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A Study of the Non-Use of the Veto Power Within the United Nations Security Council

Abstract

This paper analyses the concept of the non-use of the veto in the United Nations Security Council (UNSC). The crisis in Syria is still a prominent tragedy that we face today, and we have seen China and Russia use their vetoes to block action in Syria. This paper uses Syria as a case study and narrows the scope by analysing only those issues that relate to crimes against humanity. This paper unpacks the emerging campaigns relating to veto restraint. The success of the veto restraint campaigns, and an analysis of how the permanent members of the UNSC have responded to these campaigns, are made. The power politics and norms of humanitarian intervention are assessed through the theoretical frameworks of Realism and Constructivism, in order to understand whether these factors have influenced the non-use of the veto. The findings indicate that both power politics and norms of humanitarian intervention have influenced the non-use of the veto, and any other resolutions that have been adopted (which are non-use examples) cannot be explained by the veto restraint campaigns.

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Declaration

I, the undersigned, declare that this research paper is my own unaided work except where I have explicitly indicated otherwise. I have followed the required conventions in referencing the thoughts and ideas of others. This research paper is submitted in partial fulfilment of the requirements for the degree of Master of Arts in International Relations at the University of the Witwatersrand. It has not been submitted before for any other degree or examination at any other university.

N. Karodia 15.08.18

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This thesis is perhaps the biggest task I have had to undertake as a student. While I was clear on what I wanted to achieve, the process to get there was not always clear. I would like to thank my supervisor, who helped me develop the concept of the topic and provided invaluable insight which helped shape the direction of this paper. To my father, thank you for your love and support in everything I do; you helped me to stay motivated (and sane) throughout the entire writing process.

Table of Contents

Abbreviations 5

1. Introduction 6

1.1) Problem Statement 7

1.2) Background Information 8

1.3) Knowledge Gain 10

1.4) Aims and Rationale 11

1.5) Methodology 12

2. Review of Literature and Theoretical Frameworks 15

2.1) The Existing Debates on the Veto Power 16

2.2) The Existing Debates on Veto Restraint 19

2.3) Veto Use in the Case of Syria 23

2.4) Theoretical Frameworks: Realism and Constructivism 29

3. Application 37

3.1) Adopted Resolutions 37

3.2) The P5's Response 40

3.3) Power Politics 49

3.4) Norms of Humanitarian Intervention 53

4. Conclusion 57

4.1) Findings 57

4.2) Recommendations 59

Bibliography 60

Abbreviations

ACT	Accountability, Coherence, and Transparency
CAH	Crimes Against Humanity
DARIO	Draft Articles on the Responsibility of International Organizations
GCR2P	Global Centre for The Responsibility to Protect
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ISSG	International Syria Support Group
JIM	Joint Investigative Mechanism
NATO	The North Atlantic Treaty Organization
NGOs	Non-Governmental Organisations
OPCW	Organisation for the Prohibition of Chemical Weapons
P5	China, France, Russia, the United Kingdom, and the United States
R2P	The Responsibility to Protect
RN2V	Responsibility Not to Veto
S5	Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland
UK	United Kingdom
UN	United Nations
UNSC	United Nations Security Council
UNSMIS	United Nations Supervision Mission in Syria
US	United States

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1. Introduction

The first section of this paper, section one, introduces the topic of the non-use of the veto power within the United Nations Security Council (UNSC). First, my problem statement is provided, which contextualises the need for this research, through the problem I have identified. This paper is aimed at understanding and analysing the motivations behind the non-use of the veto power, and uses the campaigns for veto restraint as a means to make this analysis. The background information relating to the formation of the UNSC, the veto power, and the concept of veto restraint is discussed. The knowledge gain, as well as my personal aims and rationale of this paper is included, in order to present a clear idea of why exactly I have decided to pursue this topic. My methodology is then discussed, to present the approach my paper uses to make its analysis. Section two of the paper is presented as my literature review, where I discuss the lack of academic literature regarding the topic. The existing debates and campaigns surrounding veto restraint are discussed. Academic papers discussing the veto use, and the Syrian case are also included. This section also introduces my theoretical frameworks (Realism and Constructivism) and provides detailed accounts of the existing thoughts on these concepts. I also explain why I can use both of these theories, often argued as incompatible. Section three, application, forms the crux of my paper. This section is aimed at answering my two research questions, in pursuit of assessing the non-use of veto. I present the relevant resolutions that were passed, in relation to crimes against humanity (CAH) issues in Syria. I then introduce the factors used for inquiry (response of the P5 to veto restraint campaigns, power politics, and norms of humanitarian intervention) and unpack whether these factors have influenced the non-use of the veto power. This section builds on previous sections, in order to make its inferential connections. The final section, the conclusion, identifies the main findings of the research, and discusses whether there is a causal relationship identified between the non-use of the veto power and the factors presented. Recommendations are also made, in order to present a possible way forward, based on the findings.

1. 1 Problem Statement

The United Nations has one primary focus in the global sphere, and that is to maintain international peace and security. The United Nations Security Council (UNSC) is responsible for maintaining this international peace and security, by anticipating any threats to peace, and making recommendations on ways to resolve any acts of aggression. This means that the UNSC members can be perceived as wielding a lot of power. Often the measures taken to restore stability or peace, can involve economic sanctions or military intervention. The UNSC has five permanent members who have a veto power. Collectively, these members are known as the P5, and they are: China, France, Russia, the United Kingdom, and the United States. This veto power enables them to prevent the adoption of resolutions. The mere concept of the veto power can be argued as perhaps the most undemocratic tenet of the UNSC and has, as a result, received a lot of criticism *(Okhovat 2011, 9).* Vetoed resolutions have the capacity to undermine peace and stability, which can be seen as ultimately undermining the UNSC's primary function in maintaining peace and stability.

The situation in Syria, with widespread violations of crimes against humanity, is an ongoing crisis. The death toll is alarming, and the civil war has already taken the lives of more than 250 000 people *(BBC 2017).* The problem I have identified is that a vetoed resolution could lead to inaction (in cases where action would be vital to promoting peace) and has the capacity to consequently perpetuate crimes against humanity. I believe the vetoes, employed by P5 members, have delayed action and hindered progress being made in Syria. Since 1945 there have only been 275 recorded vetoed resolutions *(Security Council Report 2017),* and so this paper provides a different lens to assess this problem, and looks at the motivations behind the non-use of the veto power. Using the campaigns for veto restraint as a means for analysis, and understanding what role power politics and norms of humanitarian intervention play in the decision-making processes of P5 member, the motivations behind the veto not being used can come into focus. By using Syria as a case study, this paper shows the motivations behind the P5 not using their veto in Syria, in order to provide a better understanding of the phenomenon of the non-use of the veto. The implications of understanding this phenomenon, could provide useful insight around UNSC reform debates, specifically discussions relating to the abolishment of the veto.

1. 2 Background Information

The origins of the UNSC stemmed from a failing international organization, known as the League of Nations (whose primary role was to provide a forum that would serve to resolve international disputes, and maintain global peace). It should be noted that the United States, under President Woodrow Wilson, played a highly influential role in the founding of the League of Nations. However, isolationist members of Congress believed that Article 10 (which required all members of the League to assist any member threatened by external aggression) undermined US sovereignty and in the end, they did not join as a member of the League of Nations *(Office of the Historian)*. Ultimately, the League failed to prevent World War II, and it is argued to have been an ineffective and powerless organization. In 1945, when World War II was coming to an end, representatives from China, Great Britain, the Soviet Union, and the United States met in Washington D.C. for preliminary talks that would in turn lead to the creation of the United Nations. The representatives took into consideration the principles and failures of the League of Nations *(Von Einsiedel et al 2015, 3)*. The consensus was that the body could not produce successful measures to prevent conflict, and because there was no clear division of duties between the League's Assembly and Council committees, tasks were often mismanaged. Another criticism was that all resolutions required a unanimous vote to pass, which was a rare occurrence. Member states of the League were often seen to pursue policies that primarily benefitted their own national interests. After careful consideration at the San Francisco Conference later in 1945, delegates (these delegates would become the first membered states of the United Nations) agreed that a smaller body, specifically charged with 'the maintenance of international peace and security' should be commissioned *(Okhovat 2011, 7)*. Thus, the United Nations Security Council was established.

The UNSC and its main function is their responsibility for maintaining international peace and security, in accordance with the UN Charter's principles and purposes. While other bodies of the UN may make recommendations to member states, only the UNSC has the power to make binding decisions which member states are obligated to implement under the Charter *(United Nations Security Council)*. The UNSC must determine the existence of a threat to peace, and consequently make recommendations on actions to take in lieu of resolving the identified threat. Depending on the aggression of the situation, different actions are put forward; mediation, ceasefires, economic

sanctions, or more forceful measures such as collective military action, are all possible responses. It is comprised of 15 states, five permanent members, known collectively as the P5 (China, France, Russia, the United Kingdom, and the United States) and ten non-permanent members who are elected to serve a two-year term. A representative of each of its membered states must always be present at the UN Headquarters, so that if the need arises the UNSC is able to meet immediately *(United Nations Security Council)* in order to respond efficiently. Notably, however, the P5 have a veto power which enables them to prevent the adoption of 'substantive' resolutions. The resolutions are only adopted by the UNSC, if nine of the members vote in favour, provided that none of the permanent members cast a vote against it *(France Diplomatie)*. The initial reason for the inclusion of this veto power in the Charter was to prevent the UN from taking direct actions against any of its principal founding members.

The veto power is a contested debate, and many people believe that the existence of the veto is undemocratic. Restraint, however, is often used with the veto power, and this paper dissects the phenomenon of restraint. The concept of veto restraint was first proposed in the 2001 report The Responsibility to Protect (R2P), but the idea did not gain much support. Today, however, there appears to be a revival of the campaign, which emerged out of the crisis in Syria *(The Conversation 2015)*. Many believe that the ineffective action taken by the UNSC to address situations such as in the case of Syria, undermines the institution and is evidence that the system is fragile because powerful states have the capacity to halt action *(Mathias 2012, 223)*. This inaction is cause for concern, as issues are not always resolved and can sometimes even lead to the issues being perpetuated. November of 2017 marks the eleventh time where Russia and China vetoed draft resolutions regarding the mass atrocities in Syria. The Syrian crisis can be traced to have begun in 2011, when the first pro-democracy protests asking for the president's resignation took place. As of 2017, within six years, the civil war in Syria has taken the lives of more than 250 000 people *(BBC 2017)*. The mere fact that within this timeframe the UNSC has failed to make any major strides in resolving and mediating the war, can be attributed to, at least in my opinion, the members wielding their veto powers.Following the Syrian crisis, the Global Centre for R2P (GCR2P) responded to this by launching the #RestrainTheVeto campaign *(The Conversation 2015)*. The fundamental aim of the campaign is to encourage the P5 to not veto a draft UNSC resolution,

where the resolution is intended to halt the perpetration of mass atrocity crimes *(Nasu 2011, 381)*. Many NGOs and institutions have actively advocated for the P5 to refrain from using their veto to block action which is aimed at assisting in genocide, war crimes, and crimes against humanity, in cases where their own state interests are not involved *(Seoka 2015, 3)*. The concept of "responsibility to protect", and the more recent "responsibility to not intervene" or "responsibility not to veto" are concepts that are used to guide the idea of putting humanitarian interventions above your state's national interests. The crisis in Syria, and the public consensus that the UNSC failed to resolve the crisis, has revived these concepts. The S5 (Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland) initiated one of the two most notable, and recent initiatives to restrain the veto - the Accountability, Coherence and Transparency (ACT) Group's Code of Conduct. The other campaign is the French/Mexican Declaration.Civil societies are embracing these initiatives and have been using the hashtags #ACTCodeOfConduct and #RestrainTheVeto to illustrate their support. The method of using hashtags on social media platforms, has become a powerful tool in modern society, in order to promote and extend the reach of particular issues. The dialogue surrounding veto restraint is being promoted and perpetuated through these campaigns.

The background information provided here, was merely to contextualise what the veto power is, and its implications. I believe the veto has the capacity to undermine the central tenets that the UNSC should be abiding by. And while this paper recognises that the use of the veto power has constrained many perpetual issues *(Singh 1958, 129)*, Syria included, the paper instead focuses on when the veto was not actually used, despite there being a credible reason to use it. Referring to resolutions that passed, the question arises, what were the motivations behind the non-use of the veto? In unpacking this question, the veto restraint campaigns must be understood. This paper evaluates the success of these campaigns, in order to understand its implications on veto usage.

1. 3 Knowledge Gain

This paper seeks to enhance the field of International Relations, by providing a new lens for research and analysis relating to the veto power of the UNSC. While there exists extensive academic research on the veto power, as well as the need for UNSC reform to abolish the veto,

there is a gap in the academic space regarding the concept of veto restraint. As to why there does not necessarily exist much academic literature in this specific space, I can only speculate. Academics are perhaps more likely to dissect the veto power and its usage in order to advocate for its complete abolishment, while an analysis of the 'non-use' may be seen as an indirect approach in pursuit of this goal. Furthermore, among the relevant literature I have read, I found that there currently exists no identifiable distinction between the terms 'veto restraint' and 'non-use'. In lieu of this, this paper proposes a distinction be made, using the concept of 'non-use' as an all-encompassing explanation for why the P5 members chose to not use their veto for a specific resolution, and that the term 'restraint' be used when analysing the trends of not using the veto. This research is aimed at expanding the academic space relating to the non-use of the veto, which I believe is vital to creating a new dialogue surrounding the concept of the veto power, enabling a deeper insight into how to move towards more displays of 'non-use'.

1. 4 Aims and Rationale

The foundation behind pursuing this research is to evaluate when and why the permanent members of the UNSC do not use their veto power, in cases involving crimes against humanity, despite there being credible reason to use it. At the time of writing this paper, 2371 resolutions have been passed to date, but since 1945 there have only been 275 recorded vetoed resolutions *(Security Council Report 2017).* With an average of the veto being used less than four times a year, this paper seeks to understand why the veto power has not been used more, and when exactly restraint was practiced in using the veto. The trends over the years are also looked at, in order to determine whether the use of the veto power has been decreasing as time progresses. Preliminary research indicates that the veto power has in fact been used less, as the years have passed, and this paper seeks to understand the reasons behind this descending trend. I use the veto restraint campaigns, as a starting point to understand the potential reasons behind the decreased use of the veto power.

The implications of the UNSC's P5 even having a veto, has consequences whereby many draft resolutions could have been contemplated but were actually never formally tabled due to the possible threat of a veto. The persistent humanitarian crisis in Syria is disappointing, and I would

like to see the UNSC take more responsibility in resolving this. I believe the veto power has impeded on their capacity to solve the situation, and veto restraint is a vital concept to discuss. It is my hope that this research will start the dialogue and bring a new dimension to the debate around the non-use of the veto power, and open the path for exploring what the possible implications of members offering restraint would be. Underpinning the politics around the non-use of the veto power poses as an interesting lens to understand political pressure, national interests, and public opinion (which are all factors that are used to guide the Security Council members' decisions). By analysing the non-use of the veto, this paper hopes to contextualise its research as a stepping stone towards UNSC reform, specifically regarding the abolishment of the veto.

1.5 Methodology

Central Claim

This paper studies the P5's response to the veto restraint campaigns, power politics, and the norms of humanitarian intervention. I am studying these factors, as I want to find out when and why the P5 members offered restraint and did not use their veto, in order to understand the motivations behind the concept of veto non-use. The factors are analysed as potential reasons for veto non-use; did the veto restraint campaigns, power politics, and/or norms of humanitarian interventions have any influence and cause veto non-use?

Research Questions and Method of Inquiry

There are two research questions that this paper unpacks, in pursuit of its central claim, which are: **Have the veto restraint campaigns been successful?** And, **what was the political landscape when the non-use of the veto was practiced?**

In order to assess whether the veto restrain campaigns have been successful, the veto restraint campaigns that have been brought to the fore are presented, and then specifically analysed with respect to how the P5 members have responded and engaged with these veto restraint campaigns.

In order to measure the responses from P5 members, the term 'response' needs to be defined. I use the method of classification according to typology to guide this definition. By using a typological method, my research formulates the concept of the P5's responses regarding the non-use of the veto power, in order to analyse my research questions. "Unobserved phenomena must be stated as a concept, before it can be understood empirically" *(Gschwend and Schimmelfennig 2007, 65)*. My concept of the P5's response definitely falls into this category, and thus required formulation as a concept under a typological method. Four classifications have been identified as possible responses to the non-use debate: ignore, oppose, endorse, manipulate. So, when the campaigns for the non-use (or restraint) of the veto emerged, how did the P5 respond to this, according to these classifications? By analysing the P5' response to the veto restraint campaigns, the success of these campaigns come into focus.

In order to analyse the political landscape that surrounds the discussion of when the non-use of the veto was practiced, I make use of document analysis to identify the role that both power politics and norms of humanitarian intervention play, in the P5's decision to not use their veto. Power politics is assessed by applying the theory of Realism to identify what factors the P5 members considered before not using their veto. The norms of humanitarian intervention are assessed through the theoretical lens of Constructivism. By analysing the role that power politics and the norms of humanitarian intervention play in the time period leading up to the resolutions being passed (and the veto not being used), the instances of when (and possibly why) the veto was not used, is contextualised. Both research questions, and the findings from each, provide insight into understanding the motivations behind the concept of veto non-use and whether these factors have had any influence on non-use.

Inductive Approach and Data Collection

This paper uses an inductive approach, in order to analyse the concept of veto non-use. There is no hypothesis that I am testing. The findings that are made from observing the campaigns are used to guide the exploration of the non-use of the veto power. Before writing this paper, I had no idea whether there would be identifiable trends or patterns, and so the paper explores whether there are

in fact trends in the data which can be used to explain the non-use of the veto power. In order to identify these trends, I use the method of process tracing to analyse my single case study, Syria. I analyse empirical information from primary data analysis. Documents from the Global Centre for the Responsibility to Protect are used. The UNSC has presidential statements, press releases and an extensive library of other relevant documentation and videos relating to resolutions and meetings, that I utilize. News coverage is also used as a source. Lastly, the 'UN Live United Nations Web TV' has video footage of UNSC discussions, which I have viewed and dissected in order to inform my research. The data analysis of these documents required a narrowed scope, so I only analysed documentation pertaining specifically to those resolutions relating to crimes against humanity. Of course, I already know what the outcome is, which is the veto not being used. By using process tracing, the potential reasons *(Oxford Research Encyclopedias 2017)* that guided countries to make the decision to not use their veto (and why) come into focus. Process tracing was selected, to assist with theory-building, enabling me to make these inferential connections with the information that I have access to, based on one case study.

Case Selection and Narrowed Scope

The paper uses Syria as a case study and evaluates examples of when the veto power was not used to block resolutions against crimes against humanity, despite there being a credible reason to use it, and why. Syria was selected, because of the persistent humanitarian crisis that is occurring. Furthermore, public consensus alludes to veto usage in Syria hindering progress being made. The issue of crimes against humanity is selected as the narrowed scope, because it directly aligns with the case study of Syria. The humanitarian crisis is directly linked to issues of CAH being perpetuated. Article 7 of the 1998 Rome Statute of the International Criminal Court (ICC) provides an encompassing definition for CAH, which is the definition that this paper uses. CAH is defined as acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack *(Rome Statute 2002, 3)*. These acts include: murder, extermination, enslavement, and persecution against any identifiable group on political, racial, national, ethnic, cultural, religious, and gender bases. Other inhumane acts of a similar character, intentionally causing great suffering, are also included *(Rome Statute 2002, 4)*. I believe it is important to analyse the resolutions relating to CAH that have passed, in order to understand the

motivations for P5 members not using their veto. Understanding the possible motivations behind states not using their veto regarding resolutions of CAH in Syria, can provide a foundation for understanding motivations for veto non-use in other CAH cases. The implications of understanding this can aid in a better understanding of veto non-use, which could result in positive implications and less displays of the veto; this has the capacity to expedite the progress attempts in Syria.

Distinction Between Veto Restraint and Non-Use

The concept of 'non-use' has not really been used to describe the P5 members offering restraint and not using their veto power. While of course, this can be seen as just an issue of semantics, I propose the concept of 'non-use' as an all-encompassing explanation for why the P5 members chose to not use their veto. The term 'restraint' implies that they opted to take a moderate approach and somehow limit their veto use. Of course, when discussing one particular resolution, however, the options are: vote in favour of the resolution, categorized as non-use of the veto; or vote against the resolution, which would then be regarded as a veto use (owing to the fact that one negative vote by a P5 member ultimately means the resolution is not adopted, regardless of other votes). For the purposes of evaluating when restraint and non-use was practiced, abstention is not a key factor. So, I posit that the term restraint be used when analysing the trends of not using the veto, over a period of time or a specific area. As an example, did France practice **restraint** in their veto usage, throughout the Syrian crisis and not veto any of the resolutions aimed at resolving CAH? Whereas, for **non-use**: Russia voted in favour of resolution X, and the reasons behind this non-use of the veto are important to analyse.

2. Review of Literature and Theoretical Frameworks

This section is presented as my literature review, and introduces the theoretical frameworks that this paper uses. As there is a lack of academic literature directly related to veto non-use, my literature review presents the existing thoughts relating to the different concepts which are part of my problem statement. Albeit not conventional, the information in this section is necessary, and

crucial, for me to have a foundation to work from and to make my analysis in the next section. First, the existing debates around the veto power are presented. The literature relating to the campaigns advocating for veto restraint are included; despite the gap in the academic space, there are many independent websites that show how Non-Governmental Organisations (NGOs) and small institutions are engaging on the debate of veto restraint, which ultimately propels the dialogue around the non-use of the veto. The discussions surrounding veto use, in the case of Syria, are presented. This is crucial in terms of providing context for the argument of veto non-use in Syria. This section also introduces my two theoretical frameworks (Realism and Constructivism) and provides detailed accounts of the existing thoughts on each of these concepts, as well as the motivations behind choosing each theory as a means for analysis.

2.1 The Existing Debates on the Veto Power

There is a vast amount of academic papers relating to the veto power within the UNSC, and the implications thereof. This section summarizes key findings, presenting a foundation for the prevailing arguments around the UNSC having the veto power. The first issue is that the veto power is effectually hindering progress, and often delays action that is needed to resolve important issues. Mohammed Ayoob *(2001)*, Norman Padelford *(1948)*, Sahar Okhovat *(2011)*, Nao Seoka *(2015)*, and Sushil Singh *(1958)* all provide support for this statement, and these authors argue that the veto power encumbers action and can thus be seen as a fatal flaw to the workings and ultimate mission of the UNSC (which is to promote international peace and cooperation).

Ayoob discusses structural change to the UNSC. He argues that the veto power should be made inoperative in cases of humanitarian intervention. But, recognising that this change may not be easy to enforce within the framework of the UNSC, he suggests that the issue of humanitarian intervention be removed from the scope of the body, and that a new institution should be commissioned and tasked with the challenge *(Ayoob 2001, 229)*. He also notes that the use of Chapter VII (action with respect to threats to the peace, breaches of the peace, and acts of aggression) prohibits intervention by the UN, when one or more of the P5 would have vetoed such action *(Ayoob 2001, 228)*. His arguments indicate that the UNSC even offering the veto power to

the P5 has implications whereby complete inaction occurs, to the detriment of countries who are in dire need of humanitarian intervention. He uses the case of Chechnya, to contextualise how even the threat[1] of veto use can dictate whether resolutions are passed. Padelford advocates that an extensive review of the use of the veto indicates that it disrupts the workings of the UNSC, and delays action. He uses the Syria-Lebanon case, to illustrate how the veto does not block all progress as some other academics suggest, but rather just causes massive delays and makes it difficult for progress to be made. He further posits that when resolutions are blocked by the use of the veto, the objectives of the resolution are often still attained in other regards. So, in the Syria-Lebanon case, British and French troops were ultimately still withdrawn *(Padelford 1948, 246)*. The recurring theme in his work suggests that he believes that an alternative is needed in order to ensure that there is a reduction in the occurrence of veto use and to prevent single powers using their own will, when the majority within the UNSC are in favour of a particular resolution.

Okhovat takes a very direct stance with regard to the motivation behind the use of the veto. He says, "Since the establishment of the Security Council, permanent members have used their power of veto in accordance with their national interests" *(Okhovat 2011, 3)*. This statement alludes to the fact that national interests are being used as primary motivators to employ veto usage; in my opinion, this is indicative of self-interested actors who are not taking the effects of the resolutions into account as their first priority. Seoka analyses the use of the veto by China and Russia, in the case of Syria. His findings are that China and Russia have not contributed to the maintenance of international peace and security, a special responsibility that is enshrined to the P5. He explains how the China-Russia joint veto has prevented any action being taken to resolve the Syrian crisis. Furthermore, speaking to the UNSC as an entire body, he explains the effect where its "inability to timely respond to the deteriorating humanitarian situation has damaged the credibility and authority of the UN Security Council" *(Seoka 2015, 2)*.

[1] The threat of a veto is also known as 'the hidden veto' where P5 members can warn of their veto before a vote takes place, controlling the agenda of the UNSC, and preventing certain issues from coming to the fore. For more insight into the hidden veto, read: Nahory, C. 2004. 'The Hidden Veto'. Global Policy Forum. Retrievable from: https://www.globalpolicy.org/security-council/42656-the-hidden-veto.html

To emphasise the recurring theme that is present inthe above authors' works, I use an extract from Singh *(1958, 129)* that fully explains the effects that the veto power has, relating to the diminishing legitimacy of the UNSC, and the consequent public opinion:

> *"Nothing has done more to lessen public confidence in the United Nations than the frequent use, or abuse, of the veto in the Security Council. The wranglings over the veto have delayed the making of the peace treaties and held up the reconstruction of war-devastated parts of the world. The Big Five contemplated the veto provision to be a guarantee of Council effectiveness but in practice it has paralyzed the working of the Council."*

These five authors were chosen, as their works are intended to provide a foundation of understanding the implications of the P5 having a veto power. The threat of a veto often proves to hinder (or at the very least delay) action on many resolutions. I believe that the actual usage is often misguided, and motivated out of self-interested states who are pursuing their own national interests. There is a common consensus that the veto power is a negative trait of the UNSC, and ultimately delegitimizes the institution itself. That being said, there are of course some academics who see the merit in the veto, and these ideas cannot be dismissed. For example, Erik Voeten argues that in order to maintain its authority, the UNSC must provide a veto power to its powerful actors. The argument is that if the P5 do not have a veto power, majoritarian institutions like the UNSC can take decisions that individual actors choose to ignore. The consequence of this is that it ultimately undermines the willingness of others to participate *(Voeten 2008, 47)*. Essentially, this means that if the UNSC did not have a veto power, the P5 would not wield the same power that they currently possess, and the UNSC would be able to authorize interventions that do not serve the interests of the P5. Consequently, the powerful states could just ignore the institutions and not comply, ultimately undermining the function of the UNSC and its ability to maintain international peace and security. So, to maintain its authority, it must preserve the incentives for cooperation from the P5, without whom the UNSC would fail to be able to implement any of its objectives. While this argument may be valid, I believe it fails to consider the disproportionate representation of the UNSC. The most powerful states' interests are being protected, by wielding a veto power, which means that other developed states do not always have an opportunity to protect

their interests. This disproportionate veto power has the capacity to further empower the already powerful, leaving other states little to no choice but to wilfully abide to their whims. In my opinion, the negative implications of the P5 having a veto power are enough reason to advocate for the non-use of the veto. The next section discusses the existing debates around veto restraint.

2.2 The Existing Debates on Veto Restraint

While the controversial veto power has been contested since the establishment of the UN, the concept of restraining the P5's veto in situations of mass atrocities has its origins only since 2001. In 2001, the International Commission on Intervention and State Sovereignty's (ICISS) report gave birth to the concept of R2P (Responsibility to Protect) and argued that the P5 should pledge to not use the veto in cases of genocide and large-scale human rights abuses. The idea won little support *(The Conversation 2015)*. The idea of RN2V (Responsibility Not to Veto) is a crucial concept for the UNSC to address. Failing to respond to cases of mass atrocities, would undermine the legitimacy and authority of the UNSC. And so, while there is likely no chance of the UN Charter being formally amended, it can be argued that the most realistic path to achieving veto restraint would be for the P5 to reach an agreement and pledge to restrain their use of the veto, with consequences in place should they not adhere to what was agreed upon. This section focuses on the 2005 summit, and the consequent rise of the idea of restraining the veto.

The Responsibility to Protect in October 2005 saw membered states of the UN unanimously endorse the R2P principle, but the P5 have yet to operationalize it. Despite endorsement, the final version of the outcome document did not address any measures that would limit the P5's veto powers in relation to situations of mass atrocities. This omission was due in large part to P5 pressure *(Citizens for Global Solutions 2010, 5)*. Since the 2005 World Summit Document was endorsed in October 2005 there have been only twenty vetoed draft resolutions *(The United Nations)*. The GCR2P indicates that many states have endorsed the idea of voluntary restraint, yet the last sentence of the document detailing this support shows that four of the P5 (except France) have expressly rejected the idea *(The Conversation 2015).*

Despite no progress being made, the dialogue was started, and the concept of veto restraint slowly started to gain traction. In 2009, Ban Ki-moon (the presiding Secretary-General of the United Nations) published a report supporting the initiative, with the title 'Implementing the Responsibility to Protect' *(Citizens for Global Solutions 2010, 2)*. Furthermore, on two occasions following the 2005 Summit, the S5 advocated for permanent members to use restraint when applying the veto *(Security Council Report 2017)*. In 2012, the initiative on the Council's working methods, added that they require the P5 to explain their reasons for resorting to a veto; this initiative was unsuccessful *(Stojkovski 2017, 90)*. The failure was not a deterrence, however, and the S5 went on to start the ACTACT Group's Code of Conduct.

In lieu of public opinion recognizing that the UNSC was powerless in the face of the Syrian tragedy, due to the usage of vetoes, the French president submitted a proposal in 2013 at the 68th United Nations General Assembly. French President Francois Hollande proposed a 'code of conduct' through which permanent members would themselves voluntarily regulate their right to exercise their veto *(Fabius 2013).* France's motivation stemmed from their belief that the veto should not be considered a privilege, and implies particular responsibilities conferred by the UN Charter. The goal of the code of conduct is to foster cooperation among the P5 so that the UN can forestall and resolve international conflicts, ensure effective compliance with international law, and protect civilian populations. The actual criteria for activating this self-regulation is something that still needs to be defined, but France proposes giving the United Nations Secretary-General a key role. In determining the existence of mass atrocities, the UN Secretary-General could refer the matter to the UNSC either on his own initiative, on a proposal from the High Commissioner for Human Rights, or from a certain number of Member States, which France proposes setting at 50 *(France Diplomatie).* France has also launched a 'Political Declaration on suspension of veto powers in cases of mass atrocity', which is known as the French-Mexican Declaration. It is now open to signatures by all member states of the UN and 96 states have signed *(Restrain the Veto).*

In 2013, the S5 reorganized with 20 other small and middle-sized states, and created the Accountability, Coherence and Transparency (ACT) Group. The ACT's code of conduct contains: a pledge to support UNSC action aimed at preventing or ending genocide, crimes against humanity

and war crimes; and a specific pledge not to vote against credible draft UNSC resolutions that are aimed at preventing or ending these three crimes *(Stojkovski 2017, 92).* The main advantage of this initiative is that the code of conduct includes all members – both permanent and elected. 112 countries from every region of the world are now signatories *(Restrain the Veto)*[2].

In terms of responses to these initiatives, many states from all regions of the world support the call for restraint on the use of the veto in mass atrocity situations. Furthermore, civil society organisations have also made their support very clear and are big proponents for these initiatives gaining momentum. On a panel discussion of 'Genocide: A Preventable Crime' on 15 January 2014, Liechtenstein makes a statement which ultimately reflects many states' views, showing support for veto restraint:

> *"It is unconscionable that the narrow national interests of one or more States should prevent the United Nations from taking meaningful action to protect civilian populations. We are working within the ACT group as well as with interested Members of the Council to ensure that the use of the veto no longer constitutes an option in situations involving atrocity crimes. As the guardian of international peace and security, it is essential that those on the Council fulfil their responsibility. A responsibility we have entrusted in them," (Global Centre for the Responsibility to Protect 2014a).*

On 25 September 2014, Dr Simon Adams (Executive Director of the GCR2P) made a statement discussing civil society's response to the French initiative; he spoke on behalf of: Amnesty International, Global Centre for the Responsibility to Protect, Human Rights Watch, International Federation for Human Rights, and the World Federalist Movement. The views expressed were that the UNSC failed in the Syrian crisis, and that the vetoes undermined the legitimacy of the UNSC.

[2] The list can be found at: Global Centre for the Responsibility to Protect. '*List of Signatories to the ACT Code of Conduct*'. Retrievable from: http://www.globalr2p.org/media/files/2017-09-15-coc-list-of-supporters.pdf

Appraisal was given to France's leadership *(Global Centre for the Responsibility to Protect 2014b).* In another discussion, Dr Adams called for a 'statement of principles' to be signed by the P5 that affirms their commitment to refrain from using the veto in a mass atrocity situation. Dr Adams suggested that the French government, who continues to lead this initiative, should set a clear timeline with key targets for moving a statement of principles forward. The benefit of a 'statement of principles' is that the Charter does not have to be amended. Additionally, 'mass atrocities' would be restricted to the four crimes (war crimes, crimes against humanity, ethnic cleansing and genocide) and the Rome Statute of the ICC would be used to provide definitions. If not all P5 members commit, there would still be an onus on them to explain why they cannot agree to this public statement of principles and why they feel they need to reserve their right to veto a resolution designed to halt the commission of these crimes.

These initiatives are primarily targeting the permanent five members of the Security Council. Consequently, their acceptance of the RN2V idea is essential to the successful implementation of the concept of R2NV. Their attitudes towards these initiatives, however, differ, and they are mostly unsupported. The table below, *Table 1*, summarises the P5's support, by indicating whether they have signed the initiatives. The information was retrieved from Stojkovski *(2017, 98-100)*:

Table 1: UNSC Permanent Members Response to R2NV Initiatives

Permanent Five Member	**French-Mexican Declaration**	**The Code of Conduct by the ACT**
USA	Not Signed	Not Signed
France	Initiated and Signed	Signed
UK	Not signed	Signed
China	Not Signed	Not Signed
Russia	Not Signed	Not Signed

With only France and the UK showing any signatory support for these initiatives, it makes it makes it very difficult for campaigns advocating for veto restraint to make a real difference; the transition away from the veto, or for veto restraint, has to be supported by those who wield the power. Some of the reasons for not signing, include a belief that the veto power is in fact a right, and that it furthermore fulfils a specific function of cooperation within the UNSC. Some people also argue that self-regulation of restraint will not be an effective deterrence, as there currently exists no consequences for not abiding. Nevertheless, the support for these initiatives are still growing. I argue that if more civil society members, and other membered states of the UN pledge their support, the initiatives could start to be more effective, and could result in enough pressure on the P5 steering them towards accepting and adhering to the idea of veto restraint.

2.3 Veto Use in the Case of Syria

This section presents the prevailing literature, and information, regarding veto use within the case of Syria. Firstly, *Table 2* is presented and provides all the instances where a member of the P5 have used their veto, to block action from the UNSC since the crisis erupted in Syria in 2011. At the time of writing this paper, there have been eleven occasions where a veto power has been used and prevented the adoption of the draft resolutions which were aimed at addressing the crisis in Syria. Each of the draft resolutions had different and specific objectives, and the draft documents that were put forward are available for detailed overviews, on the United Nations website. As the crisis persisted, the objective of each draft put forward would change. The ultimate goal, however, was to end all violence being displayed in Syria; and condemn the gross human rights violations that were taking place. It was also reiterated that it was important to hold the perpetrators of these violations accountable; and impose sanctions on any entities and individuals that are involved in the production or use of chemical weapons.

Data for *Table 2* was extracted from *CNN 2017*, and the *United Nations* website, which has a list of all Security Council vetoes as well documentation relating to the draft resolutions and records of meetings:

Table 2: A List of P5 Veto Usage on Draft Resolutions Pertaining to the Case of Syria

Date	Draft	Draft Overview	Meeting	Veto	Abstention
17 November 2017	S/2017/970	Decides to renew the mandate of the JIM[3] for 30 days.	S/PV.8107	Russia	China
16 November 2017	S/2017/962	Condemns any use of toxic chemicals as weapons; renews the mandate of the JIM for 12 months.	S/PV.8105	Russia	China
24 October 2017	S/2017/884	Decides to renew the mandate of the JIM for 12 months.	S/PV.8073	Russia	China
12 April 2017	S/2017/315	Condemns the gas attack in Idlib province; calls for an international investigation into the perpetrators.	S/PV.7922	Russia	China
28 February 2017	S/2017/172	Calls for sanctions on all parties deemed to have been involved in the production or use of chemical weapons in Syria.	S/PV.7893	China, Russia	
5 December 2016	S/2016/1026	Calls on all parties to the Syrian conflict to cease all attacks in Aleppo to allow urgent humanitarian needs to be addressed for seven days.	S/PV.7825	China, Russia	
8 October 2016	S/2016/846	Stresses the deterioration of the humanitarian situation in Syria; notes that more than 13.5 million people need humanitarian assistance.	S/PV.7785	Russia	China
22 May 2014	S/2014/348	Stresses that perpetrators of violations, including those that may constitute crimes against humanity, be held accountable.	S/PV.7180	China, Russia	
19 July 2012	S/2012/538	Condemns the use of heavy weapons and the violations of human rights; demands the implementation of the transition plan in the Final Communiqué[4]; renews the mandate of UNSMIS[5] for 45 days.	S/PV.6810	China, Russia	
4 February 2012	S/2012/77	Expresses concern for the death of thousands of people; calls for an immediate end to all violence.	S/PV.6711	China, Russia	
4 October 2011	S/2011/612	Expresses concern for the Syrian crisis; stresses that the only solution is through an inclusive and Syrian-led political process.	S/PV.6627	China, Russia	

[3] Joint Investigate Mechanism. The United Nations Fact Sheet on the mandate of JIM, can be found at: https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2017/01/OPCW-JIM-Fact-Sheet.pdf

[4] Accessible at: United Nations. 'Action Group for Syria Final Communique 30.06.2012'. Retrievable at: http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf

[5] United Nations Supervision Mission in Syria. Richard Gowan and Tristan Dreisbach's chapter 'United Nations Supervision Mission in Syria (UNSMIS)' in The Oxford Handbook of United Nations Peacekeeping Operations (2015) provides a good overview of UNSMIS's mandate, operations, and ineffective implementation.

The table shows that there have been only two P5 members that have utilised their veto in the Syrian case, Russia and China. I believe that Russia's perpetual usage of the veto in Syria, is not the only notable factor that needs to be addressed. The trend of China abstaining from voting, once in October 2016 and then continually from April 2017 is curious. An analysis of China's abstentions could reveal interesting observations. The abstentions could potentially show that China did not want to vote favourably for the draft resolutions, but also did not want to publicly use their veto. Possible reasons for this seemingly neutral stance could be that China would like to gain an independent political stance towards the Western bloc, as opposed to uniting with Russia on some stances. The backlash that Russia has received from not only the public, but other UNSC members, causes a dangerous deviation from global diplomacy (something which the UNSC needs to function, as an inter-state institution). By China abstaining, it is protecting its own interests, and this results in them being able to say in the future that they did not in fact vote against the resolution; this act protects China's relations with states who are clearly objecting to the Russian trend of vetoes (such as the US) while at the same time not completely distancing themselves from Russia. The argument here, is that an abstention can be seen to be just as clear a position, as an actual veto (without the same implicit political implications, however).

The documented meetings show that other members of the UNSC were mainly in agreement and vocalised their objections to Russia continuing to veto resolutions that they believe are necessary for action to take place in Syria, in face of the tragedies that are occurring. For example, in the latest veto example, the draft resolution had called for the renewal of the Joint Investigate Mechanism (JIM) mandate for 30 days as outlined in the draft resolution S/2017/970[6] (*The United Nations*). The JIM is a joint body of the UN and the Organisation for the Prohibition of Chemical Weapons (OPCW) that is responsible for investigating and assigning responsibility for chemical weapons being used in Syria. The veto was the second in a 24-hour period, which not only blocked the JIM but also caused tensions within the UNSC (the US response being the most notable).

Nikki Haley, the US ambassador, made some very serious and somewhat accusatory comments in

[6] The draft resolution was brought forward by Japan. And can be accessed at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2017/970

the 8107th UNSC meeting, with the meeting record of S/PV.8107[7], and condemned Russia's veto. The sentiment of her statement can be understood with an excerpt taken from page two of the meeting record:

> *"As we have long suspected, Russia does not now and has never had any intention of making this time productive for the Council and the international community. Russia's veto — its second in 24 hours — shows us that Russia has no interest in finding common ground with the rest of the Council to save the JIM. Russia will not agree to any mechanism that might shine a spotlight on the use of chemical weapons by its ally, the Syrian regime. It is as simple and shameful as that."*

Haley's comments prove as evidence that the US has a clear objection to Russia using their veto. I believe that this will only worsen what can already be viewed as volatile relations between Russia and the US. I also believe that the new US president, President Donald Trump, is unpredictable and has the capacity to worsen these relations. Fleming (*2017*) believes that this veto is a clear indicator of the declining relations between these two states. And notes something quite important, which is that this is the first use of the veto by Russia on a US sponsored bill. Furthermore, despite Russia having vetoed the resolution, they had in fact put forward their own resolution, which was discussed in the 8105th meeting[8]. Lendman (*2017*) discusses Haley's provocative and 'one-sided' statements and sees it as a baseless attack on Russia. He further suggests that Russia's proposed resolution was a responsible one, which would require the JIM to work in a credible manner including on-site inspections. When a veto is used, it should be assessed with an understanding of all factors. It is quite clear that the mainstream media often skews this understanding by offering a biased view, in favour of the US position. In the news articles, very few mentioned that Russia had their own resolution put forward, and no attempts were made to analyse whether there was a connection between the Russian resolution's objectives and why they felt they needed to use their veto, on the US sponsored bill.

[7] The full meeting record can be accessed at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8107
[8] The meeting record can be accessed at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8105 and pages two and three outline the debate between Russia and the US on whose resolution should be put to a vote first. A procedural motion vote was taken to determine the order, and the outcome was that Russia's resolution be voted on first, so they subsequently withdrew their draft resolution S/2017/933.

Russia maintains that it is committed to resolving chemical crimes in Syria, but they do not agree with the JIM's mandate. Russian ambassador, Nebenzia, discussed their concerns, and said, "As far as we are concerned, no extension of the JIM's mandate is possible unless we fix the fundamental shortcomings in its work" (*The United Nations, Meeting Record S/PV.8107, Page 7*). Russia also believes that the JIM is prejudiced against them and they question the competency of the body (*Gray and Roth 2017*). These are possible reasons for Russia's use of the veto, at least pertaining to the last two. And it is important to note that most news broadcasting agencies depict this in the US narrative, shifting all blame onto Russia whilst portraying the US as advocates for justice. Furthermore, this also proves that the veto has the capacity to cause tension among UNSC members. These fragmenting internal relations need to be resolved; if P5 members are in constant conflict over issues, there is a risk that the UNSC can lose its capacity to stay intact, ultimately reducing the body's ability to fulfil their role.

Now that a clear understanding has been presented on the veto use, employed by Russia and China, in the Syrian case – we can briefly look at the existing academic literature surrounding the topic. Seoka *(2015)* argues that the joint vetoes of Russia and China should be regarded as illegitimate, whereas Webb *(2014)* argues that the vetoes have also had positive impacts and suggests that the veto rather be cast as a neutral technique. The intention here, is not to provide a biased or skewed view of Russia and China, but rather to present an informed analysis by presenting the existing literature that relates to the veto usage in the case of Syria. Understanding the veto use, specifically in the case of Syria, is important as a contextual foundation for analysing the non-use cases.

Seoka *(2015)* analyses the rationale behind the Russian and Chinese vetoes, and argues that because they have failed to contribute to the maintenance of international peace and security, their vetoes should be regarded as 'not illegal but illegitimate' under the UN Charter. Russia and China have never justified their vetoes by pointing to their own vital interests, despite this being the most credible justification *(Seoka 2015, 2)*. A possible reason for this could be that UN members no longer consider this to be an acceptable justification, in cases of gross human rights violations. Statement analyses reveal that Russia and China wanted to avoid a 'quick regime change' by UN

intervention in Syria. A regime change would threaten their interests in Syria. For instance, Syria is a major importer of Russian fire arms *(Seoka 2015, 4)*. Additionally, they fear that Syria might become 'another Libya'[9], which would set a precedent for UN intervention in their own internal matters, such as Chechnya for Russia and Tibet or Taiwan for China *(Seoka 2015, 5)*. China and Russia also argued that the draft resolutions would be an infringement on the basic UN principles of state sovereignty, and non-intervention in other states. Their arguments seem to focus on 'state-oriented' peace, and can be seen as a resistance to the post-1945 shift towards 'human-oriented' peace *(Seoka 2015, 6)*. Since the draft resolutions proposed economic sanctions, and not overthrowing the regime by military intervention, their arguments are not convincing *(Seoka 2015, 7)*. Because of their statements, I believe that Russia and China have not provided valid justifications for their joint vetoes, and this is a clear indication of their resistance to the concept of 'veto as a responsibility'.

Webb *(2014)* provides an analysis on just how obligated the UNSC is, under international law, to respond/act to the situation in Syria. Using three sources to illustrate legal obligation, he concludes by stating that there is no legal precedent that the UNSC must act (or bear responsibility) for the situation in Syria. The sources used are the 1948 Convention on the Prevention and Punishment of Genocide[10], the R2P; and the Draft Articles on the Responsibility of International Organizations (DARIO)[11] *(Webb 2014, 477)*. The argument that follows regards the veto use. Webb discusses that while Russia and China's vetoes in Syria have been criticised, he notes that they have also had positive effects; It has slowed down calls for military action and forced UN members to think beyond the boundaries of Chapter VII. Furthermore, the deadlock in the Council over Syria has led to expert removal and destruction of Syria's chemical stockpile by the OPCW *(Webb 2014, 486)*. Webb suggests that the veto be recast as a neutral technique, which is neither good nor bad. The benefit of recasting the veto as a neutral technique, may have positive implications in

[9] For a synopsis of the UN intervention in the case of Libya, read: Kuperman, AJ. 2015. Foreign Affairs. Obama's Libya Debacle: How a Well-Meaning Intervention Ended in Failure. Retrievable from: https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle

[10] The details of the Convention can be accessed at: United Nations Human Rights Office of the High Commissioner. 'Convention on the Prevention and Punishment of the Crime of Genocide'. Retrievable from: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx

[11] For more information, read: The United Nations. 2011. 'Draft Articles on the Responsibility of International Organizations'. Retrievable from: http://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf

maintaining stable power dynamics within the UNSC. Both academics have very different approaches to analysing the veto use in the case of Syria. Each, with credible justification for their arguments. The purpose of this section was to provide an overview for the existing literature regarding the veto use, and the veto use specifically in Syria, in order to provide context for the concept of 'non-use' of the veto in Syria, which is analysed in the application section of this paper.

2.4 Theoretical Frameworks: Realism and Constructivism

This section introduces my two theoretical frameworks, which is used to apply to my case study and analyse the political landscape of veto non-use instances. I present Realism, to assess power politics, and Constructivism to understand the norms of humanitarian intervention. This paper recognizes that these two theories are known to have conflicting ontological and epistemological claims, and first presents a section aimed at understanding that the two are not incompatible to justify my use of both theories. The theoretical frameworks are then presented; It is important to note that there are of course many contending theories for both Realism and Constructivism, and so the paper includes the bodies of work which most closely relates to understanding the factors (power politics, and norms of humanitarian intervention) which are needed for my analysis.

Bridging the Gap Between Two Theories

Realism and Constructivism are argued to be conflicting theories, whose epistemology and ontology are divergent. Realism is criticized for being unable to explain change, as it focuses on constructed realities as they exist. Constructivism is criticized for being weak at its most crucial point and referring to something material to provide evidence that their theory explains change; for failing to account for when change can actually be anticipated. There are academics who argue that a synergy, or reconciliation between the two theories – would serve to enhance the way we study international relations[12]. I agree that an alternative dialogue is needed; neither Realism, nor

[12] There are many academics that explain why a reconciliation is necessary. Introducing human nature as a point of agreement, or even including the concept of 'honour' as a consideration, are all some arguments for bridging the gap. The mechanism to reach a synergistic theory is still debated. For insight into some of these debates, read: Barkin, JS, Jackson PT, Lebow RN, Mattern B, Nexon DH, Sterling-Folker J. 2004. *Bridging the Gap: Towards a Realist-Constructivist Dialogue*. International Studies Review, Vol.6, No.2, pp 337.

Constructivism, can comprehensively explain international relations on their own. While there is no perfect mechanism for bridging this gap, I believe it is possible to use both theories in my paper, as there are shared ontological claims across the two theories; the two need not be mutually exclusive. I present two authors that have attempted to bridge this gap, both with vastly different approaches. I believe the arguments made are sufficient for me to justify why I can use Realism to understand power politics, and Constructivism to analyse norms of humanitarian intervention.

Sterling-Folker *(2002)* uses biology as an approach to find shared ontological assumptions within each theory, in order to present a way forward to understand both stasis and change in global social order. The argument is that international politics can only be understood, by accepting that biology (human nature) cannot be separated from the discussion and is necessary to understand social reality. For Constructivism, she argues that a degree of realist structuralism can assist in avoiding "presentism" (everything is new). For Realism's weakness, constructivist historicism can assist the "transhistorical complacency" (nothing is new) that realism finds itself in *(Sterling-Folker 2002, 74)*. By introducing the biological and social as an interrelationship, both the biological composition of human beings and the production of human social reality *(Sterling-Folker 2002, 96)* can be historically placed as significant. She argues that existing constructivist narratives treat human interaction as "if it springs forth from some unknown source" *(Sterling-Folker 2002, 92)* which relates to the theory being unable to explain change sufficiently. She concludes that Constructivism has an open ontology, however, which provides a space to which the limits on the socially possible (and the role that biology plays to these limitations) can be acknowledged. Her rereading of Realism as a "Darwinian" ontology allows realism to identify some of its boundaries within which it expects global social change and adaptation to occur. With this identification of its boundaries, Constructivism is then needed to fill the gaps that exist in the realist narrative of social reality *(Sterling-Folker 2002, 90)*. While this paper does not include biology in its analysis, Sterling-Folker's argument for introducing biology (which I, too, believe is inextricable from the social) is compelling in showing that the two theories are not completely divergent in their initial assumptions. I recognize her findings as a new way to understand the theories, thereby allowing me to use both.

Barkin *(2003)* argues for a "Realist Constructivism". His proposed synergy of the two theories, allows for a space where the two theories can converge to better understand foreign policy matters, and he argues that neither pure Realism nor pure idealist Constructivism can account for political change on their own. The basis of his hybrid theory looks at "the way in which power structures affect patterns of normative change in international relations and, conversely, the way in which a particular set of norms affect power structures" *(Barkin 2003, 337).* He argues that even if human rights norms are widley accepted in the relations among countries, power would still matter because actors will differ in their interpretations of those normative structures – and when interpretations differ, it is then the power of the interpreter that continues to matter *(Barkin 2003, 337).* By understanding Constructivism as ideals (principles and morals) allows us to understand Constructivism as a set of assumptions about how to study politics, and not as a paradigm on how politics work such as Realism, *(Barkin 2003, 338).* Barkin concludes then, at the two are then compatible. Barkin suggests that his paper was intended to be used as a footnote *(Barkin et al 2004, 349),* where students studying international relations could just site his paper (and not have to make the claim themselves that the two are compatible).

Using Barkin's hybrid theory, with a new understanding of Constructivism as a way to understand how to study politics, makes it easy for me to use both theories in my paper. Realism identifies the state as the only important actor. Constructivism does not need to necessarily impede on this. But it can be used to understand then, exactly how states have come to operate in international organizations. The goal of maximizing power can still be acknowledged, as according to Realism. There is, however, a need to pursue how the ways in which power is understood and achieved have changed. Understanding the malleability of state preferences, can be filled by using a constructivist lens. Realism does not provide a useful way to analyse intervention, at a comprehensive level. In terms of alleviating poverty or providing relief to countries experiencing crimes against humanity, realism struggles to explain how these pursuits have become of interest to states. Using a constructivist dialogue to understand how norms of behaviour are constructed, can broaden our thinking in studying international politics. By understanding power as the core interest of states (adhering to realist thinking) but using constructivism as a lens to understand the way states have changed their understanding and utilization of power, I believe it is possible to understand state

behaviour more accurately. It is necessary to understand norms and interests as interrelated, in order to account for the changing nature of power and why states pursue certain goals. This paper contends that to make its case, Realism can be used to understand power politics, and Constructivism to understand how norms of humanitarian intervention have developed.

Realism

The theory of Realism centres around power at its core. And while there are varying interpretations of realist theory, power remains a constant concept around which Realism is centred. I focus on structural Realism (or neorealism as it is also referred to) and present some of the assumptions that the theory holds. Realism can be used to understand foreign policy, through the lens of states seeking power for their survival.

Structural realists focus on the anarchic nature of the international system, and thus argues that states -need to pursue particular interests in pursuit of power, in order to survive in the international system *(Mearsheimer 2010, 72)*. There is a divide among structural realists, which relates to the concept of power: defensive realists and offensive realists. Kenneth Waltz is a defensive realist, John Mearsheimer a defensive realist. The separation between the two structural realists lies in Waltz asserting that the pursuit of maximizing power has its limits, whereas Mearsheimer contends that this pursuit of power is in fact insatiable *(Snyder 2002, 152)*. Mearsheimer explains this divide quite clearly, *(Mearsheimer 2001, 21):*

> "*For defensive realists, the international structure provides states with little incentive to seek additional increments of power; instead it pushes them to maintain the existing balance of power. Preserving power, rather than increasing it, is the main goal of states. Offensive realists, on the other hand, believe that status quo powers are rarely found in world politics, because the international system creates powerful incentives for states to look for opportunities to gain power at the expense of rivals, and to take advantage of those situations when the benefits outweigh the costs. A state's ultimate goal is to be the hegemon in the system".*

I use the offensive realist argument, as I feel it best explains the current nature of state interaction, and provides a succinct understanding of the nature of power politics. The fundamentals of Realism lie in the prominence of states functioning within a milieu of anarchy. Understanding the state as a selfish actor who pursue their own national interests *(Crawford, 2000, 38)* leads to the argument that sovereign states will seek to maximize their power. The offensive approach argues that it is the unequal balance of power which guide the selfishness of states. And the pursuit of hegemony should be the ultimate goal for a state and can only be achieved through the accumulation of power *(Mearsheimer 2010, 75)*. Mearsheimer's theory *(2001; 2010)* assumes the state is a rational and key actor in an anarchic system, where there is no higher authority than the state. Further, he assumes that all states (although varying) have military capabilities. And he notes that while it is easy for states to measure the military capabilities of other states, in determining a threat, is impossible to determine the states' intentions. His core assumptions, combined, explain why states behave the way they do and pursue particular actions. No matter what other goals a state may have, their ultimate goal is their survival (without which it would not be possible to pursue or fulfil their other goals).

Constructivism

The second theory I present is Constructivism. Constructivism argues that international relations are socially constructed, and the theory is used to understand these norms and practices. Martha Finnemore's *(2003)* constructivist theory focuses on the norms of international society and their effects on the identities of states. She examines patterns of intervention, in order to understand the shifts in states interests and how states understand intervention as a tool of policy *(Finnemore 2003, 5)*. Ahmad et al *(2014)* provides an explanation for Constructivism in order to explain the foundational ideas of Christian Reus-Smit, a Constructivist, who focuses on observing international society through an analysis of different practices and norms in different societies in history. The assumption here is that states have shared interests, and in order to achieve them, they construct their own 'norms' and rules *(Ahmad et al 2014, 156)*. By understanding the theory of Constructivism, I am able to apply it to my case study in the following section, and identify what the norms of humanitarian intervention are, as well as how they came to be norms.

Varying constructivist views all share the same epistemological and ontological bases: knowledge and reality cannot be known, and our realities are constructed via our experiential interpretations; and reality relies on the agreements among people. Constructivism's core idea is that international relations are socially constructed *(Ahmad et al 2014, 154)* and can thus be used to understand the norms and practices of international politics. Conventional constructivism is dominant in the US and focuses on norms and identities. It can be used to explain how and where change may occur in world politics, and discusses social identities as an explanation for why actors take particular actions *(Ahmad et al 2014, 155).* Social institutions shape state identity, which then shapes institutional practices. But Christian Reus-Smit argues that existing constructivist perspectives fail to explain the differences and institutional variations between states.

Rues-Smit asserts that states throughout history share basic interests and values as their goals. And in order to achieve these, they construct rules or 'fundamental institutions' (such as international law or diplomacy). While these institutions differ among states, they enable states to co-exist and interact with one another. Distinctive cultural and historical backgrounds guide the moral purpose of the state, and thus norms of procedural justice are generated, which in turn produce particular sets of fundamental institutions. The main reason for a state to develop these institutions, is to solve cooperation problems, be it collaborating together for a common goal, or coordinating collective action to avoid a particular outcome *(Ahmad et al 2014, 156)*. These institutions are produced and reproduced through institutional practices (bilateralism, multilateralism, international law, diplomacy, war). Reus-Smit also introduces the concept of 'constitutional structures' which are deeper levels of institutions which influence institutional practices.

So, fundamental institutions embody the rules of practice that determine how states should solve their problems. They include constitutional structures, which are sets of beliefs, principles, and norms that define the social identity of states and explain rightful state action. Constitutional structures comprise of constitutive values: a hegemonic belief about the moral purpose of state; an organizing principle of sovereignty; and a norm of pure procedural justice *(Ahmad et al 2014,*

157). These constitutive values show how states should, or should not, act. The constitutional structures then shape the nature of international systems of rule and are the main reasons of systems change.

Finnemore analyses the changes and processes relating to the change in patterns of military intervention throughout history. She uses an abductive methodology, and analyses three cases of systemic change in intervention behaviour: intervention to collect debts; humanitarian military intervention; and intervention because the target state presents a threat to international peace and order *(Finnemore 2003, 4)*. Over time, states understandings about the purposes and legitimacy of force have changed, and the interest that intervention serves has also changed *(Finnemore 2003, 5).* And for constructivists, how these changes in interests and understandings have been accomplished is important. By analysing the changes in purpose, and how those changes came about, Finnemore challenges the null hypothesis that state interests can be treated as constants *(Finnemore 2003, 14).* The cases analyse how people understood the legitimacy of their actions, and go on to examine the justifications that were used for intervention. This reveals what was regarded as norms, and provides context regarding shared social purpose, and how the purpose has evolved *(Finnemore 2003, 15).*

Finnemore identifies three themes that shape the change in trends relating to purposes to which force can be used legitimately. These are: the malleability of strong state interests, the normative devaluation of force over time, and the growing importance of rational-legal authority in governing the use of force. Strong states are seen to have more influence than other states, when considering the evolution of international rules and norms. These states usually have with the capacity for extensive military intervention. Historical examination reveals that these states are overwhelmingly Western states. So as these states evolve into liberal, democratic, and capitalistic, the international understanding of force also evolves *(Finnemore 2003, 18).* Of course, today, there has been an emergence of opportunities for weaker states to have a voice, but the bearing this voice has is of little consequence yet and does not necessarily challenge the powerful states and their status quo. With this said, however, current times do permit weaker states to be part of interventions. Multilateral intervention has become very prominent. Finnemore posits that force

must be coupled with legitimacy, the goal being pursued by force must be seen as legitimate, and the force must also be viewed as a legitimate means to that goal *(Finnemore 2003, 17)*. Multilateral intervention is seen as more legitimate, given the participatory decision-making processes by collective states, and as a result we have come to understand the legitimacy as making the intervention somehow more effective.

The normative devaluation of force, specifically intervention, is interesting. Because non-intervention is actually a necessary condition for sovereignty *(Finnemore 2003, 7)*, military intervention is an explicit challenge to sovereignty. But the norms about human equality and human rights have become increasingly powerful. In the past, states regarded sovereignty as the ultimate consideration. Today, however, we see that human rights claims (and violations to these rights) are mostly regarded as more important than the concept of sovereignty *(Finnemore 2003, 21)* and so intervention that may not previously have been accepted, are now seen as legitimatized actions. And this is an interesting point to consider, as norms are seen to change the behaviours of states, by altering the preferences of the state. As an example, consider that in the seventeenth century, war was considered magnificent and honourable. History shows that states would actively seek war out as a means to wealth and power but also, more importantly to note, as an end in itself *(Finnemore 2003, 19).* Today, however, we see that there is a shift; war is increasingly being seen as illegitimate and the use of force is only considered acceptable as a last resort in defence of humanitarian purposes and missions.

Rational-legal authorities have established legal understandings and norms, which now guide the reasons to intervene and serve as authorizing agents for states, where states seek out their approval in cases of force *(Finnemore 2003, 22)*. Consider the example of deciding whether to intervene in Kosovo. Historically, decisions like this would be based on cultural or religious reasons. We now use frameworks, such as the Genocide Convention, to govern/support our interventions. States often wait for support/authorization from agents like NATO, before effecting any action that would be questioned later. Furthermore, today there is an understanding in international relations where any violations to these norms, would lead to deeming the perpetrators as war 'criminals' *(Finnemore 2003, 21),* with legal consequences. This is in contrast to the past, where often the

accused actions may just have been viewed and labelled as 'bad'. Finnemore's findings are directly aligned with what the theory of Constructivism argues: that international relations are socially constructed. By focusing on norms of intervention, and how they have evolved and changed over time, we understand that the legitimacy of intervention is guided by the current norms of society. As these norms of society change over time, so does the concept of how we regard the norms of intervention. It is important to note, that despite many of these norms evolving, intervention in itself has not necessarily decreased (as evidenced by many UN interventions, and UN initiatives to intervene in Syria). International organizations play a fundamental role in perpetuating and influencing shared expectations and appropriate or acceptable behaviour for states to follow. So while intervention itself has not decreased, the purpose to which states pursue intervention, and the interests/goals that states wish to achieve through intervening, have evolved.

3. Application

This section is informed by the previous sections, and, in pursuit of its central claim, unpacks two questions. Firstly, **have the veto restraint campaigns been successful?** And, **what was the political landscape when the non-use of the veto was practiced?** In order to understand veto non-use in cases of CAH, with respect to my case study of Syria, I first present the relevant adopted resolutions. The P5's response to the veto restraint campaigns are then analysed, in order to identify whether the veto restraint campaigns been successful. The section then analyses power politics and norms of humanitarian intervention, in order to understand the political landscape of when the veto was not used.

3.1 Adopted Resolutions

The adopted resolutions relating to CAH in Syria are crucial to present. These resolutions provide context for understanding exactly what issues were present in Syria, that needed resolving. Furthermore, the decisions that were made by the UNSC are important. Before I can assess whether veto restraint campaigns, power politics, and norms of humanitarian intervention had any influence on veto non-use, the actual displays of non-use must be presented. Draft resolutions that were adopted, are examples of veto non-use, as it is evidence then that neither of the P5 members used

their veto to block the resolution from passing. My analysis that follows, utilizes the information provided in *Table 3*, and also uses that as a baseline to analyse statements made by the P5 with regard to the resolutions, and then identify the political and social motivations that guided their decisions. In order to draft *Table 3*, I used the Security Council Report's website *(2017b)* and was able to access all relevant information and resolution documents directly, in order to present a table including only those adopted resolutions pertaining to CAH.

Table 3: A list of all adopted UNSC resolutions, relating to CAH in Syria (noting specific concerns, and outcomes of the resolution)

Resolution	Date	Concerns	Decision
S/RES/2042	14 April 2012	Widespread violations of human rights by the Syrian authorities and armed groups.	Calls for the immediate implementation of the Envoy's six-point proposal aimed at bringing an end to all violence and human rights violations. Authorizes a team of up to 30 unarmed military observers to liaise with the parties and report on the implementation of a full cessation of armed violence.
S/RES/2043	21 April 2012	Widespread violations of human rights by the Syrian authorities and armed groups.	Decides to establish for an initial period of 90 days a UNSMIS comprising of 300 unarmed military observers and appropriate civilian component to fulfil its mandate (monitor a cessation of all forms of armed violence and monitor and support the full implementation of the Envoy's six-point proposal).
S/RES/2139	22 February 2014	Escalating level of violence, over 100 000 deaths, and 3 million people in areas in remote access who need humanitarian assistance.	Demands that all parties immediately put an end to all forms of violence, cease and desist from all violations of international humanitarian law. Demands that all parties work towards the implementation of the Geneva Communiqué of 30 June 2012 which is key for resolution.
S/RES/2165	14 July 2014	Reaffirms that those responsible for the human rights violations must be brought to justice. Demands the that all parties demilitarize civilian facilities.	Authorizes cross-border and cross-line access for the UN and its partners to deliver humanitarian aid without state consent, creating the potential to help 2.9 million people in need. Authorized a mechanism to monitor aid convoys.
S/RES/2170	15 August 2014	Condemns the terrorist acts of ISIL[13] and its continued gross abuses of human rights.	The resolution was unanimously adopted and condemns ISIS and al-Nusrah Front for the recruitment of foreign terrorist fighters.

[13] ISIL/ISIS is a militant terrorist group with extremist ideologies and are responsible for gross issues of crimes against humanity, including ethnic cleansing.

Resolution	Date	Concerns	Decision
S/RES/2191	17 December 2014	The arbitrary detention and torture of civilians in Syria, kidnappings, abductions, hostage taking and forced disappearances; demands the immediate end of these practices.	Extends the humanitarian access provisions of resolution 2165 10 January 2016.
S/RES/2249	20 November 2015	Gross, systematic, and widespread abuses of human rights, violations of humanitarian law, and barbaric acts of destruction of cultural heritage carried out by ISIL.	Calls upon Member States that have the capacity to do so to take all necessary measures, in compliance with international law, to coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIL, as designated by the UNSC, and as may further be agreed by the ISSG[14].
S/RES/2254	18 December 2015	Continued suffering of the Syrian people, the deteriorating humanitarian situation, the ongoing conflict and brutal violence, and the negative impact of terrorism.	Calls on parties to immediately allow humanitarian agencies rapid, safe and unhindered access throughout Syria, allowing humanitarian assistance to reach all people in need. Calls on ISSG states to use their influence immediately to these ends, and demands the full implementation of resolutions 2139, 2165, 2191.
S/RES/2258	22 December 2015	Urgent humanitarian assistance is required by more than 13.5 million people. Condemns the arbitrary detention and torture of individuals.	Recalls its strong condemnation in resolution 2175 of all forms of violence, and demands that all parties, comply with their obligations under international law[15].
S/RES/2268	26 February 2016	Reiterates its call on the parties to immediately allow humanitarian agencies rapid, safe, and unhindered access to reach those in need of humanitarian assistance.	Expresses support for the ISSG initiative, coordinated through the ISSG humanitarian working group to accelerate the urgent delivery of humanitarian aid.
S/RES/2328	19 December 2016	Deterioration of the humanitarian situation in Aleppo; urgent humanitarian evacuations and assistance are needed by many inhabitants.	Demands that all parties allow complete, immediate, and safe access for the UN and its partners, to ensure that humanitarian assistance reaches people through the most direct route in order to meet basic needs,
A/RES/2332	21 December 2016	Demands that all parties, particularly the Syrian authorities, comply with their obligations under international law.	Decides to renew the decisions in paragraphs 2 and 3 of UNSC Resolution 2165 for twelve months, until 10 January 2018.
S/RES/2393	19 December 2017	Demands that all parties, particularly the Syrian authorities, comply with their obligations under international law.	Decides to renew the decisions in paragraphs 2 and 3 of UNSC Resolution 2165 for twelve months, until 10 January 2019.

[14] International Syria Support Group
[15] This includes international humanitarian law and international human rights law.

3.2) The P5's Response

In order to assess the whether the veto restraint campaigns have been successful, it must be understood through the responses that P5 members displayed when these campaigns emerged. I use the method of classification according to typology to formulate the concept of the P5's responses to these campaigns. Four classifications have been identified as possible responses to the veto restraint campaigns. First, the classification of 'ignore' which would be a member of the P5 completely ignoring the veto restraint campaigns, without commenting on them at all and continuing to use their veto power. The second is 'oppose' where a member of the P5 has shown explicit and publicly opposition to the campaigns. Thirdly, 'endorse' which would indicate members either advocating for or publicly supporting the campaign, while also showing restraint with their veto usage. The fourth, and final classification, is 'manipulate' which would be when the members use the veto restraint campaign to their advantage or use it as a justification for their actions regarding the veto.

For the purposes of this section, I am only looking at the P5's response to the veto restraint campaigns of the ACT code of conduct and the French-Mexican initiative, as presented earlier. So, when these veto restraint campaigns emerged, how did the P5 respond to this, according to these classifications? *Table 4* indicates their responses:

Table 4: P5 Members and Their Response to Veto Non-Use

P5 Member	Ignore	Oppose	Endorse	Manipulate
China				
France				
Russia				
UK				
US				

China has in fact never made any direct or public reference to veto restraint *(Security Council Report 2015, 8).* I classify this as 'ignore' because they have never discussed the concept of not

using their veto, nor have they acknowledged these campaigns. *Table 2* indicated that China has used their veto six times, in Syria. This means that with the emergence of the campaigns, they did not show restraint when using their veto. It should be noted, however, that since April 2017, China has not vetoed any resolutions relating to Syria, but has instead abstained from voting. I argue, however, that because China has not made any reference to, or commented on, veto restraint, it is not possible to infer that these abstentions have any correlation with the campaign; China has ultimately ignored the concept of veto non-use. France has been the pioneer amongst the P5, in advocating for veto restraint. The very idea that they initiated the French-Mexican initiative is indicative of a public acceptance of the campaigns and they have also mad public reference to wanting other members of the P5 to follow suit, and pledge to not use their veto. Furthermore, they are also signatories to the ACT code of conduct. I classify their response as 'endorse', because they have publicly made statements showing support for veto restraint, and they have also not used their veto since 1989. France has endorsed the concept of veto non-use.

Russia has made statements at UN meetings, as well as public statements, in relation to the concept of veto restraint, and has not shied away from expressing their opposition to the idea of veto restraint. They have reiterated that they believe the veto is as an important tool for the UNSC to produce balanced decisions, and fulfil its function. Russia further asserts that calls for veto restraint does not take into account the content of draft resolutions, which then has the capacity to allow for the authorization of disastrous or counterproductive actions *(Security Council Report 2015, 8).* Russia has also used their veto eleven times in the case of Syria. It is clear that Russia's response should be classified as 'oppose' due to the fact they have publicly voiced their concerns and opposition to the idea of restraining the veto. The United Kingdom has made public statements, endorsing the ACT code of conduct, and supporting the idea of veto restraint *(UNA-UK 2015).* Having not used their veto since 1989, the UK confirmed that they will never vote against credible UNSC action to stop mass atrocities and crimes against humanity. Similar to France, however, they had shown restraint before the emergence of the campaign. I classify their response as 'endorse' because they have shown public support of the veto restraint campaigns and have also not used their veto since then.

Lastly, the United States have actually never publicly endorsed the veto restraint campaigns. Many of the UNSC meetings that follow Russia vetoing a resolution, causes an outrage by the US. They have urged Russia to stop using their veto to allow progress in Syria, and have publicly shamed Russia for their veto use. Because the US has not publicly provided a reason for not supporting the veto restraint campaigns *(Security Council Report 2015, 8)* and only seem to discuss the concept of showing veto restraint when it comes to shifting the dialogue on Russia's "misuse" of the veto, I believe that the US response should be classified as 'manipulate'. They do not want to publicly endorse the campaign, but it is clear that they understand that these campaigns exist. By pressuring Russia to stop using their veto, but not endorsing any of the campaigns that are directly aimed at putting measures/mechanisms in place to prevent this, they are manipulating the situation. They use the concept of veto restraint to skew public opinion of how the P5 respond to Syria. This means that they are using the existing campaign, and dialogue around veto restraint, to ensure that Russia is classified as a hinderance to resolution in Syria, as well as a perpetrator of the crimes.

Now that the P5's responses to the campaigns have been identified, the success of the campaigns can be understood. R2P is included here in order to understand all the campaigns and the success of each, to provide an accurate analysis of the trends (and traction) of the campaigns. It was not included in the typology to measure responses, as the dialogue of veto restraint has changed since 2005, and I felt that an analysis of the P5's response to the ACT and French-Mexican Initiative would prove as a more valuable analysis, with a more recent and relevant understanding of how the P5 understands veto restraint campaigns, and their responses. The success of the campaigns are measured by assessing how many P5 members endorsed the various campaigns, and then analysing their actions that followed the endorsement to assess whether or not these campaigns were actually successful. *Table 5* illustrates this:

Table 5: UNSC Permanent Members Response to Veto Restraint Campaigns, Indicating Endorsements and Actions that Followed

Member	**R2P (2005)**	**ACT (2013)**	**Action**	**French (2015)**	**Action**
USA	Endorsed	Not endorsed	Not Signed	Not endorsed	Not Signed
France	Endorsed	Endorsed	Signed	Initiated	Signed
UK	Endorsed	Endorsed	Signed	Endorsed	Not signed
China	Endorsed	Not endorsed	Not Signed	Not endorsed	Not Signed
Russia	Endorsed	Not endorsed	Not Signed	Not endorsed	Not Signed

The Responsibility to Protect

First, The Responsibility to Protect in October 2005 saw membered states (including the permanent members) of the UN unanimously endorse the R2P principle, but the P5 have yet to operationalize it. Despite the endorsement at the 2005 World Summit, however, two paragraphs of the Outcome Document recognized a variant of the R2P, but there were in fact no references made to the concept of veto restraint *(The Conversation 2015),* furthermore the document details four members of the P5 (excluding France) actually rejecting the idea. The final version of the outcome document did not address any measures that would actually limit the P5's veto powers in relation to situations of mass atrocities. This omission was due in large part to P5 pressure *(Citizens for Global Solutions 2010, 5)*. However, the fact that all P5 members endorsed the campaign, was an important recognition of the responsibility that these states have, to protect the vulnerable who are at risk from suffering and being subjected to crimes against humanity. The dialogue shifted away from understanding the issue as a 'right to intervene' and emphasized the concept of a 'responsibility to protect' which enabled a shift of perception around these issues *(Kouliopoulos 2016, 45)*; states began to understand it from the idea of needing support, rather than considering it from an interventionist perspective focused on military authority.

R2P can be seen as successful, only by virtue of the fact that it enabled the initiation and participatory dialogue about the responsibility to protect citizens from crimes against humanity. As a campaign against veto restraint, however, the campaign failed. This is indicative through the fact that there was actually no reference made to veto restraint in the final outcome document of 2005. I further argue that the campaign has failed, because despite the endorsement by P5 members, there currently still exists contestation regarding the definition of the concept of R2P as well as no mechanisms outlined to ensure implementation. R2P is constantly deliberated, in attempts to revise and improve the principles enshrined in the concept. In order to make this analysis, I use statements made by the P5 in reference to their response to R2P. The statements made at the 2016 United Nations General Assembly thematic panel discussion on "From commitment to implementation: Ten years of the Responsibility to Protect"[16] and a 2017 General

[16] The video footage of this dialogue can be viewed on UN Web TV. Part 1 can be accessed at: http://webtv.un.org/search/part-1-from-commitment-to-implementation-ten-years-of-the-responsibility-to-protect-

Assembly informal interactive dialogue on the report of the Secretary-General on the Responsibility to Protect[17] are used. By analysing these statements, the success of the R2P as a campaign, become clear.

Russia has very strong views on the R2P, including the failure of the implementation of the concept. At the 2016 panel discussion, Russia discussed the case of Libya (a case which was regarded as a successful application of the concept) and explained that there has been a distortion of these stories which leads them to falsely be labelled as successes. Expanding on this point, Russia stated, "Use of force under the pretext of the protection of civilians led to complete disintegration of the Libyan state, plunging the country in to complete havoc and instability" *(International Coalition for the Responsibility to Protect 2016a, Paragraph 2)*. Russia comments on the lack of an attempt to comprehensively analyse what happened in Libya. In 2017, similar sentiments were shared, and they explain that there has not been a clear definition of what R2P means, and more recent reports are using vague terms such as 'atrocity' crimes (which is not as specific as the 2005 outcome document outlined) which leads to various interpretations of the concept *(International Coalition for the Responsibility to Protect 2017a)*.

China offered three observations of the R2P at the 2016 panel discussion. First, they state that it is each country's responsibility to protect their own citizens; any interference by another state would constitute a violation of sovereignty, which in itself violates principles of the UN Charter. The second observation is the definition of which crimes are included, sharing Russia's sentiments *(International Coalition for the Responsibility to Protect 2016c, Paragraph 3)*. And lastly, China notes that there is still not a standard formula for implementation, and that a mechanism to increase input in prevention and settlement of conflicts needs to be developed. They posit that negotiations

general-assembly-thematic-panel-discussion/4775919833001 and Part 2 at: http://webtv.un.org/search/part-2-from-commitment-to-implementation-ten-years-of-the-responsibility-to-protect-general-assembly-thematic-panel-discussion/4779356554001

[17] The video footage of this dialogue can be viewed on UN Web TV. Part 1 can be accessed at: http://webtv.un.org/search/1st-meeting-informal-interactive-dialogue-on-the-responsibility-to-protect-general-assembly-71st-session/5567574004001/ and Part 2 at: http://webtv.un.org/search/-2nd-meeting-informal-interactive-dialogue-on-the-responsibility-to-protect-general-assembly-71st-session-/5566926593001/

and dialogue should be the first point of call, and force should only be used when all peaceful means have been exhausted; the force should also be endorsed by the UNSC on a case by case basis and within the mandate authorized by the UNSC *(International Coalition for the Responsibility to Protect 2017c).* China is ready to work with international communities to implement the goals of the 2005 outcome document.

At the 2016 panel discussion and in 2017, the UK declared that they have always been advocates of the R2P, and recommitted their support *(International Coalition for the Responsibility to Protect 2016b; International Coalition for the Responsibility to Protect 2017b).* They commended the role that many states have played in the implementation of R2P, and made a commitment to strengthen their own approach. Without explicitly mentioning specific issues, the UK mentioned the need to think about how to strengthen mechanisms, and take early action; they also mentioned the need to ensure that action is taken to resolve Syria. The UK's endorsement is clearly followed by continued support. The lack of specificity regarding shortfalls of the R2P is, in my opinion, quite concerning. They are commending the concept and saying that there are shortfalls, but not clearly specifying them in a way that would provide a useful analysis that I believe is necessary to ensure mechanism/implementation improvements.

The video footage from *UN Web TV* provided me with the views expressed by both the United States and France. Both countries confirm their support for R2P. The United States confirmed their commitment to continue to try and prevent atrocities, including genocide. They discussed the internal steps that they have taken to develop prevention policies as well as the actions that followed. The actions include the deployment of UN monitoring and reporting mechanisms, strategic diplomatic engagement, sanctions, and the recalibration or termination of foreign assistance, among numerous others. They discussed how they look forward to learning how the Special Advisors on the Responsibility to Protect and the Special Advisor on the Prevention of Genocide (both essential functions to UN policy) reform its agenda. France made reference to the three pillars of R2P, and discussed that progress must be made on all of these pillars, just as they are doing on the fight against impunity, which is a central tenet of the ninth report on R2P. They also suggested that the universal ratification of the Rome Statute remains key to the

implementation of R2P. France noted the current gap which separates the declared commitment of the UN for R2P and the realities faced by places such as Syria, where the humanitarian situation is still dire. France also indicated that R2P needs to be included as a formal item on the General Assembly agenda. Both the United States and France show continued support of R2P.

While China and Russia endorsed the principles enshrined in the initial 2005 outcome document, their statements allude to the fact that they view the R2P campaign as unsuccessful. I argue that despite the dialogue of R2P initiating the concept of responsibility, as a campaign against veto restraint it has failed. The only mention of the veto was by France and the United Kingdom, who advocated for veto restraint and their support of the other campaigns, which will follow in the discussion. The monitor at the meetings, did in fact make reference to how the veto should not be used to block actions aimed at resolving CAH, but this is not a principle included in the actual documents of R2P. By failing to have any text, which argues for veto restraint, the R2P has not created a way of curbing veto usage; this is telling, as the veto can still be used to defy the principles enshrined in R2P, and does not guarantee that P5 members act responsibly.

Accountability, Coherence, and Transparency

The ACT code of conduct was only endorsed, and signed, by two P5 members: France and the United Kingdom. France's endorsement is no surprise, given their own initiative on veto restraint. The UK's endorsement, however, came with a caveat before signing on. The initial wording of the ACT code of conduct discussed states refraining to vote against resolutions to end or prevent crimes against humanity, genocide, or war crimes. The UK insisted that the word 'credible' be added *(Security Council Report 2015, 5)*. Russia, China, and the US have never publicly endorsed the campaign. Russia's opposition to veto restraint stems from understanding the veto as an important tool for the UNSC to produce balanced decisions, and affirms that calls for veto restraint do not take into account the content of draft resolutions, which could allow for the authorization of disastrous or counterproductive actions *(Security Council Report 2015, 8).* China has been quite discreet and has not vocalized why they do not support the campaign. The US, as evidenced by some of the UNSC meetings urging Russia to stop using their veto to allow progress in Syria, is

committed to preventing mass atrocities and CAH. They have not, however, publicly provided a reason for not supporting the veto restraint campaign *(Security Council Report 2015, 8).*

It is difficult to assess whether this campaign has been successful. France and the UK have not used their veto, since signing the code of conduct, but this is not indicative of much, as they were already showing restraint and neither state had used their veto for over a decade. The fact that three members of the P5 have not endorsed the campaign, and have also made no attempts (except for Russia) to explain why, does not lead me to believe that there is much hope for them ever endorsing the campaign. I speculate that some of the reservations could stem from the term 'credible' being included, but not really defined – which could lead to misappropriations of the resolution. Furthermore, not abiding to the code of conduct does not offer much consequence, except for political pressure. The P5 members are powerful; it is difficult to imagine that any of these states would be swayed by political pressure from other states (especially if the P5 members feel as if their vital interests are at stake). While the campaign has many signatories, I believe it cannot be successful until all P5 members sign the code of conduct.

French-Mexican Initiative

France has taken a stance against the Security Council being constrained by vetoes and proposed the idea of the non-use of the veto power to the United Nations General Assembly. Their suggestion was to have the five permanent members themselves voluntarily regulate their right to exercise their veto *(Fabius 2013)*. This approach can be seen as quite pragmatic, as it does not seek to abolish the veto and make any referendum changes. And it is ambitious in the sense that the suggestion can enable the Security Council to take action against mass atrocities *(France Diplomatie*).

France argues that adopting their proposal of a 'code of conduct' for the use of the veto would increase the UNSC's legitimacy and credibility (Fabius 2013). It would further convey that human life should be a true priority in decision-making. Despite this ambitious approach taken by France,

I believe that their efforts are not entirely as proactive as it would appear. The fact that France is advocating for the P5 to self-regulate the use of the veto, puts France in a positive light within public opinion. It is my belief, however, that this could be a mere tactic to look good in the eyes of the public, while not affecting or disrupting the other P5 members' agency; the reality is that the actual proposition put forward by France is in no way binding which means it may have no real effect in actually curbing the use of the veto.

he French-Mexican initiative has less support than the ACT code of conduct. France is not only the initiator of the campaign, but they are currently the only P5 member who has signed the campaign. Russia, China, and the US have responded to this campaign, exactly as they have to ACT; Russia remains opposed to the concept of veto restraint, and the US and China have not made any public reference to veto restraint, or why they do not support the initiative. In 2014, there was evidence that the UK endorsed the campaign *(New York Times 2014)*. But presently, the UK has not become a signatory. There are no available statements made by the UK to provide an explanation for not signing on. One possible reason may be due to the fact that the declaration does not use the word 'credible' *(Security Council Report 2015, 7*) although this is speculative.

The proposal does not rely on political pressure and asks that the P5 not use their veto in cases of 'mass atrocities' (this is a far vaguer, and undefined, term compared to the crimes listed in the ACT code of conduct). Furthermore, the entire initiative rests on the P5 signing on, which seems unlikely because of the procedural trigger which allows the "Secretary-General determination upon the request of at least 50 members of the General Assembly" *(Security Council Report 2015, 6).* This not only takes agency away from the P5, it also poses as a bureaucratic process which in itself is time-consuming and could halt and delay action. Due to the nature of this campaign, its success relies on the P5's compliance. Given that only the initiator (France) has signed on, and owing to the fact that the UK has not signed on even though they have signed the ACT code of conduct, I believe the campaign can be seen as unsuccessful; before its success can even be measured, you would need all P5 members to sign it.

3.3) Power Politics

The concept of power politics, is assessed by using the theory of Realism, as presented earlier. I am trying to identify what factors guided the P5's decisions when voting to adopt resolutions to end crimes against humanity (CAH) in Syria. Realism argues that states will always try to maximize their power, in order to survive. So I am trying to assess if power has been a predominant factor in the decisions that the P5 have made in responding to the crisis in Syria. Veto restraint refers to states not using their veto in case of CAH, when their national interests are not at stake. So analysing the role that national interest plays, would be interesting to know. The power politics identified may be able to reveal an explanation for veto non-use. According to Mearsheimer, the ultimate goal of a state is their survival. The accumulation of power is a means to achieve that goal *(Mearsheimer 2010, 75).* Using the assumptions identified under offensive structural Realism (the state is a rational and key actor in an anarchic system, all states (although varying) have military capabilities, but cannot determine other states' intentions) I analyse the power politics at play. States national interests are guided by the concept of trying to maximize their power, in order to preserve the state's survival. Using these assumptions, I present the national interests for each P5 member, in relation to their pursuit of maximizing their power. Following that, I discuss whether their decisions to not use their veto (and adopt the resolutions) were in pursuit of these interests.

The Syrian war does not pose any existential threats to the United States. With this said, however, there are benefits and costs of the war, that affect US interests. In terms of benefits, the war has weakened Syria, who is a traditional adversary to American interests in the Middle East. US interests in the Middle East include (but are not limited to) securing the free flow of oil, suppressing/fighting terrorism, and promoting democratization *(Byman and Moller 2016, 1).* The Syrian crisis has also aided in their enemies killing one another: Iran, Assad and Hezbollah on the one hand, and Sunni jihadists on the other *(Issa 2016).* So the US has a lot to gain from ensuring that the Syrian crisis does continue. With that said, however, there are two downsides to the continuation of the crisis. First, the collapse of the Syrian state has created a vacuum for terrorists to fill and consequentially expanded the reach of terrorism to Europe and the US. Suppressing terrorism is an important national interest to the US *(Allison 2010).* The second consequence is of course Russia's dominance. Russian's intervention in Syria challenges the US' role in managing

global security and maintaining a monopoly on the use of force *(Issa 2016).* If Russia continues to 'call the shots' it is possible that it could encourage other states to follow suit and challenge the US, which will threaten both their soft and hard power, ultimately weakening their dominant role.

Establishing positive relations with Russia, arguably their biggest adversary, is part of their vital interests *(Allison 2010)* and the current situation shows that they do not have positive relations. Nikki Haley, the US ambassador to the UN has made consistent defamatory remarks against Russia. Following the latest veto employed by Russia in the Syrian case, Haley referred to Russia as an 'ally' of the Syrian regime *(CNN 2018a)* and expressed that Russia is not open to any mechanism ensuring resolution. Not specific to the Syrian case, but an accurate display of US feelings towards Russia, can also be seen in another statement made by Haley who says, "Russia is not, will not, be our friend" *(CNN 2018b)*. It is clear that while the Syrian crisis may not be the primary factor in their worsening relations, it is certainly a dominant factor; the US and Russia are constantly divided on how to approach the crisis in Syria. If the Syrian crisis continues, which at present there still seems to be no evident solution that is viable and uncontested by all, the state of affairs between the two super powers are likely to worsen. This does not bode well for the US' vital national interests, and thus a cessation of violence in Syria has the potential to at least resolve one of the issues that the two powers are divided on.

Russia has direct interests in Syria. Syria is considered Russia's ally in the Middle East, and military involvement in Syria is a serious test for Russia's ties in the region. In order to solve varied goals and changing crises, coalitions and connections in the region are vital. Russia held channels of communication with Egypt, Jordan, Turkey, Kuwait, Saudi Arabia and Israel, and Russia's position on Syria is very close to that of Iran *(Pahomov 2015)*. These talks, and their continuation, significantly strengthens Russia's strategic stance in the region. Furthermore, Russia is able to assert itself as a dominant power, challenging the US, and their intervention decisions and military capabilities *(Pahomov 2015)* prove as evidence that the power dynamic is changing; the US is no longer the only player at the focal point when global players think about 'the most powerful state'. This assertion as a dominant power can be seen as a vital national interest for Russia, who seeks respect in the international arena and would like to gain an equal status among

other international players *(Latvian Institute of International Affairs)*, such as the likes of the US. It is important for Russia to challenge the norm of accepting Western ideals propagated by the US. It should also be noted that Russia has never made any explicit reference to wanting the Syrian crisis to continue, and has only ever opposed particular mechanisms for resolution, when Russia felt that the mechanisms contradicted vital principles such as sovereignty and international law (as indicated by the UN framework).

China has many vested interests in Syria. Their active involvement in resolving the Syrian conflict has allowed them to be seen as a major diplomatic mediator in the Middle East. By emphasizing the principle of non-interference in order to protect state sovereignty, they have gained the support of many developing countries who view the Western norms for military interventions as a form of imperialism; this has expanded China's range of international allies. This is important, as it enables Western-dominated international institutions to be challenged, allowing their own goals to be pursued; it provides support for their South China Sea claims *(Ramani 2016)*. Despite China sharing Russia's commitment to Assad's survival, there are cases where China diverges from Russia's policy preferences, in order to pursue their own interests. Russia consistently supported the disarmament of Assad's chemical weapons, but there is evidence that in the beginning, China supplied the Syrian government with these weapons. This divergence indicates that China could potentially challenge Russia's role as the leading counterweight to American hegemony in the Middle East. By fiercely opposing a military solution to the Syrian conflict, China has strengthened its relationships with both Iran and Saudi Arabia (this feat is remarkable in itself, because the two states have opposing positions on the civil war). Due to China's support for non-interference in Syria, Iran sees them as a stable economic and security partner. China has ensured that their pro-Assad actions do not jeopardize their status as Saudi Arabia's leading trade partner *(Ramani 2016)*.

Scott *(2016)* discusses that the UK has no direct interests in Syria. But their foreign policy towards Syria, and their decisions influencing UNSC action, can be understood by analysing the broader context of UK foreign policy on Middle Eastern regional issues. While the UK's foreign policy objectives in the Middle East have evolved over time, they have always viewed the importance of Syria with regard to stability in the region. There was a fear that Syria would collapse without the

Assad regime, and this would spread across its borders. Intervention had caused the collapse of Libya and resulted in civilians suffering. This case and its outcomes led to many questioning the value of intervention *(Scott 2016, 404)*. But because there was initially a perception that the Syrian regime differed to that of Libya, there was a slow reaction from the UK in reacting to the repression by the regime *(Scott 2016, 403).* Libya also served to prove that powers in NATO could not act without American logistical support, so there would be no involvement in Syria without US support *(Scott 2016, 404)* which led the UK to follow US decisions regarding how to respond to the crisis.

France also does not have any direct interests in Syria. France, under their previous president, Francois Hollande, was arguably the most anti-Assad state in the world. The new president, Emmanuel Macron, however, has changed their position, declaring that they see no legitimate successor to Assad *(Mills 2017)*. Macron's foreign policy approach represents somewhat of a 'reset' and he has stressed that his predecessors overplayed their capacity to alter anything on the ground. This decision challenges how the UK views Assad, which is something to consider if the UK leaves the European Union (the 'Brexit' discussions are still ongoing). France may be able to take a leading role in Europe, and is already showing signs of leading the world in soft power *(Mills 2017)*. Macron also emphasised that Russia is crucial to eradicate extremists in Syria. This shows a new dynamic of alliance with Russia, unprecedented in UNSC matters relating to Syria.

So the question is whether power politics have played a role in the adopted resolutions. Did they not use their veto, despite having credible reason to use it (which would be to protect their vital national interests)? Having examined the statements made from the adopted resolutions, I believe that resolutions were never adopted when vital national interests were at stake (these national interests, as indicated above, are in pursuit of power). China would abstain from voting, to protect their national interests. Russia would make reference and amend the text, when they did not agree with specific wordings that would threaten their national interests. It is of course obvious that power politics plays an important role in the actual usage of the veto. In cases where resolutions were adopted, it can be argued that the P5 did not oppose the resolutions because the outcome would have no direct influence to the survival of their state.

3.4 Norms of humanitarian intervention

The norms of humanitarian intervention are assessed through the theoretical lens of Constructivism, as presented earlier in this paper. Martha Finnemore's analysis of the norms associated with humanitarian intervention provide much of the insight needed for me to analyse and understand how the P5 justified their votes in the UNSC. There are thirteen resolutions that have been adopted in relation to CAH taking place in Syria. The question at hand is, how did (if at all) the norms of humanitarian intervention influence the non-use of the veto, and provide the P5 with sufficient justification to intervene in Syria in order to prevent these CAH.

Constructivism's core idea is that international relations are socially constructed *(Ahmad et al 2014, 154)* and can be used to understand why actors take particular actions. Rues-Smit asserts that states share basic interests and values as their goals, and construct rules or 'fundamental institutions' (such as international law or diplomacy, as examples) to achieve these goals. The fundamental institution of international law, and how it determines the UNSC members' shared goals, can be seen in the latest resolution that was passed, which embodies sentiments that have been re-iterated by the UNSC resolutions since the beginning of the Syrian crisis. Resolution 2393 reiterates its demands that:

> *... all parties, in particular the Syrian authorities, immediately comply with their obligations under international law, including international humanitarian law and international human rights law as applicable, and further demands the full and immediate implementation of all the provisions of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), and noting also the Presidential Statements of 2 October 2013 (S/PRST/2013/15), 24 April 2015 (S/PRST/2015/10) and 17 August 2015 (S/PRST/2015/15) and recalls that some of the violations and abuses committed in Syria may amount to war crimes and crimes against humanity (The United Nations 2017, S/RES/2393, Page 4, Paragraph 9).*

These institutions, like international law, are developed through backgrounds that guide the moral purpose of the state, and thus generate norms for practices, such as humanitarian intervention. These institutions serve as a framework to guide cooperation problems, for coordinating collective action with the goal of avoiding a particular outcome *(Ahmad et al 2014, 156)*. In this case, the collective action is humanitarian intervention through UNSC support and implementation, and the particular outcome that they are trying to avoid is the worsening of the humanitarian crisis (and the perpetuating CAH that are occurring) in Syria.

Finnemore examines states' understandings about the purposes and legitimacy of force, as well as the interests that intervention serves *(Finnemore 2003, 5)*. The norms of humanitarian intervention are therefore revealed. According to Finnemore, force must be coupled with legitimacy, the goal being pursued by force must be seen as legitimate, and the force must be viewed as a legitimate means to achieve the goal *(Finnemore 2003, 17)*. In this specific case, the goals are in pursuit of addressing the concerns that were present in Syria (as indicated by 'concerns' in *Table 3*). All of the concerns are related to CAH, noting widespread violations of human rights, escalating death tolls, civilians in need of urgent humanitarian assistance, indiscriminate killings, and mass executions. These concerns, which are actions that are condemned by the UNSC, are raised and can be seen in all the resolutions that have been passed.

The goals are defined, but the question then arises, how do we know that these goals are legitimate? While non-intervention is a necessary condition for sovereignty *(Finnemore 2003, 7)*, today we see that human rights claims (and violations to these rights) are regarded as more important that sovereignty *(Finnemore 2003, 21)*. This legitimizes humanitarian intervention; the violations of CAH as mentioned above are considered legitimate goals. Resolution 2165 is a perfect example: 2.9 million people were in need of humanitarian aid, so the UNSC authorized access to deliver this aid, despite not having the Syrian state's approval. 2191, 2332, and 2393 are all resolutions which extended these intervention decisions as time progressed. These resolution decisions directly challenged the sovereignty of Syria, but because the norms of intervention now place less emphasis on sovereignty when human rights are being violated, the UNSC was able to justify this intervention, and international society sees this intervention as legitimate.

Something which is clear, however, is that not all UNSC members have the same approach when it comes to the issue of sovereignty. While there is a unanimous consensus that the CAH faced by the Syrian population are unacceptable and deplorable, there is often debates among the P5 surrounding the dialogue of how to respond to the crisis and reach resolution. For resolution 2165, the US said that the UNSC needs to prepare to act decisively in the event that the Syrian government offers non-compliance with the resolution (and referred to the non-compliance experience with regard to resolution 2139). Contrastingly, Russia stressed that the text does not stipulate that force be used in the event of non-compliance. Russia also indicated that the text made reference to Russia's concerns for the respect of Syrian sovereignty, and went on to point out and recognize Syrian efforts to cooperate with humanitarian aid delivery *(The United Nations 2014, SC/11473)*. So the norms of humanitarian intervention trumping sovereignty, seem to be predominantly present in Western states. This can be seen in many of the UNSC meetings, where Russia and China were the only states who made direct reference to the importance of respecting Syria's sovereignty.

The meetings indicate that Russia and China only adopted the resolutions, because they believed it was not infringing on Syrian sovereignty (something both states reiterate as vital to be respected). This is evidenced in four specific examples, and their statements relating to resolutions 2042, *(The United Nations 2012, SC/10609)*, 2043 *(The United Nations 2012, SC/10618)*, 2254 *(The United Nations 2015, SC/12171)* and 2268 *(The United Nations 2016, SC/12261)*. Further evidence can be found in resolution 2393, which was the first resolution relating to CAH in Syria, that was not unanimously adopted by the UNSC. Both China and Russia abstained from voting. Resolution 2393 extended the UNSC's authorization (which was established in resolution 2165) until 10 January 2019. The authorization of the UNSC involved authorizing cross-border and cross-line access for the UN and its partners to deliver humanitarian aid without the consent of the Syrian state. China explained their abstention by indicating that while they are deeply concerned about the humanitarian situation in China, they believe that aid operations need to change, and UN humanitarian principles (national sovereignty) need to be abided by; cross-border operations must be carried out with full participation of national authorities *(The United Nations 2017, SC/13127)*.

Russia stressed that the authorization was meant to be a temporary measure that necessarily impinged on Syrian sovereignty and was meant to reach all Syrians across the country *(The United Nations 2017, SC/13127).*

Nevertheless, the resolutions that have passed show a consensus that the goal being pursued is seen as legitimate, despite constant negotiations among the P5 in terms of how exactly to respond in terms of meeting the goal, and what type of collective action is necessary to take. This brings us to Finnemore's next point which suggests that multilateral intervention is seen as more legitimate, given the participatory decision-making processes. It is expected that not all states would have the same approach to sovereignty, and the same approach to responding to humanitarian crises. The UNSC provides a multilateral platform, whereby multiple states are able to negotiate and decide whether intervention is necessary, thereby legitimizing the decisions that have been made in Syria. This mechanism prevents one powerful state (the P5 are considered to be the most powerful) from making decisions out of self-interest and pursuing intervention to secure their own goals. So despite the reservations that China and Russia made, they were able to amend the text of the draft resolutions, if they felt that it was challenging Syrian authority and their right to sovereignty. The different perspectives also allows for a balance within the UN, which means that the United States (as an example) could not just authorize any type of force, in pursuit of the goal. The platform of the UNSC legitimizes the actions, because collective decisions would go through a series of checks and balances from each state.

Finnemore also discusses that rational-legal authorities have established legal understandings and norms, which are now used to guide the reasons to intervene and serve as authorizing agents for states, where states seek out their approval in cases of force *(Finnemore 2003, 22).* In the case of Syria, resolutions 2139 and 2254 make specific mention to the Geneva Communiqué, as key to resolving the Syrian crisis. Frameworks like the Rome Statue and the Genocide Convention were used to identify the realities being faced in Syria, and helped categorize the crimes as CAH. The ICC also served to provide a platform for identifying the perpetrators as war 'criminals' *(Finnemore 2003, 21).* This means that there are accepted norms and mechanisms, where any

violators of international humanitarian law and international human rights law can be brought to justice via legal consequences.

This section sought to understand whether the norms of humanitarian intervention has had any influence on the non-use of the veto. Because norms of society have changed and developed over time, the norms of intervention have consequently evolved. The concept of fundamental institutions guiding the moral purpose of the state, valuing human rights as a priority over sovereignty, multilateral decisions legitimizing actions, and rational-legal authorities legitimizing intervention by establishing legal precedents for these norms, are all norms that are associated with humanitarian intervention. These norms are being reiterated in the concerns identified in Syria, and also reproduced by the decisions that the UNSC has made to authorize intervention in Syria. The fact that the P5 did not veto any of these resolutions, is indicative of the norms of humanitarian intervention holding a valuable place in international society and practices. The latest resolution that passed, with abstentions from both China and Russia, also indicate that although they may not necessarily agree with the process of action, they do believe in the goal that is being pursued. The P5 voted in favour of intervention, and participated in the non-use of the veto. These norms have influenced the consciousness, morality, legitimacy, and legality surrounding humanitarian intervention in Syria; one can infer that the P5's non-use of the veto, are influenced by some of these norms.

4. Conclusion

4.1) *Findings*

My research shows that there is a definite trend in the veto being used less. Only France and the UK have shown explicit endorsement for the concept of the non-use of the veto, but both of these states had already been showing restraint (their last veto was in 1989). This means that their endorsement of the veto restraint campaigns cannot be used to explain whether the campaigns influenced their non-use. In fact, it is more telling to then understand that it is only the P5 members

who has already shown restraint, that endorsed these campaigns. In assessing the responses of the P5 towards the campaigns around veto restraint, I found that all of these campaigns have ultimately failed. R2P failed because there was no reference made to veto restraint in the final outcome document of 2005, and there currently there still exists contestation regarding the definition of the concept; it also failed because there are no mechanisms in place to ensure implementation. The ACT code of conduct's only consequence is political pressure, and thus it cannot be successful until all P5 members sign on. The French-Mexican initiative has a procedural trigger which allows the "Secretary-General determination upon the request of at least 50 members of the General Assembly" which takes agency away from the P5; I believe the campaign is unsuccessful because before its success can even be measured, you would need all P5 members to sign it. With only France and the UK showing any signatory support for these initiatives, it makes it makes it very difficult for campaigns advocating for veto restraint to make a real difference; the transition away from the veto, or for veto restraint, has to be supported by those who wield the power. Due to the campaigns for veto restraint being unsuccessful, I cannot conclude that they have had any bearing or influence on veto non-use.

Examining the statements made from the adopted resolutions, I believe that power politics does play a role in case of veto non-use. This is due to the fact that none of the adopted resolutions contained evidence that it would threaten the survival of any of the P5 members, should it be adopted. Power politics plays an important role in the actual usage of the veto, there is no evidence to suggest that it has not had a bearing on veto restraint, or non-use. In the cases where the veto was not used, it means that P5 members did not see a threat to their power or survival. If power politics are in play, when arguing that is causes veto use – it must be the same for veto non-use. Power politics influences veto non-use, to the extent that states do not need to veto the resolution, in order to protect their interests. The norms of humanitarian intervention have influenced the consciousness, morality, legitimacy, and legality surrounding humanitarian intervention in Syria; I argue that there is sufficient evidence to suggest that the P5's non-use of the veto has been influenced by some of these norms.

4.2) *Recommendations*

Based on my findings, I believe that power politics and the norms of humanitarian intervention are part of the political landscape that guides the non-use of the veto in cases of crimes against humanity in Syria. P5 members are still adhering to realist logic, where they pursue their own interest, in order to maximize their power. Non-use examples are indicative that there were no threats to this power. Norms of humanitarian intervention has influenced the morality and of P5 members. Understanding humanitarian intervention as a noble pursuit above sovereignty, has changed the landscape around intervene. So long as humanitarian intervention in pursuit of ending CAH des not impose any threat to a P5 membered state's survival or accumulated power, they will participate in veto non-use. This does not tell us enough, however, as it means that power is still a dominant factor, even with norms of humanitarian intervention evolving. I recommend that an analysis be made, once all P5 members endorse the campaigns that are aimed at restraining the veto, legitimizing the analysis by looking at a period of time before complete endorsement, and then after. Without this, it is difficult to relate veto non-use to any campaigns, and shows that states are ultimately always going to pursue actions that serve to increase their power.

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