unfounded “slander” (S/PV.6810:14), unworthy of a Chinese response. To be a permanent member means having a responsibility to “[…] safeguarding the credibility, authority and unity of the Security Council.” (S/PV.6810:14). The authority of the UNSC as an international, executive body is represented as being contingent upon the P5 having a united image.

These meeting records manifest a struggle to position the five in the international community. What it entails to be a P5-member has to be pinned down, anew. This self-awareness is likely motivated by the UNSC currently being placed in the international spotlight. The veto-restraining initiatives’ momentum is hard to ignore. The initiatives seek to limit veto-use in accordance with (new) international standards, and thus address the veto as a political tool. The internal discussion, however, is rather about what the special responsibilities towards other veto-players are and what rules should govern their relationship. The veto is a party-whip to ensure oneness.

The historical P5-relationships were roughly characterized as non-cooperative, pre-1989, and selectively cooperative, post-1989. What kind of cooperation the discursive practices post-2005 convey is important. The ego image has implications for how any successful agreement, such as reformed decision-making, must be formulated.

5.5 The legitimate veto; constructed?

The purpose of this thesis was to answer the main research question;

*How is a cast veto discursively constructed as legitimate in the post-2005 United Nations Security Council?*

and the sub-question;
Are there any possible patterns and/or recurrent themes in the articulated motivations that may be seen as forming a veto-discourse?

The analysis found that China, Russia and the US employ all the three elements of sovereignty, intervention, and legitimacy in the discursive construction of the legitimate veto. The elements are given meaning through the attachment of multiple signifiers.

*Sovereignty* is signified along three dimensions: locus, content and absoluteness. Sovereignty can delegitimize (legitimize) UN intervention (a veto), be it exactly located within a unified state, or dispersed within a state identity. Sovereignty implies that fights are between equal parties. Not necessarily equal in military capacity, but equal in terms of being part of the problem and the solution, i.e., together they both comprise the whole and no external intervention is warranted. Sovereignty contracts control over an internal sphere where a right to experience both prosperity and hardships resides. The political authority can, however, be misused and internal affairs become external. Sovereignty is not absolute.

*Interventions* occur in many forms and can address individuals or societal structures. A negative intervention reiterates previous experiences and/or violates basic international principles.

*Legitimacy* requires a relevant interpretative community. The body that is to make judgements of commendable behaviour must fulfil the criteria of effectiveness and foreseeability. The right community for the right job.

These elements are combined in different constellations and constructs to legitimatize a veto. The articulated representations aim to prove the proposed UN action inadequate and a veto adequate. Juxtaposing the draft resolution, the veto re-constructs what is thought of as being a misguided representation of the situation at hand.

‘Signs and discourses, are to a large extent defined by what they are not’. The same goes for the veto. An UN intervention, addressing a threat to international peace and security, formulated in conjunction with relevant actors, and interfering in a sphere where sovereignty has ceased to exist, would be an example of an *illegitimate* veto.
A discourse was defined “as a particular way of talking about and understanding the world (or an aspect of the world)” (Jørgensen & Phillips 2002:9). Patterns and recurrent themes were found in the material. China, Russia and the US draw on similar discursive practices when articulating motivations for cast vetoes. Although outside the scope of this study, it must be recognized that the different actors most likely understand the situations at hand differently, and consequently the articulated motivations are to differ between distinct actors. As in the case of interventions, some aspects reappear— an UN intervention interferes with something recognized as internal, be it an observation mission or referral to the ICC. However, it is not obvious if the intervention is to be thought of in negative notions. How the interventionist practice is related to international principles and previous experiences varies between situations. There is a dependency on contextual positioning, obscuring general themes.

However, these variations do seem to take place within a discursive framework. The aim has not been to find empirical similarities in different situations but rather patterns in how the representations of the situations are constructed. The discursive process has been in focus. The identified patterns and recurrent themes can be said to form a veto-discourse, a type of contra-discourse taking place within the UNSC-discourse. A veto is ‘a negative vote by a P5-member, during a non-procedural vote in which nine or more Security Council members vote in favour’. A veto creates a majority and a minority. Two mutually exclusive discourses are at hand, demarcated by their antagonism. One is promoting UN action, and one is blocking it. Meeting record 6627 on enforcement action in Syria conveys a clash between a ‘R2P-discourse’, appealing to an international responsibility to react, and a veto-discourse fearing attempts of “violent regime change” (SP/V.6627:5). The representations are articulated by a council majority and veto-players in minority, respectively, and are not compatible. To say that the veto-players construct a contra-discourse is not to say that they are a unified group speaking with one voice, but rather that they draw on the same discursive techniques when they justify their opposing position. There are similarities in how the three actors employ sovereignty, intervention and legitimacy in the pursuit of acceptance. However, there is still room for tension within the veto-discourse.

Finally, the veto-discourse revealed an ego image. It is handed over to future research to theoretically conceptualize this finding within discourses and contra-discourses. In terms of the veto-restraining initiatives, the ego image must be taken into account in order for any voluntary commitments to come about. Initially, Weber established that casting meanings in a
particular way will ”enable specific forms of practice to take place legitimately” (1994:13). How do the elephants want to share the grass? Word choices contain influential power, are constitutive of how events are interpreted, and are connected to the choice of specific response. How the veto-players understand their own role in the international community will affect future constructions of legitimate vetoes.
Bibliography


APPENDIX 1

Veto list, including a brief explanation of the agenda item. Chronological order.

‘Meeting Record’ refers to a transcript from an official Security Council meeting. They are coded as S/PV.0000, where the digit indicates the number of the meeting.

‘Draft Resolution’ refers to a resolution that is to be voted upon in an official Security Council meeting. A Security Council resolution expresses the opinion or will of the council. They are coded as S/RES/-- (year).

All meeting records and draft resolutions can be accessed at the web page for the Dag Hammarskjöld Library http://research.un.org/en/docs/sc/quick; UN’s official data base for UN documents and publications.

1. **Meeting Record S/PV.5488; Draft Resolution S/2006/508.** 13 July 2006

*Middle East situation, including the Palestinian question.* The draft demanded that an abducted Israeli soldier, all illegally detained Palestinian ministers, members of parliament, and officials and civilians be released. It called on resumption of negotiations and humanitarian assistance to the Palestinian people. It demanded all parties refrain from acts of terrorism and excessive violence. Vetoed by the US.

2. **Meeting Record S/PV.5565; Draft Resolution S/2006/878.** 11 November 2006

*Middle East situation, including the Palestinian question.* The draft demanded ceasefire and the establishment of a ‘fact-finding’ mission on an Israeli conducted attack and withdrawal of Israeli forces from the Gaza strip. It also demanded the Palestinian Authority Government to bring an end to the firing of rockets into Israeli grounds. Emergency assistance to the Palestinian people was requested and the international community encouraged to take steps to restart the pace process and ensure the resumption of peace negotiations. Vetoed by the US.


*Myanmar.* The draft resolution called upon the Myanmar government to immediately cease military attacks against civilians during the protests known as the Saffron Revolution. It demanded that human rights and humanitarian law violations against persons belonging to ethnic nationalities or minorities end, including sexual violence carried out by the armed
forces. The Myanmar government was called upon to permit the activity of international humanitarian organizations and to work with the International Labour Organization (ILO) in order to eradicate forced labour. It further demanded the full allowance of freedom of expression and movement by releasing Daw Aung San Suu Kyi and other political prisoners. Vetoed by China and Russia.


Peace and Security – Africa. Acting under Chapter VII, the draft resolution addressed election-related violence in Zimbabwe. The result from the election held on the 29th of March was to be respected and a weapon embargo as well as economic sanctions against certain individuals imposed. It further demanded that those responsible for human rights abuses be held accountable and it requested the Secretary-General to appoint a Special Representative with the situation in Zimbabwe as his or her responsibility. Vetoed by China and Russia.


Georgia. The draft resolution sought to extend the United Nations Observer Mission in Georgia (UNOMIG) by another period terminating on the 30th of June, 2009. The technical rollover would have given the mission continued mandate to ensure compliance with the ceasefire between Georgia and the Abkhaz authorities. Vetoed by Russia.


Middle East situation, including the Palestinian question. The draft resolution addressed illegal Israeli settlements on occupied Palestinian territory. It demanded that all settlement activity stop and that all settlements, erected since March 2011, be dismantled. It further called on both parties in the conflict to comply with previous agreements and to continue negotiations with international and regional support. Vetoed by the US.

7. Meeting Record S/PV.6627; Draft Resolution S/2011/612. 4 October 2011

Middle East – Syria. The resolution called for the establishment of an independent investigations of all human right violations conducted during civil demonstrations. It demanded the Syrian government allow the full exercise of human rights such as freedom of expression and association, to lift imposed restrictions on media, and to release illegally detained prisoners. International organizations were to be given access in order to provide humanitarian assistance and the international community were encouraged restrain the supply of arms to Syria. Vetoed by China and Russia.
8. Meting Record S/PV.6711; Draft Resolution S/2012/77. 4 February 2012

_Middle East – Syria._ The resolution was drafted in support of the League of Arab States Action Plan to end the conflict in Syria. It condemned all violence, irrespectively where it came from, and demanded that external actors be allowed to monitor the transition to peace and the allowance of access by humanitarian personnel. Vetoed by China and Russia.


_Middle East – Syria._ The draft resolution sought to classify the situation in Syria as a threat to peace and security. Acting under Chapter VII, it demanded transition to peace, accountability of human rights abuse and renewal of the mandate of the United Nations Supervision Mission in Syria (UNSMIS). If Syrian authorities would fail to comply, enforcement actions under Article 41 would be authorized. Vetoed by China and Russia.

10. Meeting Record S/PV.7138; Draft Resolution S/2014/189. 15 March 2014

_Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136); concerning the status of Crimea._ The draft resolution deemed the upcoming referendum in Crimea to have no validity and called on the international community to not recognize it or any altered status of Crimea with referral to it. Vetoed by Russia.

11. Meeting Record S/PV.7180; Draft Resolution S/2014/348. 22 May 2014

_Middle East – Syria._ Acting under Chapter VII, the resolution meant to refer the Syrian dossier to the International Criminal Court. Both non-state and Syrian authorities were, irrespectively, to be subjects of the court’s jurisdiction. Vetoed by China and Russia.

12. Meeting Record S/PV.7481; Draft Resolution S/2015/508. 8 July 2015

_The Situation in Bosnia and Herzegovina._ The draft resolution noted the twentieth anniversary of the genocide at Srebrenica and recalled states’ responsibility to prevent mass atrocities crimes. It called for the acceptance of terming the events in Srebrenica as ‘genocide’, as a part in the reconciliation process and for the establishment of international early warning mechanisms to prevent a reiteration of the events. Vetoed by Russia.

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136). One year after the downing of Malaysian Airlines Flight MH 17 in Donetsk, Ukraine, the draft resolution aimed at deeming the event a ‘threat to international peace and security’ and to establish an international tribunal to prosecute those responsible for the 298 lost lives. Acting under Chapter VII, it called on full cooperation from all relevant actors. Vetoed by Russia.