



University
of Glasgow



LOBACHEVSKY
UNIVERSITY

IntM THESIS - 2020

Normative contestation in the UNSC: (de)legitimising discourse

Word count: 24,463

Alexandra Henshall

2409671H

**International Master's (IntM) in Central and East European, Russian and Eurasian
Studies: University of Glasgow, UK**

**Master of Arts (MA) in Political Science (Central and East European, Russian and
Eurasian Studies): University of Tartu, Estonia**

**Master (M) in Sociology of Politics and International Relations (Central and East
European, Russian and Eurasian Studies): University of Nizhni Novgorod, Russia**

Supervisors:

Dr. Ammon Cheskin, University of Glasgow

Dr. Sergei Krivov, University of Nizhni Novgorod

I have written this Master's thesis independently. All viewpoints of other authors, literary sources and data from elsewhere used for writing this paper have been referenced.



.....
/ signature of author /

The defence will take place on / date / at / time /
..... / address / in auditorium number / number /

Opponent / name / (..... / academic degree /),
..... / position /

Non-exclusive licence to reproduce thesis and make thesis public

I, Alexandra Eileen Henshall

1. herewith grant the University of Tartu a free permit (non-exclusive licence) to reproduce, for the purpose of preservation and making thesis public, including for adding to the DSpace digital archives until the expiry of the term of copyright, my thesis entitled:

Normative contestation in the UNSC: (de)legitimising discourse

supervised by:

Dr Ammon Cheskin & Dr Sergei Krivov

2. I grant the University of Tartu a permit to make the work specified in p. 1 available to the public via the web environment of the University of Tartu, including via the DSpace digital archives, until the expiry of the term of copyright.

3. I am aware of the fact that the author retains the rights specified in pp. 1 and 2.

4. I certify that granting the non-exclusive licence does not infringe other persons' intellectual property rights or rights arising from the personal data protection legislation.

Done at Tartu/Tallinn/Narva/Pärnu/Viljandi on: 5.09.2020

_____  _____

Abstract

This study seeks to re-emphasise the importance of legitimacy when analysing normative contestation. Using empirical analysis, the discourse of the five permanent members of the UNSC is explored, revealing the legitimisation practices used by actors to influence the collective legitimacy judgements of others and thus shape the normative conversation. Such rhetorical practices, adopted by each member of the P5, are used to both legitimise an actor's own approach, whilst delegitimising the approach of others that do not share their interests. Actors adopt narratives which drive their own interests into the conversation; they are justified using references to authority, morals, history and their self-professed expertise. UNSC activity is shaped by this rhetoric, which, as a result of the power imbalance inside the UNSC, is primarily western. The western powers advocate for a humanitarian approach by utilising practices which evoke emotions and encourage the audience to adopt their morals. In response, those actors seeking to protect the former status quo rely on references to law and order, striving to ensure their interests remain relevant. The confidence shown by those seeking to reshape the international system is a reflection of their confidence as international players. The analysis demonstrates the importance of rhetorical analysis when studying normative contestation. Without paying attention to the legitimisation practices used by actors to influence others, one is unable to understand how the normative conversation is shaped.

Contents

1. <u>Introduction</u>	6
2. <u>Norms, Normative Contestation and Legitimacy</u>	10
2.1. <u>Norms and Normative Contestation</u>	10
2.1.1. <u>Conceptualising Norms and Normative Contestation</u>	10
2.1.2. <u>Normative Contestation and Influential Theories</u>	12
2.2. <u>Legitimacy</u>	17
2.2.1. <u>Conceptualising Legitimation Practices and Legitimacy Judgements</u>	17
2.2.2. <u>The Importance of Legitimacy</u>	19
2.2.3. <u>Rhetoric, Emotions and Legitimation Strategies</u>	25
3. <u>The Use of Force, Syria and Normative Contestation</u>	27
3.1. <u>The Use of Force: The UN Charter and Customary International Law</u>	27
3.2. <u>The Syrian Civil War</u>	29
3.3. <u>Normative Contestation, Syria and the UNSC</u>	30
4. <u>Methodology</u>	32
4.1. <u>Dataset</u>	32
4.2. <u>Information about Dataset</u>	34
4.3. <u>Methods</u>	35
4.4. <u>Organisation of Research</u>	36
4.5. <u>Limitations</u>	38
5. <u>Analysis</u>	41
5.1. <u>Narrativization Strategies</u>	41
5.2. <u>Moralistic vs Legalistic Rhetorical Practices</u>	57
5.3. <u>The Importance of UNSC Legitimacy</u>	67
6. <u>Conclusion</u>	74
<u>Bibliography</u>	78

Unprovoked and distorted attacks against the solemn position of other members represent a very irresponsible action... In and of itself, that serves as a good example of how certain countries are using rhetoric as a means of last resort and with ulterior motives.¹

¹ Permanent Representative of China to the United Nations, S/PV.7893, 28 February 2017

1 - Introduction

For the past two decades the study of international norms and normative change has been a prominent feature of the constructivist scholarship. Initially the research sought to show why norms matter and largely ignored processes of change and contestation.² However, in recent years the inherently contested nature of norms has started to receive more attention and recent works seek to explain how and why norms change,³ theories of normative contestation,⁴ who is contesting norms,⁵ what roles actors play when contesting norms,⁶ and even what tools are used by actors to contest norms.⁷ What is particularly striking about much of the literature is the absence of another key concept, that of legitimacy, which ought to be central to the study of normative change, since it allows one to understand why changes within a normative community are accepted. Whilst a number of scholars recognise the importance of legitimacy in the study of norms, most notably Finnemore and Sikkink who drove the study of norms into mainstream IR theory,⁸ there is far less research which seeks to explain how actors rely on legitimacy to drive normative change. The present thesis seeks to re-emphasise the concept of legitimacy in the study of normative change by highlighting the rhetorical techniques and patterns of behaviour used by actors when contesting norms. Using empirical analysis, the discourse of the five permanent members (P5) of the UN Security Council (UNSC) will be explored to reveal the tactical practices used by actors to legitimise their words, persuade others and shape the normative conversation. The following research

² Finnemore, M., *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca, NY: Cornell University Press, 2003); Risse, T. and others (ed), *The Power of Human Rights: International Norms and Domestic Change* (New York: Cambridge University Press, 1999); Finnemore, M. and Sikkink, K., 'International Norm Dynamics and Political Change', Vol. 52 (4) (1998) *International Organization* 887 – 917; Björkdahl, A. 'Norms in International Relations: Some Conceptual and Methodological Reflections' Vol. 15 (1) (2002) *Cambridge Review of International Affairs* 9 – 23

³ Keck, M. and Sikkink, K., *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998); Sandholtz, W. and Stiles, K., *International Norms and Cycles of Change* (New York: Oxford University Press, 2008); Van Kersbergen, K. and Verbeek, B., 'The Politics of International Norms: Subsidiarity and the Imperfect Competence Regime of the European Union', Vol. 13 (2) (2007) *European Journal of International Relations* 217 – 238

⁴ Wiener, A., *A Theory of Contestation* (Berlin: Springer Berlin Heidelberg, 2014)

⁵ Wiener, A., *Contestation and Constitution of Norms in Global International Relations* (New York: Cambridge University Press, 2018); Jones, C., *China's Challenge to Liberal Norms: The Durability of International Order* (London: Palgrave Macmillan UK, 2018)

⁶ Bloomfield, A., 'Norm entrepreneurs and theorising resistance to normative change', Vol. 42 (2) (2016) *Review of International Studies* 310 – 333

⁷ Booth Walling, C., *All Necessary Measures: The United Nations and Humanitarian Intervention* (Philadelphia: University of Pennsylvania Press, 2013)

⁸ Finnemore, M. and Sikkink, K. op. cit. at note 2

questions, which focus on legitimisation practices and collective legitimacy judgements, will be explored:

1. How do actors legitimise themselves?
2. How do actors try to influence the legitimacy judgements of others?

In answering these questions, the study seeks to contribute to the growing body of literature on norms and normative change, both of which are of central importance to the theory of constructivism. Constructivism takes ‘a sociological perspective on world politics, emphasising the importance of normative as well as material structures, and the role of identity in the constitution of interests and action.’⁹ By highlighting the central role of legitimacy in the study of norms, the following thesis will contribute to the existing body of work in a new way. Few scholars include references to legitimacy in studies of normative change, despite the importance and centrality of the concept in the theory of constructivism. It is far more common for legitimacy to feature in studies of specific norms, for example Finnemore traced the historical development of justifications for the use of force and argued that over time, the effectiveness and profitability of using force depends more and more on its legitimacy.¹⁰ Much empirical research on normative contestation is heavily focused on the norms surrounding the use of force; recent scholarship focuses on the Libyan Conflict, the Syrian Civil War and the future of the Responsibility to Protect (R2P).¹¹ In much of this literature there is a recurring theme which emphasises the role of revisionist powers in the changing global order and highlights the contradictions between the norms of sovereignty and those of human rights.¹² Such studies, whilst providing a useful analysis of the changing

⁹ Price, R. and Reus-Smit, C., ‘Dangerous Liaisons? Constructivism and critical international theory’, Vol. 4 (3) (1998) *European Journal of International Relations* 259 – 294

¹⁰ Finnemore, M. *op. cit.* at note 2

¹¹ Averre, D. and Davies, L., ‘Russia, Humanitarian Intervention and the Responsibility to Protect: the case of Syria’, Vol. 91 (4) (2015) *International Affairs* 813 – 834; Coen, A., ‘R2P, Global Governance, and the Syrian Refugee Crisis’, Vol. 19 (8) (2015) *The International Journal of Human Rights* 1044 – 1058; Ralph, J. and Souter, J., ‘Is R2P a Fully-Fledged International Norm?’, Vol. 3 (4) (2015) *Politics and Governance* 68 – 71; Teimouri, H., ‘Protecting while not being responsible: the case of Syria and responsibility to protect’, Vol. 19 (8) (2015) *The International Journal of Human Rights* 1279 – 1289; Tocci, N., ‘On Power and Norms: Libya, Syria and the Responsibility to Protect’, Vol. 8 (1) (2016) *Global Responsibility to Protect* 51 – 75; Stahn, C., ‘Between law-breaking and Law-making: Syria, Humanitarian Intervention and ‘What the Law ought to be’’, Vol. 19 (1) (2014) *Journal of Conflict and Security Law* 25 – 48

¹² Fung, C., ‘Separating Intervention from Regime Change: China’s Diplomatic Innovations at the UN Security Council Regarding the Syria Crisis’, Vol. 235 (2018) *The China Quarterly* 693 – 712; Lombardo, G., ‘The Responsibility to Protect and the lack of intervention in Syria between the protection of human rights and geopolitical strategies’, Vol. 19 (8) (2015) *The International Journal of Human Rights* 1190 – 1198; Pieper, M., ‘‘Rising Power’ Status and the Evolution of International Order: Conceptualising Russia’s Syria Policies’, Vol. 71 (3) (2019) *Europe-Asia Studies* 365 – 387; Snetkov, A. and Lanteigne, M., ‘‘The Loud Dissenter and its

nature of the international environment, are predictable and fail to explain why these changes are happening. Questions such as how states present themselves in the international community, how they use language to justify their opinions and how they interact with one another in the processes of contestation are largely ignored.

By analysing the rhetorical practices and techniques used by actors to seek legitimation and thus implement change in the normative environment, this study aims to contribute to the field in a unique way. Two concepts of legitimacy will be incorporated into the study: legitimation practices and legitimacy judgements. With these concepts in mind, the discourse of the permanent members of the UNSC throughout the Syrian Civil War will be analysed. Previous empirical studies have already confirmed the existence of normative contestation and the uncertain nature of the future norms surrounding the use of force. Instead of repeating these studies, by analysing the same arguments used by actors to justify their actions, the analysis will focus on the rhetorical tips and tricks used by each actor to gain legitimacy and thus drive their own interpretation of a given norm into the conversation. The practice of framing will be deconstructed to reveal how actors frame their arguments and what tools they rely on to try and increase their own legitimacy or decrease the legitimacy of others. The research will take the study of normative contestation a step further by asking how actors use their position to influence change and shape the future path of the norms surrounding the use of force.

The study will proceed as follows: Chapter 2 will start by conceptualising both norms and normative contestation, before considering the development of the literature on normative contestation and how it fails to recognise the processes of legitimacy taking place. The concepts of legitimation practices and legitimacy judgements will then be introduced, followed by an analysis of the literature on legitimacy which demonstrates the importance of the concept and how it can help one to understand the behaviour of international actors. The final part of the chapter considers the literature that identifies some of the rhetorical practices used by actors to manipulate emotions and thus influence collective legitimacy judgements.

Cautious Partner' – Russia, China, global governance and humanitarian intervention', Vol. 15 (1) (2015) *International Relations of the Asia-Pacific* 113 – 146; Kanet, R., 'Russia and global governance: the challenge to the existing liberal order', Vol. 55 (2) (2018) *International Politics* 177 – 188; Erameh, N., 'Humanitarian Intervention, Syria and the politics of human rights protection', Vol. 21 (5) (2017) *The International Journal of Human Rights* 517 – 530; Odeyemi, C., 'Re-emerging Powers and the Impasse in the UNSC over R2P intervention in Syria', Vol. 40 (2) (2016) *Strategic Analysis* 122 – 149

Chapter 3 provides additional context which is necessary for understanding the dataset. This includes an analysis of the law surrounding the use of force, background to the Syrian conflict, and a summary of the literature which considers normative contestation in the UNSC throughout the Syrian conflict. Chapter 4 outlines the methodological framework used to collect, organise and analyse the data. It provides further information on the formal procedures of the UNSC and also considers any possible limitations of the study.

Chapter 5 is divided into three parts, each of which analyses one of the key findings of the study. The first part demonstrates how each actor has constructed a narrative which frames the issues in a way that prioritises their own interests. These narratives are legitimised using references to authority, morals, history and evidence of expertise. Such rhetorical practices are also used to (de)legitimise. The second part of the analysis, argues that UNSC activity is shaped by the rhetorical practices adopted by the members of the P5, which as a result of the power imbalance in the UNSC, are primarily western, and thus moralistic (as opposed to legalistic). The final part of the analysis argues that the approach adopted by each member of the P5 is defined by the way they view the UNSC and how much they rely on the organisation for international prestige. Finally, the thesis will conclude by revisiting the research questions and summarising the findings, both of which reaffirm the need to incorporate the concept of legitimacy into studies of normative contestation.

2 - Norms, Normative Contestation and Legitimacy

2.1 - Norms and Normative Contestation

2.1.1 - Conceptualising Norms and Normative Contestation

Within the field of constructivism, one of the prevailing definitions of a norm is ‘a standard of behaviour for actors with a given identity,’ as per Finnemore and Sikkink.¹³ If norms suggest appropriate ‘standards of behaviour’ for certain actors, those actors must share a common assessment or understanding of what that behaviour is. This understanding, or judgement, might signal approval if an actor adopts ‘norm-conforming behaviour’; disapproval if an actor displays ‘norm-breaking behaviour’; or if a norm has become so established in the community there might be no judgement whatsoever as the norm is now taken for granted.¹⁴ Katzenstein summarises this as ‘collective expectations for the proper behaviour of actors within a given identity.’¹⁵ It follows that, since norms prompt expectations, they also strengthen the likelihood of a norm being followed in the first place.¹⁶ Thus, actors are prompted to provide justifications for their actions so as to prove that they are adopting norm-conforming behaviour. These justifications demonstrate the existence of norms and can be analysed to understand patterns of norm formation. It is important to recognise that norms are not purely subjective and idiosyncratic, as stressed by Björkdahl who highlights the importance of this justificatory discourse, or ‘rhetoric’, which itself proves the existence of shared norms.¹⁷ This shared quality of norms has presented a challenge to scholars seeking to understand normative contestation which led to disagreement within the scholarship on how to conceptualise contestation.

The first wave of literature on norms paid little attention to processes of normative contestation and instead presented theories to explain why norms matter at all. Finnemore and Sikkink noted that normative contestation was likely to take place when norms ‘emerge in a highly contested normative space where they must compete with other norms and perceptions of interest,’¹⁸ but their work remained largely silent on what contestation entailed. Normative

¹³ Finnemore, M. and Sikkink, K. *op. cit.* at note 2

¹⁴ *Ibid.*

¹⁵ Katzenstein, P. (ed), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996) Introduction

¹⁶ Onuf, N., ‘Everyday Ethics in International Relations’, Vol. 27 (3) (1998) *Millennium: Journal of International Studies* 669 – 693 as cited by Björkdahl, A. *op. cit.* at note 2

¹⁷ Björkdahl, A. *op. cit.* at note 2

¹⁸ Finnemore, M. and Sikkink, K. *op. cit.* at note 2

contestation was treated as ‘an obstacle rather than an inherent quality’¹⁹ and it was assumed that eventually socialisation of the norm would take place by other actors because they see it as ‘the right thing to do.’²⁰ The body of literature is criticised for implying that ‘‘enlightened’ western norm entrepreneurs ‘guided’ ‘unenlightened’ non-western norm followers,’²¹ who eventually saw sense and internalised the norm. Wiener termed these earlier studies ‘compliance studies’ because they assumed that actors were pressured or persuaded to comply with norms and become socialised into a normative community which they had no part in shaping.²²

Wiener’s approach to normative contestation marked a change from previous studies which she criticised for taking norms to be ontological facts. Instead, she maintains in her research, that norms are ‘inherently contested and therefore subject to change.’²³ She conceptualises normative contestation as ‘a social practice of objecting to or critically engaging in norms.’²⁴ Niemann and Schillinger argue that her conceptualisation of a contested norm presents a contradiction; they question how a norm can be both contested and shared at the same time. They conducted a grammatical reading of Wiener’s approach to norms and argue that, whilst she recognised that contestation is the starting point for understanding norms, the research still treats contestation as an anomaly and tends to ‘salvage the established understanding of norms as shared understanding.’²⁵ However, Niemann and Schillinger fail to consider the grammatical implications of the word contestation itself. ‘Contestation’ refers to the process of contesting or ‘the act of arguing or disagreeing about something.’²⁶ If an international norm is understood differently in various parts of the community, this does not equate to the norm being contested, it only becomes contested when an actor chooses to actively engage in a process of contestation by arguing or disagreeing with other actors in the community. It is important to stress that norms by nature are dynamic,

¹⁹ Niemann, H. and Schillinger, H., ‘Contestation ‘all the way down’? The grammar of contestation in norm research’, Vol. 43 (1) (2016) *Review of International Studies* 29 – 49

²⁰ Johnstone, I., ‘Security Council Deliberations: The Power of the Better Argument’, Vol. 14 (3) (2003) *European Journal of International Law* 437 – 480

²¹ Acharya, A., ‘The R2P and norm diffusion: Towards a framework of norm circulation’, Vol. 5 (4) (2013) *Global Responsibility to Protect* 466 – 479 as cited by Bloomfield, A. *op. cit.* at note 6

²² Wiener, A., ‘Contested Compliance: Interventions on the normative structure of world politics’, Vol. 10 (2) (2004) *European Journal of International Relations* 189 – 234 as cited by Bloomfield, A. *op. cit.* at note 6

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Niemann, H. and Schillinger, H. *op. cit.* at note X

²⁶ ‘Contestation’. *Cambridge Dictionary Online* <https://dictionary.cambridge.org/dictionary/english/contestation> accessed on 13th July 2020

Finnemore and Hollis summarise this well providing that ‘every time actors follow a norm, they interpret it. They have to decide what it means and what behaviour it requires in the particular context at hand. Each interpretation, each episode of conformity with a norm (or failure to conform) accretes: it adds to and shapes the collective expectations of the group about what behaviour is appropriate (or not).’²⁷ Niemann and Schillinger fail to recognise the fluidity of norms and instead suppose that an alternative understanding or interpretation of a norm is equal to the act of disagreeing with it. Thus, the present study rejects their findings and uses Wiener’s definition which accepts that normative contestation refers to the practice of engaging in normative discourse.

2.1.2 - Normative Contestation and influential theories

As previously mentioned, the first body of literature on norms sought to demonstrate the existence and importance of norms in the international system and paid little attention to processes of contestation. Finnemore and Sikkink introduced the role of ‘norm entrepreneurs’ and the scholarship followed suit,²⁸ remaining largely silent on the other roles played by actors in the international system. It was not until Bloomfield’s typology of roles that an emphasis was placed on the importance of analysing the other actors driving normative change.²⁹ His work highlights the fact that not all norms are accepted by a community and instead face resistance from ‘norm entrepreneurs’.³⁰ The study builds on the research of Bob who sought to correct the liberal bias in the normative literature and found that ‘actors in norm contestation processes couldn’t be easily distinguished from one another with reference to their favoured tactics and strategies.’³¹ This particular point is of central importance to the following thesis which seeks to analyse the range of techniques and practices adopted by actors who engage in normative discourse. Whilst the various practices used by each state under study will be compared and analysed, the purpose of the research is to understand how these actors use their position and shape the common understanding of what is deemed to be legitimate behaviour. The research seeks to avoid categorising actors based on their geographical location or political views and to instead find similarities and differences

²⁷ Finnemore, M. and Hollis, D., ‘Constructing Norms for Global Cybersecurity’, Vol. 110 (3) (2016) *The American Journal of International Law* 425 – 479

²⁸ Finnemore, M. and Sikkink, K. *op. cit.* at note 2

²⁹ Bloomfield, A. *op. cit.* at note 6

³⁰ *Ibid.*

³¹ Bob, C. *The Global Right Wing and the Clash of World Politics* (Cambridge: Cambridge University Press, 2012) as cited by Bloomfield, A. *op. cit.* at note 6

between each actor's approach to contesting norms. As Bob demonstrates in his research, the common assumption that western norm makers lead the way for non-western norm takers is biased. The assumption that 'the enlightened west' lead, whilst 'the rest' eagerly follow suit without voicing their own interests, is flawed. He proves that all actors are 'rival entrepreneurs' within warring networks who are often indistinguishable from one another.³²

Dichotomous divisions that suggest 'the west vs the rest' oversimplify the complex processes of normative contestation which typically involve a vast array of actors, each trying to make their own mark. Bloomfield argues that an actor can adopt any role when contesting norms, both sides 'typically coalition-build with a wide range of like-minded actors; they forum shop or create; they suborn members of the opposing coalition; and they engage in fierce *ad hominem* smear-attacks.'³³ He introduces the role of norm antipreneurs and creates a spectrum of the various roles an actor might adopt in processes of norm contestation. The spectrum ranges from norm entrepreneur to norm antipreneur and includes two additional roles which he calls the 'competitive entrepreneur' and 'creative register'.³⁴ By setting out the various roles an actor can adopt he highlighted the possible tactical and strategic practices which might serve as an advantage for each actor. For example, within the UNSC, the veto power assigned to the permanent five gives them considerable strategic advantages, this allows antipreneurs to block action and prevent precedents from accumulating.³⁵ The study marks a change from the typical classification of actors within studies of normative change and highlights the similarities between actors who engage in normative discourse. The following thesis also seeks to emphasise the fact that all five actors under study are in the same privileged position, as members of the UNSC, and are thus able to adopt any of the above roles. However, as the analysis will reveal, the processes of legitimacy will determine whether one actor has more or less success than another, when adopting certain practices. Whilst Bloomfield does provide a much-needed analysis of the possible tac-tics norm antipreneurs might employ, the research is silent on the process of legitimacy and how it plays a role in the contestation of norms.

³² *Ibid.*

³³ Bloomfield, A. *op. cit.* at note 6

³⁴ *Ibid.*

³⁵ *Ibid.*

Justificatory discourse can be analysed to determine both the existence of norms and the existence of contestation. If an actor seeks to convince others that their actions are norm-conforming they will justify those actions in conformance with the existing normative framework. In the following research study this process of justification falls into the first category of legitimacy, that of legitimation practices. Sandholtz and Stiles recognise this process of justification, ‘this is the world of normative discourse, where payoffs depend on making persuasive arguments fitting situations to norms and precedents.’³⁶ They comment on the lack of attention paid to normative contestation in the literature and developed a model which can be used to explain the importance of normative contestation at each stage of a norms existence. Their model highlights the cyclical nature of norms and links actions to disputes, disputes to arguments, and arguments to normative change.³⁷ The study is useful in that it acknowledges the processes of legitimation whilst also indicating a number of features which increase the likelihood of actor’s arguments being accepted. These include communicative power, whether the arguments are grounded in foundational norms, and whether there is precedent.³⁸ These features are useful for studying the rhetorical practices of actors seeking to legitimise their own actions and words. If an actor seeks to persuade others, then references to these foundational norms and existing precedent will of course strengthen their arguments and increase the chances of these actions being deemed as legitimate. The analysis section will thus revisit these features and determine how frequently such features are relied upon.

When an actor justifies their actions, they are seeking to persuade others to accept their actions as legitimate. Normative contestation cannot be understood without paying attention to these justificatory practices and subsequent legitimacy judgements. One of the few studies which explicitly mentions the key role played by legitimacy is Jones’ research on China’s challenge to liberal norms.³⁹ Her contribution is particularly relevant to the following study as she focuses on the processes by which norms can be changed, what roles actors might play in that process, what tools actors can use to create change and also whether certain factors make it easier or more difficult to implement change. But of central importance is the recognition of legitimacy as a tool for change:

³⁶ Sandholtz, W. and Stiles, K. *op. cit.* at note 3

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ Jones, C. *op. cit.* at note 5

*...by seeking to change the status of a norm as being legitimate and by changing the collective understanding of the group they thereby delegitimise an existing norm and legitimise a new norm.*⁴⁰

The study identifies three roles which can be adopted by states: norm entrepreneurship, persistent objection and ad hoc objection which seem to slightly simplify the possible roles an actor might adopt when contesting norms.⁴¹ The spectrum provided by Bloomfield better recognises the range of roles and the possibility of switching roles throughout processes of normative change. What is of greater interest are the tools discussed which can be used by actors to effectuate change. She lists the following tools: reinterpretation, which includes reframing existing debates and using legitimacy to change the accepted status quo; introducing new issues to existing contestations; and introducing new populations or creating new institutions, both of which seek to recruit like-minded actors to support existing debates.⁴² Out of the above tools only the first two relate to the rhetoric used by actors engaging in normative discourse, although existence of the second two can be seen in the UNSC meetings which discuss Syria as new actors are introduced to debates and new forums are created to discuss the same issues. Whilst Jones recognises that there is a role played by legitimacy, it does not feature in the work as a prominent part. The following study seeks to do this by emphasising the fact that each actor is constantly seeking legitimation whilst simultaneously trying to delegitimise others.

By engaging in justificatory discourse, actors adopt narratives which match their own understanding of the norms or explain why the norms do not currently fit their desired purpose. These narratives reflect an actor's interpretation of the relevant norms, framed in their own style, filled with emotions or at times even insults. The practice can be compared to storytelling, or perhaps even mythmaking, if the narrative is constructed to create the impression that something is not the way it seems to be on the surface. One of the few studies that have recognised the importance of these practices is Booth Walling's *All Necessary Measures: The United Nations and Humanitarian Intervention*,⁴³ which analyses the stories

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Booth Walling, C. *op. cit.* at note 7

and storytelling in the UNSC. She argues that it is only possible to understand why states engage in intervention by analysing these narratives and further demonstrates how discourse is constructed in the UNSC. By analysing the discourse from a number of conflicts, she identifies three types of stories which actors might tell. 1. Intentional – the conflict is characterised as one-sided, there is a clear victim and a perpetrator, forcible action more likely, 2. Inadvertent – the conflict is two-sided, termed as ‘moral equivalency’ because there are multiple parties involved, 3. Complex – the conflict is multifaceted and complex, factors beyond human control and thus unsolvable, forcible action unlikely.⁴⁴ The categories are useful in that they can help one to understand why intervention did or did not take place in a particular conflict.

In a review of her book, Hillebrecht applied the model to the Syrian Civil War, throughout which some actors in the UNSC have presented a narrative in which Assad is the clear perpetrator, whereas others claimed that Assad is on the defensive and is fighting against forces which threaten the sovereignty of the state.⁴⁵ As predicted by Booth Walling, if two narratives collide and actors in the UNSC do not share the same opinion, then the result will be inaction. This model carries far more weight than the wealth of scholarship that seeks to explain the lack of intervention in Syria by focusing solely on the contradiction of the norms surrounding the use of force and those of sovereignty. Whilst some scholars have accepted that the likelihood of humanitarian intervention ought to be considered on a case by case basis, there has been little effort to take a closer look at the discourse of each case and seek to explain what makes it successful or unsuccessful. For this reason, Booth Walling’s study is perhaps the most important for the following research and, as will be seen, can help one to understand why the UNSC has been unable to make substantial progress.

Whilst the contributions made by these studies are of significance, the processes of legitimacy have been largely ignored. By recognising the central role legitimacy plays in normative contestation, the following study will build upon these works and strengthen the collective understanding of normative contestation by highlighting the importance of discourse and the rhetorical practices adopted by actors who are seeking to influence the

⁴⁴ *Ibid.*

⁴⁵ Hillebrecht, C., ‘Review: Reshaping the Idea of Humanitarian Intervention: Norms, Causal Stories, and the Use of Force’, Vol. 36 (2) (2014) The Johns Hopkins University Press 488 – 492

normative conversation. The next section introduces the concept of legitimacy and outlines the relevant theories surrounding it.

2.2 - Legitimacy

2.2.1 - Conceptualising Legitimation Practices and Legitimacy Judgements

The current study accepts that ‘legitimacy is a social status that can adhere to an actor or an action: it involves being recognised as good, proper, or commendable by a group of others.’⁴⁶ This definition accepts that legitimacy can be applied to actions, not just actors, which is crucial for the following thesis. Previous definitions often exclude this possibility providing more simply that ‘legitimacy is the recognition of the right to govern;’⁴⁷ or ‘an actor’s normative belief that a rule or institution ought to be obeyed;’⁴⁸ or ‘a property of a rule or rule-making institution which itself exerts a pull toward compliance on those addressed...’⁴⁹ The concept of legitimacy is multifaceted and the multitude of definitions are not inaccurate as such, they simply do not suit the purposes of this study. The two types of legitimacy discussed here are interlinked; analysing the following quote by Finnemore and Sikkink allows one to dissect the two processes, ‘because norms by definition embody a quality of ‘oughtness’ and shared moral assessment, norms prompt justification for action and leave an extensive trail of communication...’⁵⁰ The ‘justification for action’ offered by actors refers to the practice of legitimating and the ‘shared moral assessment’ refers to legitimacy judgements.

The legitimation practices of actors are those steps or measures taken by them to justify their action. When an actor is seeking to legitimise an action, for example the use of force, they do not want a legal judgement on the appropriateness of using force and what the implications of it might be, they already know this. Instead they are seeking political reassurance that their action, namely military intervention, will be accepted by other actors

⁴⁶ Coleman, K., *International Organisations and Peace Enforcement: The Politics of International Legitimacy* (Cambridge: Cambridge University Press, 2007), Chapter 2

⁴⁷ Coicaud, J., *Legitimacy and Politics: A Contribution of the Study of Political Right and Political Responsibility*, (Cambridge: Cambridge University Press, 2002), Chapter 1

⁴⁸ Hurd, I., *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton, NJ: Princeton University Press, 2007)

⁴⁹ Franck, T., *The Power of Legitimacy among Nations* (New York: Oxford University Press, 1990) Chapter 1

⁵⁰ Finnemore, M. and Sikkink, K. *op. cit.* at note 2

without costly consequences.⁵¹ Thus that actor will spend time and resources seeking to convince other actors that their proposed action, or perhaps an act already committed, is worthy of the collective stamp of approval. Claude describes this as a burden, providing that ‘power holders are burdened, like other human beings, by the necessity of satisfying their own consciences... [they] require some basis for convincing themselves of the rightness of their position.’⁵² Within the international community this political judgement can be more weighty than a legal judgement, it is like a status which actors compete to obtain. Hurd writes extensively about legitimation practices and the role of symbols in international relations;⁵³ he recognised the symbolic power of institutions like the UNSC, and examined how ‘the legitimacy of an institution can be transferred to any other actor authorised to deploy its symbols.’⁵⁴ These types of practices, where actors use justifications and words to associate themselves with other legitimate things, are to be understood, in the following thesis, as legitimation practices.

International legitimacy judgements are the collective judgements that actors seek when engaging in legitimation. Coleman conceptualises international legitimacy judgements as ‘judgements of acceptability independent of legal strictures.’⁵⁵ If states conclude that an action violated existing practice, but that ‘the action merely applies the existing rule to new circumstances, they will be inclined to accept it as legitimate.’⁵⁶ Collective legitimacy judgements are political judgements, not legal ones, this distinction is crucial. Such judgements have ‘a political function, [are] sought for political reasons, exercised by political organs through the operation of a political process, and production of political results.’⁵⁷ Thus, to a certain extent, international legitimacy judgements are subjective evaluations of a given situation. They require ‘the interpretation of prevailing general rules in light of a specific situation,’⁵⁸ but are inevitably shaped by the subjective beliefs, cultural biases and even political orientation of a given actor. As illustrated above, legitimation practices and

⁵¹ Voeten, E., ‘The Political Origins of the UN Security Council’s Ability to Legitimize the Use of Force’, Vol. 59 (3) (2005) *International Organization* 527 – 557

⁵² Claude, I. ‘Collective Legitimation as a Political Function of the United Nations’, Vol. 20 (3) (1966) *International Organization* 367 – 379

⁵³ Hurd, I., ‘Legitimacy, Power and the Symbolic Life of the UN Security Council’, Vol. 8 (1) (2002) *Global Governance: A Review of Multilateralism and International Organisations* 35 – 51; Hurd, I., *op. cit.* at note 48

⁵⁴ *Ibid.*

⁵⁵ Coleman, K. *op. cit.* at note 46

⁵⁶ *Ibid.*

⁵⁷ Claude, I. *op. cit.* at note 52

⁵⁸ Coleman, K. *op. cit.* at note 46

legitimacy judgements are linked; actors seek to obtain approval from their peers by providing justifications for their actions, their peers then form a judgement which either accepts or rejects the action as legitimate. Further consideration of these concepts is possible by analysing their development in the literature.

2.2.2 - The Importance of Legitimacy

It is impossible to understand the workings of international law, norms and institutions without considering the practices of legitimacy and legitimation. The following section will demonstrate the importance of legitimacy by considering the following: why legitimacy matters, how justifications and symbols are used in legitimation practices, how the legitimacy of international law and international organisations can be appropriated, the gap between law and legitimacy in collective judgements and finally how legitimacy can demonstrate the strength of the international community.

Legitimacy helps one to understand why actors join international institutions and follow international rules. It is useful to remember that membership in an international organisation, like the UN, actually decreases state sovereignty. One is better able to understand why an actor might choose to sacrifice part of their sovereignty by analysing the benefits they receive in return, in particular the status of legitimacy. Claude highlights the role of legitimacy in the international system and argues that politics itself is not merely a struggle for power, but also a contest over legitimacy.⁵⁹ He further recognises the role of international organisations and most notably the UN as a ‘custodian’ or gatekeeper to collective legitimacy.⁶⁰ As previously discussed, actors or statesmen recognise the substantial gains involved in gaining legitimacy for their actions and thus put in substantial effort to gain access to that legitimacy.

Franck summarises this by comparing the rules of the international system to the house rules of a membership club:

⁵⁹ Claude, I. *op. cit.* at note 52

⁶⁰ *Ibid.*

*Membership in the club confers a desirable status, with socially recognised privileges and duties and it is the desire to be a member of the club, to benefit by the status of membership, that is the ultimate motivator of conformist behaviour... In short, it is the legitimacy of the rules which conduces to their being respected.*⁶¹

The comparison is useful in that it helps one to understand why states might choose to follow rules which they may not necessarily agree with. Members of the international community might be encouraged to comply with the rules because they want to be seen as responsible players, although this does not always mean that they want to be responsible players. States feel compelled to justify their actions, so as to avoid being labelled as rulebreakers, and will attempt to do so using appropriate grounds, other than national interests, so that the international community might recognise their actions as legitimate.⁶² It is recognised that this practice might ‘encourage behaviour based upon calculation of what the political situation will permit rather than consideration of what the principles of order require.’⁶³ Whether this is a positive development or not, it is a reality and reflects the challenges involved in developing rules and structures for a diverse international community that often does not share common goals and interests.

Actors seeking legitimacy will offer justifications for their actions and may even make efforts to associate their actions with pre-existing legitimate things, such as the UN or international law. In many cases, when a state offers justifications for its behaviour, it is because the state is aware of the likely reaction against that behaviour. Why would a state feel the need to justify behaviour that they know is legal and legitimate? A useful example to illustrate this process, cited by Finnemore and Sikkink,⁶⁴ are the US justifications offered to explain why the US felt compelled to continue using land mines in South Korea. Such behaviour demonstrates the recognition of the emerging norm against such land mines, without which there would be no reason to mention, explain or justify the use of land mines in Korea at all.⁶⁵ Another commonly cited example are the justifications offered by Bush before and after the intervention in Iraq. He spent considerable time and resources seeking

⁶¹ Franck, T. *op. cit.* at note 49, Chapter 2

⁶² Schachter, O., *International Law in Theory and Practice* (RdC, 1985), as cited by, Johnstone, I., *op. cit.* at note X

⁶³ Claude, I. *op. cit.* at note 52

⁶⁴ Finnemore, M. and Sikkink, K. *op. cit.* at note 2

⁶⁵ *Ibid.*

legitimacy for the intervention,⁶⁶ efforts which were largely unsuccessful as he failed to persuade a large proportion of the international community of the necessity to take such forceful action. If, however, the international community do accept these justifications, the actor will likely have provided a convincing case as to why their actions ought to be deemed legitimate. However, if the international community denounce the actions, the actor will likely suffer a loss of legitimacy, as did Bush following the intervention in Iraq.

International organisations and the symbols associated with them carry legitimacy that is desirable for actors to obtain or be associated with. Actors recognise that gaining access to a legitimate symbol can increase their own legitimacy; this might lead to their actions having a greater chance of being accepted by the international community, which in turn means that they have a greater opportunity to influence change. Hurd demonstrates how states compete to have access to the symbols associated with the UNSC which include: membership in the UNSC, setting the agenda for meetings and the label of UN peacekeeping.⁶⁷ The research is unique in that he recognises the almost trademark-like status of UN symbols which actors seek to be associated with. For example, he discusses Russia's involvement in Moldova and Tajikistan in the early 1990's, both of which started without UNSC approval.

The Russian army, in Moldova, painted their helmets blue and, in Tajikistan, their vehicles white in what he describes as 'a way to win local and international support for the idea that the mission was one of 'peacekeeping.''⁶⁸ This can also explain why Bush sought UNSC approval before conducting a military intervention in Iraq; this process has often been compared to laundering money.⁶⁹ An actor knows that the desired act, committed alone, is likely to generate disapproval from the international community, but when run through an international organisation it generates a 'vener of multilateralism,'⁷⁰ and thus decreases the political costs which would result from acting alone. Hurd describes the use of these symbols and institutions as a 'fig leaf' because they hide the true intentions of a state, instead emphasising either their 'peacekeeping efforts' or even the 'multilateral nature' of their

⁶⁶ Ginty, R., 'Post-Legitimacy and post-legitimation: a convergence of Western and non-Western intervention', Vol 19 (3) (2019) *Conflict, Security and Development* 251 – 255

⁶⁷ Hurd, I. *op. cit.* at note 48

⁶⁸ In official UN peacekeeping missions, the peacekeepers have white vans and blue helmets. *Ibid.*

⁶⁹ Abbott, K and Snidal, D., 'Why States act through Formal International Organisations', Vol. 42 (1) (1998) *Journal of Conflict Resolution* 3 – 32; Hurd, I. *op. cit.* at note 48

⁷⁰ Coleman, K. *op. cit.* at note 46

actions.⁷¹ Whether such efforts to conceal inappropriate actions are successful, lies in the hands of the international community who express their judgement.

The desire to be associated with the correct interpretation and application of international law provides more evidence of attempts by actors to increase their own legitimacy or even attempt to delegitimise others. Despite the fact that the UNSC is a political forum, members acting inside the UNSC engage in legal argumentation. The fact that the UNSC has delivered verdicts, which are traditionally left to the decision of a court, has at times caused controversy. For example, sanctions are applied to governments or individuals without providing those targeted with the right to a fair trial or the presumption of innocence, the principle that one is innocent until proven guilty.⁷² Hurd demonstrates that the UNSC sanctions targeted against Libya in the 1990s were challenged, thus questioning the legitimacy of the sanctions themselves and even threatening the legitimacy of the UN.⁷³ The research highlighted the successful attempt made by Libya to reframe the existing rules and norms of the international community so as to undermine the legitimacy of the sanctions regime and prove that the sponsors of the sanctions had acted illegitimately.⁷⁴ The study illustrates how each actor frames the dispute and highlights the subjective nature of the rules themselves. It also provides evidence of the storytelling actors engage in when seeking to win the support and perhaps even sympathy of others.

Another study published, which is of particular interest, is Deplano's book titled *The Strategic Use of International Law by the United Nations Security Council*.⁷⁵ She recognises that the majority of UNSC resolutions address issues in Africa and the Middle East and sought to study the selection bias of UNSC actions. She assumed that the more international instruments are cited in a resolution, the more unbiased the resolution. However, the results of her study proved the exact opposite. She found that the resolutions concerning Africa actually contained more references to international law, which suggests that states might utilise international law as a 'justification for perpetuating the selection bias'.⁷⁶ The study

⁷¹ Hurd, I. *op. cit.* at note 48

⁷² Johnstone, I. 'Legislation and Adjudication in the UN Security Council: Bringing down the Deliberative Deficit', Vol. 102 (2) (2008) *American Journal of International Law* 275 – 308

⁷³ Hurd, I. *op. cit.* at note 48

⁷⁴ *Ibid.*

⁷⁵ Deplano, R., *The Strategic Use of International Law by the United Nations Security Council* (Cham: Springer International Publishing, 2015)

⁷⁶ *Ibid.*

sheds light on how members of the UNSC might justify their own behaviour by connecting that behaviour to existing law and principles which already hold legitimacy.

The fact that legitimacy judgements are political judgements, not legal ones, creates a tension between law and legitimacy which inevitably causes problems within the international community. Recent years have seen the gap between law and legitimacy widen with the first notable case being that of Kosovo in the late 1990s, whereby the military intervention led by NATO was deemed (by some) to be illegal but legitimate. The UNSC and the scholarly community remain divided over the crisis which has created an uncomfortable precedent and continues to challenge the international community. Finnemore provides that such disagreements over the use of force are in fact the norm, not the exception, and are ‘best understood as disagreements within a multilateral framework, not rejection of it.’⁷⁷ These disagreements do not necessarily mean that the international system is not functioning, or that the norms themselves are doomed to fail. Johnstone argues that the ‘variegated nature’ of the arguments and justifications posed following the Kosovo crisis highlight the strength of the international system and can be interpreted as indirect evidence of an interpretive community associated with UNSC practice.⁷⁸ As previously discussed, these justifications and arguments presented by states, demonstrate the existence of norms and the inevitable feature of contestation which they embody. In relation to the Kosovo crisis:

*...the mere fact that legal arguments were advanced by all members, including the most powerful, suggests that the normative framework provided by the Charter and subsequent developments is sufficiently robust to warrant an effort to justify positions on legal grounds.*⁷⁹

Such a reading of the Kosovo case allows one to appreciate the existence and strength of the international rules and emphasises the crucial role of the UNSC as ‘a principal forum for seeking consensus on bitterly contested norms,’⁸⁰ or in the words of Claude, as the guardian of collective legitimacy.

⁷⁷ Finnemore, M. ‘Fights about rules: The Role of Efficacy and Power in Changing Multilateralism’, Vol. 31 (2005) *Review of International Studies* 187 – 206

⁷⁸ Johnstone, I. (2003) *op. cit.* at note X

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

Evidence of justificatory discourse and contestation amongst actors arguing over the correct course of action proves the existence of a normative community and demonstrates that multiple actors are interested in engaging with that community. One might argue that cases like Kosovo and Iraq, both instances of intervention without a UNSC mandate, hardly proved the strength of the rules which are supposed to prevent the use of force being used outside the framework of the UN Charter. However, despite the fact that both interventions went ahead, the failure to win support from the UNSC in advance significantly increased both the military and diplomatic cost of each intervention.⁸¹ Howard and Dayal take this even further by arguing that the Kosovo intervention actually changed China's approach to peacekeeping within the UNSC.⁸² Before Kosovo, China generally refrained from peacekeeping votes preferring to abstain, however, in 1999 China started to support more resolutions which authorised UN peacekeeping missions. They explained this change in tack by arguing that being side-lined by NATO hurt China's status as a power in the UNSC and so, in order to ensure the UNSC remained at the centre of decisions surrounding the use of force, they shifted their stance and started to work with the other permanent members.⁸³ Whilst controversial interventions challenge the normative community, they certainly do not disprove the existence of the community.

The above examples illustrate the importance of legitimacy in cases which challenge the existing norms surrounding the use of force. Whilst an actor might obtain support for one action which oversteps the mark, the likelihood of effectuating long-term normative change is limited by the subjective response of the community who choose whether to accept or reject this new interpretation. Within the international community actors have access to different forums, networks and even rules which they can appropriate to gain legitimacy and implement change. Linking the concept of normative contestation to that of legitimacy allows one to understand the rhetorical tricks and techniques used by actors within these forums to strengthen their claims to legitimacy and effectuate normative change.

⁸¹ Hurd, I. *op. cit.* at note 48

⁸² Howard, L. and Dayal, A. 'The Use of Force in UN Peacekeeping', Vol. 72 (1) (2018) *International Organisation* 71 – 103

⁸³ *Ibid.*

2.2.3 - Rhetoric, Emotions and Legitimation strategies

The rhetorical strategies used by actors when contesting norms have received little attention in the literature on norms. However, the literature on power and organizations does recognise the role played by discursive practices and thus will be briefly considered. It is now understood that actors in organizations carry out legitimacy work, defined by Lefsrud, Graves and Phillips as ‘purposeful activity to shape others’ evaluation of something as ‘desirable, proper or appropriate,’⁸⁴ which ‘involves attempts at persuasion in order to influence an individual’s beliefs, attitudes, or behaviours.’⁸⁵ In the current study, legitimacy work falls into the category of legitimation practices. A number of studies which explore legitimacy work are of particular interest and relevance, each of which will be briefly outlined.

Early studies on legitimacy work focused on the discourse of actors and sought to identify the different legitimation strategies they rely on. Vaara, Tienari and Laurila conducted a study which sought to uncover how certain processes of organizational phenomena or change are legitimated in society.⁸⁶ Whilst the subject of the study is of less relevance (they analysed the media coverage of a pulp and paper merger), the discursive legitimation strategies which were identified are of interest. The five legitimating strategies are: 1) normalization – references to normal behaviour, 2) authorization – references to authority, 3) rationalization – reference to the utility or function of action, 4) moralization – references to specific values, 5) narrativization – telling a story, often dramatizing.⁸⁷ As will be seen in the analysis section, these strategies are useful for categorising types of discourse used by actors. Another similar study by Suddaby and Greenwood underlines the importance of distinguishing between discourse and rhetoric. Rhetorical strategies are defined as ‘the deliberate use of persuasive language to legitimate or resist an innovation by constructing congruence or incongruence among attitudes of the innovation,’⁸⁸ the emphasis being on persuasion. They identify five theorizations of change, understood as linguistic devices used by actors to manipulate an innovation. These are: ontological, historical, teleological,

⁸⁴ Lefsrud, L. and others, ‘Giant Toxic Lakes you can See from Space’: A Theory of Multimodal Messages and Emotion in Legitimacy work’, Vol. 41 (8) (2020) *Organization Studies* 1055 – 1078

⁸⁵ Huy, Q. ‘Emotions in strategic organization: Opportunities for impactful research’, Vol. 10 (3) (2012) *Strategic Organization* 240 – 247 as cited by, *Ibid.*

⁸⁶ Vaara, E. and others, ‘Pulp and Paper Fiction: On the Discursive Legitimation of Global Industrial Restructuring’, Vol. 27 (6) (2006) *Organization Studies* 789 – 810

⁸⁷ *Ibid.*

⁸⁸ Suddaby, R. and Greenwood, R. ‘Rhetorical Strategies of Legitimacy’, Vol. 50 (1) (2016) *Administrative science quarterly* 25 – 67

cosmological and value-based.⁸⁹ Out of these, just two are of relevance to the current study, historical and value-based practices, both of which appeal to tradition and morals.

When analysing discursive practices, the study of emotions and how actors seek to influence others by manipulating their emotions has received far less attention. The influence of emotions on normative power was only recently recognised in a study conducted by Moisander, Hirsto and Fahy which explored the relationship between power and emotions in institutional work.⁹⁰ Three rhetorical strategies were identified which can be used to fuel, enable and constrain action by manipulating the emotions which underpin legitimacy judgements.⁹¹ These strategies are: 1) eclipsing emotions – stifling resistance by rendering legitimacy concerns insignificant, 2) diverting emotions – invalidating emotion-based moral concerns, 3) invoking emotions – mobilising emotions with ethnical reasoning.⁹² This study is unique in that it recognises the role played by emotions in legitimacy judgements and normative discourse, highlighting the ways in which an actor might manipulate the emotions of others. The authors differentiate between two types of emotions: moral emotions, such as pride and shame, and affective emotions, such as love, hate, trust and respect.⁹³ As will be seen in the analysis section, the P5 make use of such rhetorical techniques which manipulate the emotions of their audience, an audience which also happens to be the guardian of collective legitimacy.

⁸⁹ *Ibid.*

⁹⁰ Moisander, J. and others, 'Emotions in Institutional Work: A Discursive Perspective', Vol. 37 (7) (2016) 963 - 990

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

3 - The Use of Force, Syria and Normative Contestation

3.1 - The Use of Force: The UN Charter and Customary International Law

The use of force in the international system is regulated by both treaty law and customary international law and is based on the legal norm which prohibits the threat or use of force. Whilst the principle itself is a norm, it is considered to be of fundamental importance and accepted as a peremptory norm or *jus cogens*.⁹⁴ The principle is codified in the UN Charter under Art 2(4) which prohibits the threat or use of force against the territorial integrity or political independence of another state.⁹⁵ Within the Charter, there are only two legally recognised exceptions, both of which can be found in Chapter VII of the UN Charter. The first is found in Article 42 which provides that the UNSC can ‘authorise the use of force where the existence of a threat to international peace and security has been determined.’⁹⁶ The second exception is Article 51 which provides that ‘nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the UN.’⁹⁷

Regulating the use of force has always proved to be a challenge for the international community and is further complicated by the principle of non-intervention. Intervention is one of the most disputed words within the international community, in the words of Hafner, ‘Hardly any other expression used in international law is as vague, blurred, controversial and disputed as the term ‘intervention.’⁹⁸ In legal discourse, intervention is understood as military action which is not requested or approved by state authorities, the focus being on the consent.⁹⁹ By contrast, in political discourse, intervention can refer to the act of influencing another state’s domestic political balance.¹⁰⁰ Thus one can see the difficulties involved in applying these principles.

⁹⁴ ‘*Jus cogens* (or *ius cogens*) is a latin phrase that literally means “compelling law.” It designates norms from which no derogation is permitted by way of particular agreements.’ Oxford Bibliographies, <https://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0124.xml> accessed on 2nd July 2020

⁹⁵ United Nations, *Charter of the United Nations*, 24 October 1945, Art 2(4)

⁹⁶ United Nations, *Charter of the United Nations*, 24 October 1945, Art 42

⁹⁷ United Nations, *Charter of the United Nations*, 24 October 1945, Art 51

⁹⁸ Hafner, G. Sub-group on Intervention by Invitation, Preliminary Report, 26 July 2007, *Yearbook of the Institute of International Law*, Santiago Session 226, as cited by Jamnejad, M. and Wood, M., ‘The Principle of Non-Intervention’, Vol. 22 (2) (2009) *Leiden Journal of International Law* 345 – 381

⁹⁹ Macfarlane, S., *Intervention in Contemporary World Politics* (New York: Oxford University Press, 2002)

Chapter 1

¹⁰⁰ *Ibid.*

The UN Charter is an international treaty and thus the above articles are, without a doubt, part of international law. However, the interpretation of the articles and of what constitutes a ‘threat to international peace and security’ is not set out in writing, which means the application of these articles are subject to interpretation and thus constantly susceptible to change. The ‘rules’ used by states to apply these articles are customary law. Customary international law can be understood as norms which ‘emanate from state practice founded in *opinio juris*, in other words from regular patterns of behaviour that states believe to be enjoined by law.’¹⁰¹ It is important to distinguish international law from national law, the latter of which can be enforced through the legal system of a state. By contrast, international law is not enforceable as such; there is not an institution which has the power to compel states to act in line with international law. It is thus impossible to understand the workings of international law and the UNSC without considering the practices of legitimacy and legitimation. International legitimacy judgements reflect a common understanding of the rules and contribute to the development of new and existing ones. The difference between a successful and an unsuccessful attempt to change customary international law by precedent is therefore not found in the legality of the action but in its acceptance among other states – in other words its legitimacy.’¹⁰²

The subsequent development of humanitarian intervention and the R2P concept have inevitably caused tensions within the international community as states attempt to reshape the boundaries of acceptable behaviour surrounding intervention. Since the end of the Cold War the threshold for establishing threats to international peace and security has been lowered to include instances of human suffering, the overthrow of a democratic government, state failure, refugee movements and ethnic cleansing.¹⁰³ Most of which are classified under humanitarian intervention, a concept which appeared in the 19th Century and refers to a military intervention, justified by the protection of ‘humanitarian standards.’¹⁰⁴ A second concept, which appeared in response to the failures of humanitarian intervention and in the aftermath of the Rwandan genocide and Kosovo killings, is called the R2P. The intervention

¹⁰¹ Coleman, K. *op. cit.* at note 46

¹⁰² *Ibid.*

¹⁰³ Bellamy, A. and Wheeler, N., ‘Humanitarian Intervention in World Politics’, in Baylis, J. and others (ed), *The Globalization of World Politics: An Introduction to International Relations*, 7th edition (New York: Oxford University Press, 2017)

¹⁰⁴ Klose, F. ‘The emergence of humanitarian intervention: three centuries of ‘enforcing humanity’’, in Klose, F. (eds) *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present* (Cambridge: Cambridge University Press, 2015)

in Libya and subsequent deadlock over Syria has caused many to question the future of the R2P.

3.2 - The Syrian Civil War

In 2011, in the wake of the Arab Spring which toppled Tunisia and Egypt's presidents, protests started with the hope of bringing the Arab Spring into Syria. Protests initially erupted in response to the treatment of 15 boys who were tortured for graffiti which showed support to the Arab Spring.¹⁰⁵ Protestors calling for reform were brutally suppressed by the government and by 2012 confrontations had escalated between the Assad government and various opposition groups. The conflict has attracted a wealth of foreign actors that include the US, Saudi Arabia, Qatar and Turkey who support opposition groups, and Iran and Russia who support the Syrian government.¹⁰⁶ The terrorist group ISIS flourished as the conflict went on and in 2015 the US, the UK and France with support from regional partners including Turkey and Saudi Arabia 'expanded their air campaign in Iraq to include Syria.'¹⁰⁷ Russia also in 2015, upon invitation from the Syrian government, started to conduct airstrikes in response to the threat of terrorism. Later in 2017, the US took direct military action against the Syrian government providing few, if any, legal justifications. The situation on the ground is far more complicated than the above summary and includes a number of other actors causing many to label the conflict as a playground of proxy wars, most notably between the US and Russia although recent developments have put Russia and Turkey into an equally compromising position. Throughout the conflict more than 470,000 people have died, an estimated 5.6 million have fled Syria and a further 6 million are internally displaced inside Syria.¹⁰⁸

¹⁰⁵ Al Jazeera, 'Syria's War explained from the beginning' (Al Jazeera, 2018) at <https://www.aljazeera.com/news/2016/05/syria-civil-war-explained-160505084119966.html> accessed on 15th July 2020

¹⁰⁶ Scharf, M. and others, *The Syrian Conflict's Impact on International Law* (Cambridge: Cambridge University Press, 2020) Chapter 2

¹⁰⁷ Council on Foreign Relations, 'Civil War in Syria' (CFR, 2020) at <https://www.cfr.org/global-conflict-tracker/conflict/civil-war-syria> accessed on 15th July 2020

¹⁰⁸ Ibid.

3.3 - Normative Contestation, Syria and the UNSC

It is not possible to assess the situation in Syria without first taking into consideration the NATO intervention in Libya which occurred shortly before the conflict in Syria was tabled on the UNSC's agenda. In 2011, Resolution 1973/2011, which authorised a no-fly zone over Libya, marked the first time the UNSC had authorised the use of force for humanitarian purposes against the wishes of a functioning state. A number of UNSC members were hesitant about passing the resolution: Germany noted concerns about being drawn into a region-wide conflict, India shared similar concerns to Russia with regard to the lack of clarity over the enforcement of the measures, Brazil expressed concerns that the resolution could result in more harm than good and China noted that all of these questions and concerns had not been clarified.¹⁰⁹ However, despite these reservations they chose to abstain from voting, instead of casting a veto which would have blocked the resolution from being adopted, likely due to the severity of the escalating crisis in Libya. The manner in which the resolution was implemented, which saw a shift from the protection of civilians to supporting rebel opposition groups and regime change, has led members of the UNSC to remain cautious of both western-led interventions and the R2P concept itself which became associated with regime change.

When the situation in Syria was first brought to the UNSC in 2011 the NATO intervention had just started in Libya. Even prior to the capture and killing of Gaddafi, both China and Russia were cynical of the NATO intervention which, in their eyes, overstepped the provisions of Resolution 1973/2011. Throughout the conflict the permanent five members of the UNSC have been unable to pass a resolution which enables forceful, decisive multilateral action. It is recognised that the situation in Syria is a threat to international peace and security, the problem stems from different beliefs amongst the P5 as to how this problem should be addressed. The perceived failure of some states, to even recognise the Syrian government from the start of the conflict, gave China and Russia reasons to be paranoid about the application of R2P, which could be abused, as in Libya, to effectuate regime change. These concerns were voiced by casting vetoes and criticising proposed resolutions for failing to adhere to the principles of neutrality and impartiality.

¹⁰⁹ UNSC, S/PV.6498, 17th March 2011

As previously mentioned, a number of scholars have already used Syria as a case study to analyse the changing path of the rules and to highlight how various actors are trying to make their own contribution. Tocci demonstrates that ‘all major international actors contributed to the ongoing normative conversation about how and when to respond to mass atrocities’ in response to the crises in Libya and Syria;¹¹⁰ Ralph and Gifkins compare the number of successful resolutions related to Syria before and after a change of penholder, highlighting the tensions amongst the P5;¹¹¹ Odeyemi argues that the BRICS countries are an important condition for the success of the R2P concept;¹¹² and Fung writes exclusively about China’s influence throughout the conflict and how China is engaging in normative contestation.¹¹³ There are plenty of other scholarly articles which discuss similar questions in Syria,¹¹⁴ thus the following thesis will not focus on whether or not there is normative contestation in Syria. That is already a given. The focus will be on how actors use their rhetoric to influence change and to justify their own actions and thus gain legitimacy. By analysing the discourse for persuasive techniques and devices used by states, instead of searching for the existence of normative contestation and attempting to predict the future of those norms, the research will contribute to the field in a new way. By analysing the different actor’s approaches to normative contestation and how they seek legitimacy within the UNSC it will be possible to better understand the means used by actors to effectuate normative change.

¹¹⁰ Tocci, N. *op. cit.* at note 11

¹¹¹ Ralph, J. and Gifkins, J. ‘The Purpose of UNSC Practice: Contesting Competence Claims in the Normative Context Created by the Responsibility to Protect’, Vol. 23 (3) (2017) *European Journal of International Relations* 630 – 653

¹¹² Odeyemi, C. *op. cit.* at note 12

¹¹³ Fung, C. *op. cit.* at note 12

¹¹⁴ Allison, R., ‘Russia and Syria: explaining alignment with a regime in crisis’, Vol. 89 (4) (2013) *International Affairs* 795 – 823; Stahn, C. *op. cit.* at note 11; Scharf, M. and others, *op. cit.* at note 107; Morris, J., ‘Libya and Syria: R2P and the spectre of the swinging pendulum’, Vol. 89 (5) (2013) *International Affairs* 1265 – 1283

4 - Methodology

This study seeks to re-emphasise the importance of legitimacy when studying normative contestation. The rhetorical techniques and patterns of behaviour used by actors seeking to gain legitimacy for their proposed actions was the focus of the research. Using empirical analysis, the discourse of the five permanent members of the UNSC was explored to reveal the tactical practices used by actors to legitimise their words, persuade others and shape the normative conversation. The following research questions were explored:

1. How do actors legitimise themselves?
2. How do actors try to influence the legitimacy judgements of others?

In order to answer these questions, I conducted a small-n comparative study of the five permanent members of the UNSC. Using inductive coding and discourse analysis, I analysed ten years of UNSC meeting records which discuss the Syrian civil war. The following chapter outlines this process by detailing: why this dataset was chosen for the following study, what information is required to understand this dataset, the methods chosen for collecting research, how the research was organised and finally whether there are any limitations of this study.

4.1 - Dataset

The UNSC is particularly well-suited to this study because members of the organisation regularly contest norms and their application in the course of its work. International norms are formed, shaped and debated in international organisations which makes them a suitable place for studying normative contestation. The UNSC has primary responsibility for maintaining international peace and security which, as previously discussed, involves interpreting some of the most contested norms of the international community. These norms are the prohibition of the use of force and the principle of non-intervention, the interpretation and application of which have always been a challenge for the international community. Furthermore, as highlighted by Claude, the organisation has evolved and adopted the function of collective political legitimisation, the significance of which is recognised by states and statesmen alike.¹¹⁵

¹¹⁵ Claude, I. *op. cit.* at note 52

The UNSC meeting records, which are recorded verbatim and made accessible online in English, provide an accurate record of each discussion which is necessary for discourse analysis. A common criticism of the UNSC is the lack of transparency because most of the negotiations take place away from the Chamber in meetings which are not recorded or made publicly available. The official meetings are usually comprised of pre-prepared speeches which have already been discussed behind closed doors. The orchestrated nature of UNSC meetings actually makes the data more interesting for this study as the pre-written speeches, edited and approved by the relevant foreign ministries or even state leaders, demonstrate the official position taken by a country on a particular issue. The speeches made by each member reflect the public position taken by each state and illustrate how each member would like the international community to view it. The pre-determined position presented by each actor allows for a polished overview of that actor's opinion which is appropriately framed in their own understanding of the situation. This is desirable for the following thesis which seeks to uncover the rhetorical devices each actor uses to express their position on a given norm.

The five permanent members of the UNSC are suitable research subjects because they each have the same amount of experience in the organisation and are familiar with its procedure and corporate behaviour. The composition of the UNSC, and in particular its permanent membership, is subject to much criticism for failing to accurately represent the international community. Aside from having the privilege of veto rights, they have an advantage over the non-permanent members because they know how the council functions, what is permissible, what is not permissible, and they have far more experience drafting speeches, resolutions and taking up the presidency. For the purposes of this study this makes them perfect research subjects since they are all aware of the corporate culture of the UNSC and have a shared understanding of what takes place during meetings. The particular approach each of them might take within the UNSC, whilst being guided by the formal rules of procedure, is of course influenced by the cultural norms of the state in question. But the one uniting feature, that of permanent membership, is what makes the study between these actors appropriate. Aside from this they do not share the same language, history, culture, ideology, foreign policy, etc. These factors will inevitably influence the research and might even shed some light on why each actor adopts certain rhetoric in challenging situations.

The Syrian Civil War is a suitable case study because it has lasted for over ten years and throughout this time the permanent members have, more often than not, failed to reach a

consensus. As previously mentioned, the conflict first appeared in the UNSC in April 2011 and continues to be discussed today. Throughout the ten years the frequency of meetings which discuss Syria increased, yet progress within the UNSC remains limited. The ten years of meeting records which capture these encounters provide a useful resource for studying normative contestation. It is necessary to select a large sample of data so that patterns in behaviour and repeated actions can be recognised. The reason for choosing data which relates to such a serious conflict is because the purpose of the research is to capture the techniques used by actors to legitimise when they are contesting norms, thus it would be counterproductive to include additional meeting records which do not present a challenge to the UNSC. Because of the large amount of data between April 2011 and March 2020, every other month was used for the research. This provided a random sample of the dataset which also reflected the changing practices of the actors throughout the ten years.

4.2 - Information about Dataset

Before analysing the text, it was necessary to understand the rules of procedure which guide the format for each meeting. The Provisional Rules of Procedure establish the working practices of the UNSC and detail the working methods that govern the meetings; it includes guidelines for the agenda, the conduct of business, the presidency, the participation of others, etc. The Provisional Rules have been amended on a number of occasions and the most recent version, found in Presidential Note 507 (S/2017/507)¹¹⁶, contains an exhaustive account of the updated practices. A number of articles are worth being mentioned as they contain important procedural points. Article 22 provides that participants are to deliver their statements in five minutes or less,¹¹⁷ this rule applies to both members and non-members and encourages members to express their opinions in a succinct way. Articles 49 and 50 encourage interaction by suggesting speakers ‘direct their questions not only to the Secretariat, but also to other members,’¹¹⁸ and to ‘not discourage each other from taking the floor more than once.’¹¹⁹ Thus, when considering issues, the interaction between members is encouraged.

¹¹⁶ United Nations Security Council, Note by the President of the Security Council (30 August 2017, S/2017/507) at https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2017_507.pdf

¹¹⁷ *Ibid.* at Art 22

¹¹⁸ *Ibid.* at Art 49

¹¹⁹ *Ibid.* at Art 50

It is also worth mentioning that, as per Article 27 of the UN Charter, each member of the UNSC is entitled to one vote. For decisions to be passed on procedural matters there need to be nine affirmative votes, and for all other decisions there must be nine affirmative votes including the votes of all five permanent members. The final consideration refers to the minutes of the meetings. Each member of the UNSC is encouraged to submit, to the Secretariat, texts of their statement to facilitate the preparation of verbatim records.¹²⁰ The verbatim record is provided to each member of the UNSC one day after the meeting for approval by each participating member; members are encouraged to submit corrections to the Secretariat if there are any mistakes.

4.3 - Methods

Before collecting my data, I carried out an extensive review of the literature which covered the study of norms in social constructivism, legitimacy in international relations and law, emotions, international organisations and specifically the UNSC and the Syrian Civil War. Initially I was interested in the justifications for intervention offered by states and how they differed from one another. As I became more familiar with the field, I realised that there were countless articles which discussed the justifications for the use of force, most of which were linked to the development of humanitarian intervention and the R2P. I realised that, whilst these studies sought to shed light on the processes of normative change, by analysing how justifications changed and developed over time, there was little attention being paid to how these changes actually took place in practice. The concept of legitimacy was rarely acknowledged in studies of normative contestation, despite the important role it plays in effectuating change in the normative environment. Thus the concepts of normative contestation and legitimacy were selected, the latter of which was divided into legitimisation practices and legitimacy judgements.

Following the literature review I uploaded my data, every even month of the UNSC meetings which discuss Syria, to the Qualitative Data Analysis Software package NVivo. In order to make the data more manageable I carried out the first layer of coding straight away using the following five nodes: UK, US, FR, RF, CH. I then used inductive coding to explore the rhetoric and behaviours of the five states under study. The following codes were created:

¹²⁰ *Ibid.* at Art 36

Legitimation Practices	Legitimacy Judgements
References to other legitimate actors	Denying legitimacy to others
References to fundamental norms	Delegitimising institutions and actors
References to law and UNSC	References to illegitimate actions
References to own commitment	Right side of history arguments
Use of facts/evidence	Justifications/counterterrorism
Prescribed course of action	Blaming
Responsibility as a permanent member	Procedural points
Personal/emotional stories	The use of the veto
Visual imagery	Disapproval
Tone	Sarcasm
Historical reference points	Rhetorical questions
	Historical reference points
	Quotes

4.4 - Organisation of Research

The above data was grouped into ten separate categories, five for each research question, each of which will briefly be considered before a table is presented to demonstrate which codes were grouped under each category.

1. Other legitimate things / other illegitimate things:

The first category was the most obvious one because it draws on the work of Hurd, Deplano and Sandholtz and Stiles.¹²¹ As previously discussed, when legitimising oneself, actors recognise the political symbolism of other legitimate things including law, norms and international organisations. Likewise, they know that when seeking to delegitimise the words or actions of others, they would do well to target the actors themselves and discredit their legitimacy.

¹²¹ Hurd, I. *op. cit.* at note 53; Hurd, I. *op. cit.* at note 48; Deplano, R. *op. cit.* at note 75; Sandholtz, W. and Stiles, K. *op. cit.* at note 3

2. Expertise

The second category was inspired by Marwell and Schmitt's typology of compliance-gaining strategies. The article notes that an actor might try 'to increase his own attractiveness to the target, by building up his own expertise, to increase the persuasiveness of his arguments.'¹²² The following study adopted this category but assumes a relativist understanding of the term, implying that there is not one absolute truth but instead truths which a particular actor or culture happen to believe. The category was created to capture the self-professed expertise each actor seeks credit for and how they go about presenting this expertise to others.

3. Spirit of the UNSC

The third category was created to capture all those references made about the values and purpose of the UNSC including suggestions about how permanent members ought to behave. This category also captures the references made to improper procedural practices which were often used to criticise other members.

4. Emotions

This category is perhaps one of the largest but possibly one of the most important. As previously mentioned, studies of the emotional practices of actors contesting norms are limited, despite the fact that all actors engage in emotional rhetoric. The category sought to capture the descriptive practices used by actors, the visual imagery, the sarcasm and the insults which fly between members.

5. History and Memory

The final category was created to capture the references made to historical precedents, memories and atrocities which were cited by actors throughout the dataset.

¹²² Marwell, G. and Schmitt, D. 'Dimensions of Compliance-Gaining Behaviour: An Empirical Analysis', Vol. 30 (4) (1967) American Sociological Association 350 – 364

Legitimation Practices	Legitimacy Judgements
Other legitimate things <ul style="list-style-type: none"> - References to Fundamental Norms - References to Law and UNSC - References to other International Actors 	Other illegitimate things <ul style="list-style-type: none"> - Denying Legitimacy to others - Delegitimising Institutions - Illegitimate Actions
Expertise <ul style="list-style-type: none"> - References to own commitment - Using Facts/Evidence - Prescribed course of action 	Expertise <ul style="list-style-type: none"> - Right side of history argument - Justifications for intervention/counterterrorism
Spirit of the UNSC <ul style="list-style-type: none"> - Responsibility as P5 	Spirit of the UNSC <ul style="list-style-type: none"> - Blaming - Procedural points - The use of the veto
Emotions <ul style="list-style-type: none"> - Personal stories - Visual imagery - Tone 	Emotions <ul style="list-style-type: none"> - Disapproval - Sarcasm - Rhetorical questions
History and Memory <ul style="list-style-type: none"> - Historical reference points 	History and Memory <ul style="list-style-type: none"> - Historical reference points and memories - Quotes

4.5 - Limitations

There are a couple of limitations to the study, each of which will briefly be considered. The first is the fact that it was conducted in English, whilst only two of the five countries under study are native English speaking. As previously mentioned, the UNSC Rules of Procedure request members of the Council to provide copies of their speeches in both English and their native language, so as to facilitate the process of making minutes. Despite the fact that each member is able to provide a translated copy of their speech, the text may have lost parts of its original meaning or intent when it was translated into English. In this

sense, the data might not be 100% accurate, but it is the closest option and thus suitable for the purposes of this study.

Furthermore, the study assumes that norms are only contested, vocally, within the UNSC, which is not the case. Norms can be contested anywhere and everywhere, in telephone conversations between political leaders, in actions taken by a state and of course in other international forums. As previously mentioned, the current study focuses on the UNSC due to its prominence in the international system and due to the fact that it deals with some of the most contested norms. The purpose of this choice was to analyse the behaviour of the five states who have the most influence within the organisation. It would not have been possible, in the current timeframe, to consider all words and actions of each state. Thus the UNSC meetings were selected to ensure consistency and transparency of the data.

It is also important to consider other factors which likely influence the relationship between members in the UNSC. The study does not take into account the political leaders of each member state, each of whom have their own view of international politics. Furthermore, throughout the dataset, the leaders in each of the five countries have changed. A change in leader undoubtedly results in a change of foreign policy and possible fluctuations in relations with other international players. It may also prompt a change of ambassador in the UNSC in order to reflect this new foreign policy stance. Again, the personalities and styles of the individual ambassadors were not taken into consideration due to limitations in time and space. However, a leadership style analysis of either the UNSC representatives or of the respective political leaders would undoubtedly provide for an interesting study.

The final consideration, which is particularly important, is to note that each actor is likely to have been influenced by pre-existing relations with, or interests in, Syria. For example, France is a former colonial power and thus has a decades long relationship with the Syrian state. Russia and Syria have had strong relations since the Cold War, Russia has a naval facility in Tartus and Syria purchase arms from Russia. And of course, there are oil fields in Syria, which happen to currently be protected by the US, who are rumoured to have signed a secret deal with Kurdish authorities to develop and export the region's crude oil.¹²³

¹²³ Seligman, L. and Lefebvre, B. 'Little-known US firm secures deal for Syrian oil', (POLITICO, 8th June 2020) <https://www.politico.com/news/2020/08/03/delta-crescent-energy-syrian-oil-391033> accessed on 28th August 2020

This list of interests each actor has in Syria is not exhaustive, but it demonstrates some of the factors which also undoubtedly influence each actors actions in both Syria and the UNSC.

5 - Analysis

The two concepts of legitimacy under consideration, legitimation practices and legitimacy judgements, are closely interlinked, hence the research questions will be addressed simultaneously. The analysis is divided into three parts, each of which captures one of the key findings of the research process. The first part challenges the common assumption that the P5 take on different roles within the UNSC, often portrayed as norm-makers and norm-takers (or revisionists). The analysis shows that each member of the P5 are using the UNSC in exactly the same way to promote their own interests by constructing a (dis)information campaign which presents themselves and other likeminded actors as worthy of legitimate support, whilst, often aggressively, delegitimising others who do not share their interests. The second part looks specifically at the norms and values being promoted by each actor in the UNSC and argues that UNSC activity is shaped by the rhetorical approach adopted by the members of the P5. A moralistic, humanitarian approach has been lobbied, primarily by the US, by adopting emotional rhetoric, with graphic, descriptive imagery and visual realism. Attempts by other actors to defend the (former) status quo, which seeks to protect the principle of non-intervention, are presented with references to law, established norms and practice. The third part argues that the above approach is determined by the importance each member of the P5 places in the UNSC. The tone used by each actor and the importance they place in respecting the UN Charter and international law reflects their own view of the organisation and how much value they place in their membership.

5.1 - Narrativization Strategies

The P5 are contesting the limits of the exceptions to Art 2(4) of the UN Charter which prohibits the use of force. To simplify their positions, the P3 are willing to intervene in Syria in the name of human rights and wish to see a change of leader, whereas the P2 are against an international intervention and wish to protect the principles of sovereignty, territorial integrity and non-intervention. Both sides understand that they must convince the international community why their proposed course of action deserves support. Thus, each side embarks on a targeted (dis)information campaign seeking both to legitimise their own approach whilst delegitimising the approach of the other. This competition, or fight, for legitimacy defines the approach taken by each actor throughout the conflict. The legitimation strategies theorised by Vaara, Tienari and Laurila, in particular references to authority, morals and narrativization,

are particularly useful for understanding the rhetoric of the P5 and will thus be considered.¹²⁴ The analysis will proceed as follows: what narratives are used by actors to justify their proposed course of action, how actors rely on references to authority, morals and history to legitimise their narratives, and finally how actors justify their expertise on the conflict.

In order to drive forward their own interests and shape the normative conversation, each member of the P5 has constructed a narrative which compliments their proposed course of action. As per Booth Walling's study, these narratives define the conflict as either one-sided, two-sided or multifaceted, and identify victims and perpetrators.¹²⁵ Narrativization, as previously discussed, is one of the legitimisation strategies theorised by Vaara, Tienari and Laurila who further provided that such practices were often dramatized.¹²⁶ Evidence of dramatizing will be presented as various actors involved in the conflict are cast as heroic protagonists or evil antagonists. Such narratives are used by actors as tools to advance their interests by framing the conflict in a way that compliments those interests. These narratives can be summarised as follows: the P3 from the very start of the conflict targeted Assad and the Syrian authorities, later including both Russia and Iran. Russia's campaign targets the opposition in Syria, the P3, the media and even the UN; and China's campaign, which is far less accusatory than the others, targets the P3 and Western-led interventions.

In order to promote these campaigns, actors engage in rhetoric which seeks to legitimise their own approach whilst delegitimising the approach adopted by those who are opposed to it. As a result, the activity inside the UNSC resembles that discussed by Hurd when considering the Libyan Sanctions in the 1990s.¹²⁷ When contesting norms, in this case the limits of Art 2(4) of the UN Charter, an actor knows all too well that they can target the legitimacy of 'the other'. Thus, Bob's finding that all actors are 'rival entrepreneurs within warring networks' is wholly appropriate.¹²⁸ The purpose of targeting the legitimacy of other actors is to discredit them and their reputation as a responsible international player. States care about their legitimacy 'because they are part of an international community from which

¹²⁴ Vaara, E. and others, *op. cit.* at note 86

¹²⁵ Booth Walling, C. *op. cit.* at note 7

¹²⁶ Vaara, E. and others, *op. cit.* at note 86

¹²⁷ Hurd, I. *op. cit.* at note 48; Hurd, I. *op. cit.* at note 53

¹²⁸ Bob, C. *The Global Right Wing and the Clash of World Politics* (Cambridge: Cambridge University Press, 2012) as cited by Bloomfield, A. *op. cit.* at note 6

they derive their rights, obligations and authorities to act in legitimately sanctioned ways.’¹²⁹ If an actor is deemed to be illegitimate by a proportion of the international community, they also suffer a loss of sovereignty, since one of the components of sovereignty is international recognition. The P5 recognise that they can use their prominent position to smear the credibility of others and taint their international reputation.

The P3, initially led by France, have consistently rejected the legitimacy of the Syrian authorities and led the information campaign against Assad, who is the main antagonist in their frame. France even noted in the very first UNSC meeting about the events in Syria that the Syrian authorities ‘have lost all legitimacy by murdering their own people;’¹³⁰ marking the start of the campaign against Assad and the Syrian authorities. Delegitimising Assad and the Syrian authorities makes the case for an intervention to protect citizens from human rights abuses more digestible to an audience that is sensitive to western-led interventions and regime change. Throughout the dataset the P3 regularly refer to the Syrian government as ‘the regime’ which can be understood as a reflection of their unwillingness to recognise it as the legitimate government. Even as reconstruction efforts started in Syria, the P3 assured the UNSC that ‘assistance with reconstruction will be foreseeable only when an irreversible, credible and inclusive political transition has begun,’¹³¹ and that ‘there will be no legitimacy for the regime.’¹³² The fact that this campaign was waged by the P3, who have dominated UNSC policy since the end of the Cold War,¹³³ makes it more damaging for the Syrian authorities, due to the significant communicative power and influence the P3 have. They regularly back one another up in meetings and very rarely display different voting practices with regards to Syria, thus outnumbering the P2 within the P5. The effect of their campaign is a significant loss of sovereignty and international reputation.

¹²⁹ Barnett, M. ‘Bringing in the New World Order: Liberalism, Legitimacy, and the United Nations’, Vol. 48 (4) (1997) *World Politics* 526 – 551

¹³⁰ Statement by Ambassador Gérard Araud, Permanent Representative of France to the United Nations, UNSC, S/PV.6627, 4th October 2011

¹³¹ Statement by Ambassador François Delattre, Permanent Representative of France to the United Nations, UNSC, S/PV.8384, 29th October 2018

¹³² Statement by Mr. Rodney Hunter, Political Coordinator United States Mission to the United Nations, UNSC S/P.8434, 20th December 2018

¹³³ Krisch, N. ‘The Security Council and the Great Powers’ in Lowe, V. and others (ed), *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945* (New York: Oxford University Press, 2008)

Whilst the main focus of the P3 campaign is Assad, the legitimacy of Russia is also targeted as Russian interests run counter to their own. Within the UNSC, Russia actively defends the legitimacy of the Syrian authorities, urging for a respectful approach whilst pointing out that ‘terms such as ‘the Syrian regime’... is contrary to all the relevant Security Council resolutions, which speak only of the Government of the Syrian Arab Republic.’¹³⁴ As a result, the P3 target the relationship between Russia and the Syrian authorities, who in their eyes have no legitimacy, claiming that ‘Al-Assad [has] humiliate[d] Russia in the eyes of the world... [and that] if Russia is to restore its credibility, it will need to join us...’¹³⁵ Such statements perhaps exaggerate the divisions which are portrayed as being the whole world against Assad, Russia and Iran. Occasionally the P3 also criticise China for casting a veto, but generally most comments are targeted at Russia who, as will be shown, is most vocal about opposing their interests.

The P2 lead an anti-regime change campaign which they know will engage those in the international community opposed to western-led interventions. Whilst they regularly display similar voting practices to one another, their approach in the UNSC is not the same, summarised well by Snetkov and Lanteigne as ‘The Loud Dissenter and its Cautious Partner.’¹³⁶ Russia, the Loud Dissenter, is the main antipreneur pushing back against the interests of the P3, who are dubbed as ‘the humanitarian troika’ who ‘after destroying Libya and considering that a great success... turned on Syria.’¹³⁷ Following the US intervention in 2017, Russia pounced on the illegality of the action which constituted ‘a gross violation of Syrian sovereignty... in violation of the Charter of the United Nations and international law.’¹³⁸ Almost all speeches made by Russia following the US intervention, target the US for its ‘illegal military venture’ and continued ‘US illegal occupation.’ The purpose of highlighting these illegal practices is of course to delegitimise the US, the main antagonist in Russia’s narrative, and to demonstrate to the international community that they are pursuing their own interests, with no respect for international law. It is worth noting, that Russia was quick to point out the legality of their own intervention which was ‘in response to the

¹³⁴ Statement by Ambassador Vladimir Safronkov, Deputy Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.8384, 29th October 2018

¹³⁵ Statement by Ambassador Matthew Rycroft, Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV.7915, 5th April 2017

¹³⁶ Snetkov, A. and Lanteigne, M. *op. cit.* at note 12

¹³⁷ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7785, 8th October 2016

¹³⁸ Statement by Ambassador Vasily Nebenzia, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.8236, 17th April 2018

invitation from the legitimate government of the Syrian Arab Republic.’¹³⁹ They place particular emphasis on the fact that their own intervention is legal whilst the US intervention is illegal, seeking to demonstrate to the international community that they are the true followers of international law. However, as previously discussed, the growing gap between law and legitimacy means that it is possible for an intervention to be deemed legitimate, despite its illegality.

This growing gap between law and legitimacy is a particularly unfavourable development for Russia. In an institution like the UN, which throughout its history has been dominated by the US, a decision based solely on legitimacy is particularly worrisome. As proved in the Syrian conflict, despite the illegality of the US intervention in Syria, both the UK and France immediately voiced their support for the action, deeming it to be a legitimate response. Due to the huge influence the P3 have on the institution and its collective legitimacy judgements, the voices of both Russia and China, who are vocally opposed to such military interventions, are drowned out. If an intervention can be deemed legitimate, based on the collective judgement of the majority, then in their eyes, the system that they are seeking to protect is partially undermined. Thus, for Russia, the legitimacy of the UN is a double-edged sword. As will be discussed shortly, the status of the UN is used, when needed, to legitimise Russian processes which are lacking international support or recognition. But, on the other hand, when the UN is led by the interests of the US or is simply not acting in the interests of Russia, then UN legitimacy can be a threat.

In an effort to push back against US influence and western interests, the UN is also targeted in Russia’s narrative. As a result, the Russian campaign at times presents a contradiction. Whilst Russia wants to protect the legitimacy of the UNSC and ensure it remains the primary institution responsible for responding to threats to international peace and security, it is also wary of the influence the P3 have on the direction of UN activity and is suspicious of any actions they lead within the SC. UN agencies are accused of ‘poor practice of investigation’¹⁴⁰ and UN staff in Syria ‘are in total turmoil.’¹⁴¹ Such statements are intended to expose the UN as unreliable, untrustworthy and not capable of handling the crisis

¹³⁹ Statement by Mr. Sergei Lavrov, Foreign Minister of Russia, S/PV.7588, 18th December 2015

¹⁴⁰ Statement by Ambassador Vladimir Safronkov, Deputy Permanent Representative of the Russian Federation to the United Nations, S/PV.7915, 5th April 2017

¹⁴¹ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7795, 26th October 2016

in Syria, whilst presenting Russia as an actor with specialised knowledge of the conflict. Accusations are also made against the Syrian opposition, the Special Envoy, the Joint Investigative Mechanism, the White Helmets and the media. These allegations are textbook examples of attempts, by an actor, to drive forward their own version of events and damage the reputation of anyone that disagrees with them. Before considering the campaign voiced by China, these tensions between primarily Russia, the UK and the US will be presented. The following table displays the number of times each actor cited other members of the P5.

Table 1 – Word frequency of one another

		SUBJECT				
		China	France	Russia	UK	US
SPEAKER	China	X	2	24	3	6
	France	1	X	68	7	19
	Russia	6	10	X	16	141
	UK	12	13	234	X	31
	US	17	9	320	8	X

Interestingly, despite the fact that France initially led the campaign against Assad, Russia do not target them and instead accuse the US of leading the crusade. As previously discussed, Russia regularly criticises the US for its actions in Syria and for ‘violating every norm of international law’ when deciding to take direct forceful action.¹⁴² The emphasis on the US reflects the pre-existing relations between the two countries and also demonstrates Russia’s desire to challenge US hegemony and dominance in the international system. Likewise, both the UK and the US regularly cite Russia which is both because of Russia’s active role in the conflict since 2015, and because they are criticising Russia’s actions inside and outside the UNSC.

By contrast, as evidenced in the figures, China rarely makes direct comments about other members of the P5. They push back against the practice of western-led interventions, albeit in an indirect manner, by casting their veto and defending their position with references to authority, such as law and norms. China is far less aggressive and accusatory towards other

¹⁴² Statement by Ambassador Vasily Nebenzia, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.8073, 24th October 2017

actors and instead consistently reminds the group of the ‘need to avoid politicisation of humanitarian issues.’¹⁴³ This approach reflects their view on international relations as a whole, which is often presented by Xi Jinping as ‘the correct view on justice and interests.’¹⁴⁴ As will be discussed in greater detail in the third part of the analysis, the formal tone and legalistic approach, as opposed to an emotional approach, to the UNSC is one way that China can demonstrate that it is a responsible player who is thus worthy of respect and great power status. Having explored each of the narratives of the P5, the strategies employed by them to legitimise their approach will be explored.

References to authority are made by each of the P5 as they handpick facts and figures which support their information campaign. The practice of reinterpretation as a tool for influencing change (as per Jones),¹⁴⁵ is used to reframe the issues to compliment the narrative being projected by each actor. As previously discussed, actors seeking legitimacy must provide justifications for their actions, in order to prove that they are playing by the rules and not merely promoting their own interests. Despite the fact that each actor is using a different source of information, they all nonetheless rely on some kind of authority to justify their narrative. Whilst the P3 cite statistics which rely on UN information sources (such as the World Health Organisation, the Joint Investigative Mechanism, etc.) and internationally recognised organisations (such as Human Rights Watch); Russia rely on their close relationship with Assad and the Syrian authorities to illustrate the ‘true picture on the ground.’ Russia assures the UNSC that their own version of events is based on an ‘unpoliticised and impartial approach and in line with the guiding principles of the United Nations...’,¹⁴⁶ whilst arguing that the P3 sources of information are based on propaganda and are biased. Whilst it is difficult to ascertain the facts of the Syrian conflict, since it is the facts themselves which are the main subject of disagreement amongst the P5, it is not difficult to point out the contradictions between each actors version of the facts. Distorting the facts of a conflict, to suit the interests of an actor, is one way that actors may try to legitimise their

¹⁴³ Statement by Ambassador Li Baodong, Permanent Representative of China to the United Nations, UNSC, S/PV.6826, 30th August 2012

¹⁴⁴ Finnish Institute of International Affairs, *The Security Strategies of the US, China, Russia and the EU* (FIIA Report, 2018)

¹⁴⁵ Jones, C. *op. cit.* at note 5

¹⁴⁶ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7116, 22nd February 2014

actions, termed by Franck as ‘the tribute scofflaw governments pay to [the] international legal obligations they violate.’¹⁴⁷

Actors also reference the authority of international law and fundamental norms to persuade the international community of their legitimate intentions. As previously discussed, when contesting norms, references to foundational norms strengthen an actor’s argument (as per Sandholtz and Stiles).¹⁴⁸ The arguments made by the P5 are justified by the need to protect these foundational norms, but the difference between each actor’s approach depends on how much weight they assign to a particular norm. For example, as will be discussed in more detail in the second part of the analysis, the P3 are motivated by the protection of human rights and fundamental freedoms and thus prioritise these norms over those surrounding sovereignty and territorial integrity. By contrast, the P2 are motivated by the protection of sovereignty, territorial integrity and the prohibition of the use of force in international relations and therefore prioritise these norms. Each member regularly refers to these norms to justify their proposed course of action, knowing they will engage those in the international community who share their interests in protecting them. The P5 understand that, without justifying their behaviour with references to international law and established norms, they are unlikely to convince the international community that they are acting legitimately. Without such references, they are likely to be accused of abusing the UNSC to promote their own national interests.

As is perhaps clear at this stage of the analysis, China stands out from the other members of the P5 for its alternative approach to the UNSC. China relies on references to law and order to justify all statements made in the UNSC and is committed to protecting the principles of international law. China regularly urges the members of the UNSC to follow its lead in treating the UNSC as a ‘solemn forum...not a place where groundless attacks can be made against the serious positions of other countries.’¹⁴⁹ All statements are carefully couched in legal terms and established norms, a rhetorical practice which is used both to legitimise and delegitimise. China offers an approach which engages all those who are also sceptical of the US and their actions in the UNSC. They prioritise international law and seek to protect

¹⁴⁷ Franck, T. ‘The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium’, Vol. 100 (1) (2006) *The American Journal of International Law* 88 - 106

¹⁴⁸ Sandholtz, W. and Stiles, K. *op. cit.* at note 3

¹⁴⁹ Statement by Ambassador Liu Jieyi, Permanent Representative of China to the United Nations, UNSC, S/PV.7825, 5th December 2016

the international system from abuse and domination by the US. The third part of the analysis will return to this point and explain why such an approach is adopted by China.

Another type of authority used by the P5 to legitimise their position are references to other authoritative actors. Such references both strengthen their claim to multilateralism and support their claim to legitimacy by proving that the interests being promoted are shared by other members of the international community. For example, the UK, when supporting a draft submitted by Morocco, vocally confirmed that the draft already ‘had support from the vast majority of Council members and had the backing of the Arab League.’¹⁵⁰ On another occasion Russia expressed thanks to ‘our partners, especially Brazil, Russia, India, China and South Africa – the BRICS States – for supporting our text.’¹⁵¹ The practice can be compared to name dropping, defined as ‘the studied but seemingly casual mention of prominent persons as associates done to impress others.’¹⁵² It demonstrates to the international community that their interests are multilateral in nature as they are shared by other legitimate players. Likewise, the legitimacy of the UN can also be appropriated to sugar coat non-UN processes or institutions.

As previously discussed, the UN and the symbols associated with it carry legitimacy which, in the words of Hurd, has developed an almost trademark-like status.¹⁵³ Thus when the Astana Process was launched by Russia, Turkey and Iran without the participation of the UNSC, they still relied on the UN to legitimise the process. They immediately invoked the Geneva Communique and Resolution 2254/2015, UN documents which detail conditions for a political transition in Syria, and in subsequent UNSC meetings, Russia regularly cites the input of UN officials. Both of which can be interpreted as a way to associate the process with the pre-established legitimacy of the UN. In one example, following a summit in Sochi, the Russian Ambassador emphasised the contribution of Staffan de Mistura, UN Syria Envoy, whose ‘participation on behalf of the United Nations lent the event particular significance.’¹⁵⁴ The statement was made in the face of scepticism as to the credibility and appropriateness of

¹⁵⁰ Statement by Ambassador Mark Lyall Grant, Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV/6711, 4th February 2012

¹⁵¹ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the UN, UNSC, S/PV.6627, 4th October 2011

¹⁵² ‘Name-dropping’. *Merriam-Webster* <https://www.merriam-webster.com/dictionary/name-dropping> accessed on 23rd August 2020

¹⁵³ Hurd, I. *op. cit.* at note 48; Hurd, I. *op. cit.* at note 53

¹⁵⁴ Statement by Ambassador Vasily Nebenzia, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.8181, 14th February 2018

the Astana Process which undermines the UN as primary body responsible for responding to the conflict. Such comments demonstrate the vulnerability of the sponsor and their arguments who, without the UN and its legitimacy, would have a hard time convincing the international community to support the process.

The next legitimisation strategy to be considered is references to morals, which also includes the emotional practices used by actors to delegitimise others. As theorised by Vaara, Tienari and Laurila, moralization is used primarily as a delegitimation strategy.¹⁵⁵ Throughout the dataset, members express feelings of regret,¹⁵⁶ disappointment,¹⁵⁷ outrage,¹⁵⁸ and disgust;¹⁵⁹ they talk of being appalled by others' decisions;¹⁶⁰ label others responses in the UNSC as grotesque;¹⁶¹ and the UK even urge Russia to re-find its moral compass.¹⁶² Such statements display the highly emotional responses of the members of the UNSC and how they react when others do not share their interests. By considering Moisander, Hirsto and Fahy's rhetorical strategies of emotion work it is possible to further unpack the purpose of using such rhetoric.¹⁶³ Of relevance is the third strategy, evoking emotions, which operates in two ways:

1. *Creating a sense of duty by mobilizing shame for unmet obligations*
2. *Evoking pride and a sense of belonging to facilitate positive legitimacy judgements*¹⁶⁴

In this case of course it is the first of these two practices which is being used. Such comments are intended to arouse feelings of shame, guilt and embarrassment, all of which are categorised as moral emotions in the study.

¹⁵⁵ Vaara, W. and others, *op. cit.* at note 86

¹⁵⁶ Statement by Ambassador Li Baodong, Permanent Representative of China to the United Nations, UNSC, S/PV.6627, 4th October 2011

¹⁵⁷ *Ibid.*

¹⁵⁸ Statement by Ambassador Susan Rice, Permanent Representative of the United States to the United Nations, UNSC, S/PV.6627, 4th October 2011; Statement by Ambassador Susan Rice, Permanent Representative of the United States to the United Nations, UNSC, S/PV.6826, 30th August 2012

¹⁵⁹ Statement by Ambassador Susan Rice, Permanent Representative of the United States to the United Nations, UNSC, S/PV.6711, 4th February 2012

¹⁶⁰ Statement by Ambassador Mark Lyall Grant, Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV.6711, 4th February 2012

¹⁶¹ Statement by Ambassador Samantha Power, Permanent Representative of the United States to the United Nations, UNSC, S/PV.7394, 26th February 2015; Statement by Ambassador David Pressman, United States Ambassador to the United Nations for Special Political Affairs, UNSC, S/PV.7785, 8th October 2016

¹⁶² Statement by Ambassador Matthew Rycroft, Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV.7834, 13th December 2016

¹⁶³ Moisander, J. and others, *op. cit.* at note 90

¹⁶⁴ *Ibid.*

Whilst evoking such emotions in the target, the rhetoric is also designed to demonstrate that they have somehow failed to meet certain standards or expectations and thus are unworthy of legitimacy. On a number of occasions, Russia refuses to engage in such confrontations and instead makes references to God, providing that God will be the judge of those who have chosen the wrong path. ‘Who is guilty? Who is to blame? I think that ultimately God will tell us;’¹⁶⁵ ‘As for the insulting remarks about Russia, China, and other States, we leave them to their consciences and may God be their judge.’¹⁶⁶ Such comments also utilise this strategy of arousing shame whilst simultaneously assuming the moral high ground by refusing to engage in such rhetoric.

Other practices which are used, primarily by the UK, the US and Russia, to evoke emotions, are sarcasm and humour. The UK and the US regularly use this strategy to delegitimise Russia, by mocking the statements made by the Russian ambassador. Such practices are particularly common following a veto, a failed draft resolution or an especially provocative speech. For example, on one occasion the UK respond to an allegation made by Russia by sarcastically asking, ‘...for the record, then, the answer is that we should trust the information from Russian intelligence about strikes on rebel-held territory, but when the information is provided by independent experts of the United Nations, we should not trust it.’¹⁶⁷ Likewise, the US regularly use sarcasm to challenge and even mock Russia: ‘Does Russia believe that all the children who are being killed in eastern Aleppo are themselves members of Al-Qaida? Is that what happens – that you come out of the womb and you are an Al-Qaida member, right from the beginning?’¹⁶⁸ Such comments make up part of the campaign against Russia and serve to delegitimise Russia by adopting moralistic rhetoric which is designed to cast Russia in a shameful light. They also form part of the approach adopted by the UK and the US in the UNSC, which as will be discussed in the following part of the analysis, utilises emotions to promote a moralistic approach to UNSC activity.

¹⁶⁵ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7834, 13th December 2016

¹⁶⁶ Statement by Ambassador Vladimir Safronkov, Deputy Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7893, 28th February 2017

¹⁶⁷ Statement by Mr. Mark Power, First Secretary and Head of Strategic Threats at the UK Mission to the United Nations, UNSC, S/PV.8553, 18th June 2019

¹⁶⁸ Statement by Ambassador Samantha Power, Permanent Representative of the United States to the United Nations, UNSC, S/PV.7795, 26th October 2016

Russia also engages in these emotional practices, albeit less frequently than the UK and the US. Whilst Russia usually adopts a legalistic tone in the UNSC, emotional rhetoric is used to question and ridicule the actions of others. Thus the P3 are christened as ‘the humanitarian troika’ and are mocked for their position as ‘self-styled champions of humanity.’¹⁶⁹ Both nicknames being fuelled by the frustration felt by Russia at western-led humanitarian interventions. On one occasion, they directly respond to an appeal made by the UK to put an end to the conflict and remark, ‘Indeed, how about it? How about immediately putting an end to supporting various thugs around the world – terrorists, extremists and all the other amateurs exacerbating the situation in one country or another? How about putting an end to interfering in the affairs of other sovereign states? Just give up these colonial customs and leave the world in peace.’¹⁷⁰ The rhetorical strategy, which utilises rhetorical questions, is less emotional than statements made by the UK and the US, but it still serves the same purpose. Comments like these do not stop at the UK and the US. In another example, Russia criticises Mr O’Brien, Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator: ‘If we needed to be preached to, we would go to church. If we wanted to hear poetry, we would go to a theatre.’¹⁷¹ The remark can be interpreted as part of the campaign to delegitimise the UN by targeting those working for the organisation. Each of the examples presented demonstrates the campaign led by Russia which targets the legitimacy of those who do not share their interests.

Before considering how actors justify their expertise when voicing their opinion, there is one last legitimisation strategy to consider: historical references. This final legitimisation strategy was recognised as a theorization for change by Suddaby and Greenwood who, as previously discussed, developed five theorizations for change.¹⁷² Within the current dataset, this rhetorical strategy, which relies on references to collective memories, is used to evoke an emotional response which encourages action based on necessity. It works by connecting current issues to memories of tragic historical occurrences which have scarred the collective memory of the international community. The purpose is to remind the audience of their responsibilities as members of the international community to prevent such events from

¹⁶⁹ Statement by Ambassador Vasily Nebenzia, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.8195, 28th February 2018

¹⁷⁰ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7785, 8th October 2016

¹⁷¹ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7795, 26th October 2016

¹⁷² Suddaby, R. and Greenwood, R. op. cit. at Note 88

happening again. By evoking emotions in the audience, actors are influencing the legitimacy judgements made by that audience. France, who as previously discussed were the first to drive forward an anti-Assad campaign, regularly makes references to shared memories of humanitarian crises: ‘...memories of the bloody massacres of the civilian population in Syria in the 1980s, in particular in Hama, are too painful for the international community to silently stand by...’¹⁷³ ‘Aleppo is to Syria what Sarajevo was to Bosnia and Guernica was to Spain...’¹⁷⁴ They can be interpreted as part of the drive by France to lead the way in the fight against abusers of human rights.

Such narratives are also adopted by other members of the P5 to remind the international community of their collective responsibility to prevent history from repeating itself. In the words of the UK ambassador ‘our peoples have said ‘never again’ – among others, starting with the First World War battlefields, in Ethiopia, in Manchuria and in Saddam Hussein’s attacks on Iran and Iraqi Kurds.’¹⁷⁵ Even China uses such memories to justify its own stance and expertise, providing that ‘China has itself been a victim of the use of chemical weapons by other States. The Chinese people are more justified than any other party to express their opposition to the use of chemical weapons.’¹⁷⁶ Historical references are particularly powerful tools to use when seeking to protect the norms which prohibit the use of chemical weapons as they provoke such tragic and disturbing memories. On several occasions, the recent poisoning of Sergei Skripal, former Russian intelligence officer and double agent, is cited by the UK and France as a consequence of the failure of the UNSC to respond forcefully to the use of chemical weapons in Syria. The purpose of making such connections is to remind the international community that, without effective mechanisms in place to deter such practices, ‘the world is a far more dangerous place...’¹⁷⁷ and thus forceful action must be taken fast to defend the international system.

¹⁷³ Statement by Ambassador Gérard Araud, Permanent Representative of France to the United Nations, UNSC, S/PV.6524, 27th April 2011

¹⁷⁴ Statement by Ambassador François Delattre, Permanent Representative of France to the United Nations, UNSC, S/PV.7795, 26th October 2016

¹⁷⁵ Statement by Ambassador Jonathan Allen, Deputy Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV.8174, 5th February 2018

¹⁷⁶ Statement by Ambassador Liu Jieyi, Permanent Representative of China to the United Nations, UNSC, S/PV.7893, 28th February 2017

¹⁷⁷ Statement by Ambassador Nikki Haley, Permanent Representative of the United States to the United Nations, UNSC, S/PV.8221, 4th April 2018

The recent memory of the Libyan intervention and the consequences of it, which are still ongoing, are a regular reference point for the P2 to use as they push back against the P3 drive to intervene in the conflict. These references both delegitimise western-led interventions whilst also engaging all those in the international community that were critical of the NATO-led intervention in Libya. Knowing that it could be cited as precedent, both Russia and China regularly make references to the negative consequences of the intervention to delegitimise it, whilst simultaneously using their veto to block draft resolutions and prevent precedent from accumulating. Such regular references are made to ensure the intervention is not used as a model for the R2P concept, something both members are particularly paranoid about. They are clear that ‘the situation in Syria cannot be considered in the Council separately from the Libyan experience.’¹⁷⁸ Even China, who in general makes less accusatory statements than the other members of the P5, speaks with a particularly confrontational tone about the recent Western-led interventions. ‘How did the situation in Syria come about, and how did the problems that other countries in the Middle East are dealing with reach the point where they are today? Where did they begin, and why? What has been the role played by the various countries concerned? The historical record is very clear.’¹⁷⁹ These regular references to previous interventions contribute to the campaign against regime change and are used to justify and legitimise the position adopted by both Russia and China.

Another practice used by the P3 is to put pressure on ‘the other’ and urge them to join the ‘right side of history.’ This narrative simplifies the possible responses of the international community down to two choices: the right and the wrong side of history. The narrative assumes that the speaker themselves is already acting on the right side of history, based on their own judgement, and that anyone acting separately from them is, of course, on the wrong side of history and thus unworthy of legitimacy. Such practices are also used to evoke emotions and create feelings of shame by putting pressure on those who do not share their interests. The P3 regularly pressure the P2, providing that ‘History will judge harshly those countries that have prevented the Council from offering its support...’¹⁸⁰ and that ‘...the Syrian people

¹⁷⁸ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.6627, 4th October 2011

¹⁷⁹ Statement by Ambassador Liu Jieyi, Permanent Representative of China to the United Nations, UNSC, S/PV.7825, 5th December 2016

¹⁸⁰ Statement by Ambassador Gérard Araud, Permanent Representative of France to the United Nations, UNSC, S/PV.6711, 4th February 2012

– and the world – will remember who was on the wrong side of history and who was on the side of the Syrian people.’¹⁸¹ Such arguments, as Ralph and Gifkens discuss in their article, suggest that the P3 were interested in gaining the moral high ground and so, instead of engaging in compromise and choosing a response which might be more acceptable to the other players, continued to press forward with their preferred response. A response which advocates for Assad to go, knowing full well it would shine a negative light on those who respond by continuously casting their vetoes.¹⁸² The practice ties in with the emotional strategy often used by the P3 (to be discussed in more detail in the next part) whereby moralistic rhetoric is adopted in the UNSC in an effort to encourage a moralistic approach to UNSC activity.

The final point to consider in this part of the analysis are the justifications used by actors to demonstrate their expertise in responding to the conflict. All of the above examples, which illustrate the rhetorical strategies used by actors to legitimise their narratives, are justified by the actors self-professed expertise and generous contributions made towards the cause. Throughout the conflict each member of the P5 regularly declare how much money they have spent or how much assistance they have provided to those affected by the conflict. This can be interpreted as a way to further insert themselves, legitimately, into the conversation as an important contributor. In the face of inaction by the UNSC, each actor is determined to prove that they are making additional efforts towards resolving the conflict whilst also helping those affected by the crisis. Such statements form part of the narrativization strategy and define the actor responsible for them as heroic and worthy of support. The P5 are quick to point out that they deserve a part to play in the discussion because of their contributions: ‘as the leading donor of humanitarian assistance, the US...’¹⁸³ ‘the UK is the second largest donor of bilateral aid...’¹⁸⁴ ‘Russia presented the initiative...’¹⁸⁵ Such public declarations can also be understood as ways to prove to the international community that they, as a permanent member of the UNSC, are living up to their responsibilities. When talking of their own contributions they often compare these efforts

¹⁸¹ Statement by Ambassador Susan Rice, Permanent Representative of the United States to the United Nations, UNSC, S/PV.6826, 30th August 2012

¹⁸² Ralph, J. and Gifkens, J. *op. cit.* at note 112

¹⁸³ Statement by Ambassador Kelley Eckels-Currie, Acting Deputy Representative of the United States to the United Nations, UNSC S/PV.8332, 28th August 2018

¹⁸⁴ Statement by William Jefferson Hague, Baron Hague of Richmond, UK Foreign Secretary, UNSC, S/PV.6826, 30th August 2012

¹⁸⁵ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.6756, 21st April 2012

with those made by others, accusing them of not doing enough. The comparisons are made to delegitimise other members of the P5 by highlighting their (in)action to the rest of the international community.

Another similar practice, which is particularly prominent in speeches made by the P3, is the way they start or finish their speeches, whereby they make almost heroic sounding commitments to prove their determination. Again, this reinforces the narrative presented by each actor, that they are the protagonist of the story, heroically fighting on despite the obstacles. ‘We will not rest until the Council rises to meet its responsibilities.’¹⁸⁶ ‘Let there be no mistake. This veto will not stop us.’¹⁸⁷ These comments can be connected to the right side of history argument previously presented, whereby the P3 assume that interests which run counter to their own are wrong and define an actor as being on the wrong side of history. They are spoken with the confidence and expertise of a neutral and objective party who knows the ins and outs of the conflict. With this confidence they blame their opponents for the failures of the UNSC and ensure that any blame for UNSC inaction does not fall on their own shoulders.

Another reference to expertise can be seen in the justifications used, by both Russia and the US, to justify their intervention in Syria. Both actors regularly cite counterterrorism as a justification, whilst simultaneously accusing ‘the other’ of using counterterrorism as an excuse to justify their illegitimate actions. Throughout the conflict, they regularly accuse one another of using counterterrorism as a ‘weapon for suspect geopolitical aims.’¹⁸⁸ The US are joined by both France and the UK who also accuse the Russian forces of using counterterrorism to justify an illegitimate military campaign: ‘There can be no military justification for aerial attacks that indiscriminately hit civilians and their homes and hospitals.’¹⁸⁹ In response, Russia relies on its self-professed expertise in fighting terrorists and states that ‘it is a well-known fact, that militants everywhere make a habit of locating

¹⁸⁶ Statement by Ambassador Susan Rice, Permanent Representative of the United States to the United Nations, UNSC, S/PV.6627, 4th October 2011

¹⁸⁷ Statement by Ambassador Gérard Araud, Permanent Representative of France to the United Nations, UNSC, S/PV.6627, 4th October 2011

¹⁸⁸ Statement by Ambassador Gennady Gatilov, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7634, 26th February 2016

¹⁸⁹ Statement by Ambassador Matthew Rycroft, Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV.7785, 8th October 2016

their military facilities in medical and educational institutions...¹⁹⁰ In retaliation, Russia accuses the US and the UK of creating the rise of terrorist groups and warns them against ‘repeating their past mistakes, when in order to achieve their geopolitical goals of regime change in Afghanistan, Iran and Libya, they relied on the use of terrorists, hoping that the latter could be controlled later, once their geopolitical aims had been achieved.’¹⁹¹ It is ironic that both actors are using the same justifications whilst accusing others of abusing those justifications, but it reflects both the community’s different experiences with regards to terrorists, and of course the distrust amongst them as they both push for opposing objectives.

This part of the analysis argued that each member of the P5 has constructed a narrative which frames the issues surrounding the conflict in a way that supports their desired course of action. Whilst they have each engaged in such a narrativization strategy, the practices they use to justify their narratives differ slightly. The narratives presented by the P3 are similar and they also tend to rely on the same legitimization practices to legitimise their narrative. There are some references to authority but generally most statements are justified by references to morals and history. By contrast, the P2, whose narrative is similar in that they are opposing the P3’s version of events, utilise different methods and practices to legitimise it. They both rely heavily on references to authority and history, in particular the recent Libyan intervention. But Russia also relies on references to morals and responds to the emotional rhetoric of the P3 with more emotional rhetoric. Each of the actors legitimise their approach by regularly boasting of their contributions to the cause whilst they also seek to prove that their expertise is superior to that of their colleagues. Now that the various narrativization strategies have been considered, the analysis will consider the specific norms and interests each actor is seeking to protect or advance.

5.2 - Moralistic vs Legalistic Rhetorical Practices

This part of the analysis argues that UNSC activity is shaped by the rhetorical approaches adopted by the P5, which, as a result of the power asymmetry within the

¹⁹⁰ 2 Statement by Ambassador Vasily Nebenzia, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.8186, 22nd February 2018/02/2018

¹⁹¹ Statement by Ambassador Vasily Nebenzia, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.8738, 28th February 2020

organisation, have been primarily Western. The P3 often use emotional rhetoric and descriptive imagery which compliments their interest in pursuing a humanitarian approach that prioritises human rights over sovereignty and territorial integrity. By contrast, the P2, who seek to protect the Westphalian system, use rhetoric couched in legal terms and established norms which support a contradictory approach. As a result of the power imbalance in the UNSC, their influence over UNSC action is less pronounced, although they do act as a constraint on the P3. In order to demonstrate these points, the discussion will consider the following: what is being contested, which norms does this challenge, and how do actors promote their approach.

The main problem the UNSC have faced over the course of the conflict is the fact that they are unable to agree on what the most appropriate response ought to be. Whether or not they are guided by their own national interests, the approaches that they are advocating challenge the norms surrounding the use of force. As previously discussed, the narrative projected by the P3 advocates for Assad to go, whilst the competing narrative promoted by the P2 prioritises the protection of sovereignty and pushes back against international interference. Thus, one of the most contested topics is the political transition, which continues to cause problems at the time of writing. The P3 regularly state that ‘The only viable political solution to the crisis is one without al-Assad in power,’¹⁹² and that, ‘Only a transition that safeguards the Syrian State and protects its minorities – without Assad – will generate a solution...’¹⁹³ In the eyes of Russia and China, this is regime change. They are unwilling to apply the R2P concept in fear of a repeat of Libya, whereby Gaddafi was ousted under the pretext of humanitarian intervention. The approach adopted by the P3 challenges the norms surrounding sovereignty, territorial integrity and the limits of the exceptions surrounding the non-use of force. It advocates for intervention in the name of human rights, which is not currently an accepted justification for the use of force.

In line with China’s approach to the UNSC, they respond by stressing the importance of a political settlement ‘in accordance with the purposes and principles of the Charter of the United Nations and the basic norms governing international relations,’ whilst opposing ‘any

¹⁹² Statement by Ambassador Samantha Power, Permanent Representative of the United States to the United Nations, UNSC, S/PV.7433, 24th April 2015

¹⁹³ Statement by Ambassador François Delattre, Permanent Representative of France to the United Nations, UNSC, S/PV.7433, 24th April 2015

externally imposed solution aimed at forcing regime change,¹⁹⁴ or ‘military intervention under the pretext of humanitarianism.’¹⁹⁵ As will be seen shortly, the principles of territorial integrity and sovereignty are hugely important for China and they are consistent about the need to protect them from abuse. As expected, Russia is particularly sensitive to ‘the anti-Damascus campaign, which has not yet reached the place it deserves on the rubbish heap of history.’¹⁹⁶ They use every opportunity to remind the Council of ‘the role [the Western troika] played in the emergence of the Islamic State in Iraq and the Levant (ISIL) as a result of the American and British invasion of Iraq...’¹⁹⁷ Russia is quick to point the finger, arguing that ‘some influential members of the international community, including some sitting at this table, have undermined any possibility of a political settlement, calling for regime change, encouraging the opposition towards power, indulging in provocation and nurturing the armed struggle.’¹⁹⁸ Whilst the P2 use a different approach to one another, they are both pushing back against the practice of western-led interventions and the shift away from the Westphalian system.

As recognised by Finnemore, disputes and disagreements like this are not uncommon in the UNSC and are best recognised as the norm not the exception.¹⁹⁹ Throughout the conflict, as each actor battles to legitimise their narrative and enact their proposed course of action, they rely on references to established norms which are central to their identity to justify their approach. As theorised by Sandholtz and Stiles, references to foundational norms strengthen an actor’s argument as they engage those in the international community who also wish to prioritise the protection of those norms. Thus, as a result of the opposing narratives, the norms surrounding sovereignty, territorial integrity and human rights feature prominently throughout the dataset. The below table, which illustrates how many times each actor said either ‘sovereignty’ or ‘territorial integrity’ illustrates the significant difference between the two narratives.

¹⁹⁴ Statement by Ambassador Li Baodong, Permanent Representative of China to the United Nations, UNSC, S/PV.6826, 30th August 2012

¹⁹⁵ *Ibid.*

¹⁹⁶ Statement by Ambassador Vladimir Safronkov, Deputy Ambassador of the Russian Federation to the United Nations, UNSC, S/PV.7915, 5th April 2017

¹⁹⁷ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7834, 13th December 2016

¹⁹⁸ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.6711, 4th February 2012

¹⁹⁹ Finnemore, M. *op. cit.* at note 77

Table 2 – Word frequency for concepts ‘sovereignty’ and ‘territorial integrity’

		SUBJECT	
		Sovereignty	Territorial Integrity
SPEAKER	China	51	94
	France	0	0
	Russia	50	47
	UK	9	5
	US	1	4

The difference between the P3 and the P2 in the above table is particularly striking and demonstrates both the importance the P2 place on these values and the P3’s complete disregard for them. The repetition of these norms, which preserve Westphalian sovereignty, shows the international community that both Russia and China are opposed to aggressive forms of intervention and are using their position to oppose it. Whilst much of the literature treats the P2 as revisionist powers, challenging the workings of the UNSC, it is actually the P2 who are striving to defend the international system from changing. Cunliffe labels this ‘reverse revisionism,’ since emerging powers, instead of challenging Western norms and values, are in fact defending the rules of non-interference established by Western powers themselves in 1945.²⁰⁰ Thus, if one considers the roles adopted by actors when contesting norms which were introduced when considering Bloomfield’s study, when seeking to protect the principles of sovereignty and territorial integrity, the P2 are adopting the role of norm antipreneur.²⁰¹

China is particularly clear and consistent about the need to ‘respect Syria’s sovereignty, independence and territorial integrity,’²⁰² as one can see in the results above. It reflects China’s approach to the UNSC as a whole, as they seek to demonstrate that they are a responsible international player, who is interested in adhering to international law and in preserving the international system, a point which will be further considered in the third part of the analysis. Russia’s use of these international norms is paradoxical; they pay lip service

²⁰⁰ Cunliffe, P., ‘Framing Intervention in a multipolar world’, Vol. 19 (3) (2019) Conflict, Security and Development 245 – 250

²⁰¹ Bloomfield, A. *op. cit.* at note 6

²⁰² Statement by Ambassador Li Baodong, Permanent Representative of China to the United Nations, UNSC, S/PV.6627, 4th October 2011

to the principle of non-intervention in UNSC meetings but do not always adhere to it in practice. As argued by Pieper, Russia is ‘using the same language’ to challenge Western interventions which result in regime change. He also concludes that Russia is not a revisionist power, but instead that they are striving to claim a voice in the normative conversation and achieve recognition as a great power.²⁰³

By contrast, the P3 rely on humanitarian norms and the protection of human rights, knowing that this moralistic approach will engage others in the international community that have also internalised these norms. As one can see above, they rarely speak of sovereignty and territorial integrity. The fact that France did not once reference either concept can be linked to their approach towards the conflict from the very start which advocated for tough action and regime change. The absence of these concepts in speeches made by the P3 demonstrates their willingness to redefine the international order into one which prioritises the protection of human rights over sovereignty and territorial integrity. When the conflict first arose, the P3 justified their proposed actions, which were more forceful in nature than those proposed by the P2, by arguing for the need to protect the right to peaceful protest, the freedom of the press and the right to democracy. The violation of these rights is not considered by the UNSC to constitute a threat to international peace and security and thus support for their proposed plans was initially limited.

Whilst the P3 initially only relied on the protection of human rights, they were quick to recognise any breaches of other fundamental norms which could strengthen their case for tough action. As the conflict progressed, and more serious offenses were committed, they were able to rely on the norms which govern the rules of war and prohibit the use of chemical weapons, all of which engage a larger proportion of the international community. Arguments for more forceful action became ‘a question of respect for humanitarian law and our ability to restore a collective norm that has been openly flouted.’²⁰⁴ These norms represent such crucial components of the global security architecture and thus have more weight than others, such as the right to peaceful protest. Thus, as previously mentioned, they are particularly vocal

²⁰³ Pieper, M. *op. cit.* at note 12

²⁰⁴ Statement by Ambassador François Delattre, Permanent Representative of France to the United Nations, UNSC, S/PV/7915, 5th April 2017

about the destruction of vital services and hospitals ‘which is contrary to all the rules of humanitarian law, respect for human dignity and the most basic principles of humankind.’²⁰⁵

As is perhaps clear, the gap between law and legitimacy is growing in large part because of the interventions conducted by the US, often backed by the UK or France, which challenge the principle of non-intervention. Such behaviour can be understood as an attempt to reshape the normative environment to allow interventions in the name of human rights. The irony is that the P3 themselves are not exactly leading by example in respect of human rights, particularly the US who have conducted numerous international interventions and are reluctant to engage in international human rights agreements; for example they were the only member of the P5 that voted against the GA Resolution which established the Human Rights Council.²⁰⁶ Furthermore, as argued by Teimouri, punishing an actor for unlawful behaviour by resorting to the use of force without an authorised mandate is flawed. He points out that the idea itself undermines the notion of ‘responsibility’ embedded in the R2P concept and concludes that the use of humanitarian law to justify the use of force is ‘counterproductive and prone to being abused.’²⁰⁷ Thus, whilst the P3 are willing to justify their actions on the protection of human rights, the legality of such a development is questionable and attracts much criticism.

The P3 have advocated for this humanitarian approach by adopting rhetorical practices which evoke emotions by using descriptive imagery and emotional rhetoric. This emotional practice, as previously discussed, is used ‘to prescribe moral emotions and affective ties as valid foundations of legitimacy judgements.’²⁰⁸ As previously mentioned, the 21st century saw a shift in the subject matter of resolutions towards thematic issues like the protection of women, children and counterterrorism.²⁰⁹ The US are the driving force behind this change and their activity in the UNSC demonstrates how they are doing so. They regularly present personal stories of individuals in Syria using graphic descriptions and even presenting visual imagery, both of which provoke an emotional response and encourage the audience to take a moralistic approach. For example, they shared the stories of 10 year old

²⁰⁵ Statement by Ambassador François Delattre, Permanent Representative of France to the United Nations, S/PV.7394, 26th February 2015

²⁰⁶ Smith, R. ‘‘To see themselves as others see them’’: the Five Permanent Members of the Security Council and the Human Rights Council’s Universal Periodic Review’, Vol. 35 (1) Human Rights Quarterly 1 – 32

²⁰⁷ Teimouri, H. *op. cit.* at note 11

²⁰⁸ Moisander, J. and others, *op. cit.* at note 90

²⁰⁹ Deplano, R. *op. cit.* At note 75

Shahad, ‘a little girl critically injured when the Al-Assad regime dropped a barrel bomb on her house;’²¹⁰ ‘a photographer named Amin Al-Halabi [who] wrote on Facebook ‘I am waiting to die or be captured by the Al-Assad regime;’²¹¹ and Mazen Darwish, ‘who was charged with so-called crimes such as publishing human rights reports and documenting the names of people tortured.’²¹² These statements, whilst of course paying tribute to the many victims in Syria, are used as a persuasive technique to control emotions. The management of emotions, which involves the exercise of power, can be used as a tool to effectuate change.²¹³

The US are not alone in their drive to protect vulnerable groups of people, particularly women and children. Using the same technique, the UK also describe the personal stories of victims in Syria, sparing no sickening details. For example, on one occasion, they describe the horrific death of Mohammed Abdul-Razzuk Allashash who, following a chemical weapons attack, ‘lost consciousness... went red. Pink foam poured from his mouth. His pupils were dilated. His lungs crackling. His heartbeat and breathing stopped...’²¹⁴ before he died, at just 6 years old. Both the UK and the US are advocates of the R2P concept, and thus would do well to present a case for those that are in need of protection. Interestingly, the shift towards the protection of vulnerable groups has been recognised by both Russia and China. In UNSC meetings China voiced concern for ‘the profound suffering to vast numbers of civilians, in particular vulnerable groups such as women and children,’²¹⁵ albeit in a far less descriptive and emotional manner than the P3. However, it is not possible to say whether this recognition of the norm is because they have internalised it, or because they want other actors to believe that they have internalised it because they know it has become more widely accepted.

As well as retelling personal stories, the US on a number of occasions make use of visual imagery in the form of photographs and newspaper headlines. A recent study by

²¹⁰ Statement by Ambassador Michele Sison, United States Deputy Ambassador to the United Nations, UNSC S/PV.7757, 22nd August 2016

²¹¹ Statement by Ambassador Samantha Power, Permanent Representative of the United States to the United Nations, UNSC, S/PV.7834, 13th December 2016

²¹² Statement by Ambassador Samantha Power, Permanent Representative of the United States to the United Nations, UNSC, S/PV.7394, 26th February 2015

²¹³ Moisander, J. and others, *op. cit.* at note 90

²¹⁴ Statement by Ambassador Matthew Rycroft, Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV.7893, 28th February 2017

²¹⁵ Statement by Ambassador Liu Jieyi, Permanent Representative of China to the United Nations, UNSC, S/PV.7433, 24th April 2015

Lefsrud, Graves and Phillips recognised the role played by images in legitimacy work, providing that ‘we are swimming in a sea of words and images designed to legitimate or delegitimize.’²¹⁶ This practice, which makes use of visual realia, is again designed to evoke emotions and thus influence the legitimacy judgements of others. Two examples of this practice will be presented. The first example is the use of newspaper headlines which reflect the sickening horrors of the conflict and seek to delegitimise Assad and his supporters. ‘It’s like the end of the world’ – the New York Times, ‘‘Breaking Point’; babies freezing to death amid Idlib push’ – Al Jazeera, ‘These people are begging the world to listen to their plight’ – CNN.’²¹⁷ The second example occurred in 2018 when the US hosted the UNSC at an exhibit titled ‘Syria: Please Don’t Forget Us’ at the United States Holocaust Museum. The event was hosted to prove that ‘we will not cease in our efforts to know the truth of the Al-Assad regime – and ensure that the truth is known and acted on by the international community.’²¹⁸ Both examples demonstrate behaviour unique to the US, who happen to be the driving force behind the humanitarian approach, and can be understood as attempts to influence the judgement of others by encouraging them to also adopt a moralistic approach.

The behaviour, which advocates for a moralistic approach as opposed to a legalistic one, is met with much resistance by those seeking to protect the principle of non-intervention. Russia is particularly sensitive to such practices and frequently criticises the US for its use of photographs, newspaper headlines and personal accounts of the conflict, many of which are labelled as propaganda and inappropriate for the purposes of UNSC speeches. Whilst the following study only considers the activity inside the UNSC, it is important to note that such efforts, which persuade others to think about the situation in a certain way, are not limited to the UNSC. For example, in May 2020 the UK government made headlines after Britain’s ‘propaganda war’ against ISIS and Assad was exposed. It was reported by a number of media outlets who described how, ‘using news agencies, social media, poster campaigns and even children’s comics, communications companies working under contract to the British government attempted to undermine both the Assad government and the Islamic State group

²¹⁶ Lefsrud, L. and others, *op. cit.* at note 84

²¹⁷ Statement by Ambassador Kelly Craft, Permanent Representative of the United States to the United Nations, UNSC, S/PV.8727, 19th February 2020

²¹⁸ Statement by Ambassador Nikki Haley, Permanent Representative of the United States to the United Nations, UNSC, S/PV.8174, 5th February 2018

and bolster elements within the Syrian opposition.²¹⁹ Whilst the current study does not have the time and space to consider the activity of each member outside of the UNSC, it is useful to remember that there are efforts made by each actor which all form part of the campaign being presented inside the UNSC.

When considering these efforts, both inside and outside the UNSC, it is interesting to consider the communicative power each actor has, as per Sandholtz and Stiles.²²⁰ The P3, have significantly greater communicative power within the international community than the P2, which undoubtedly gives them an advantage when seeking to persuade. Furthermore, as is discussed in much of the literature on UNSC reform, the resources available to members of the UN are completely disproportionate, even within the UNSC where ‘delegations of non-permanent members can be simply overwhelmed by delegations of members such as the US.’²²¹ Thus the fact that one member of the P5 permanently hosts the UNSC on their own territory is undoubtedly going to give them an advantage and, as the previous examples illustrate, the opportunity to engage the audience in institutions and environments on US territory which, inevitably, accord legitimacy to the US frame of events.

By contrast the P2, who have less communicative power than the P3, rely on international law and established practice to advance their own interests. As previously discussed, both regularly rely on references to authority to (de)legitimise. The approach prioritises law and order, and the rhetorical practices used by both actors endorse this. Throughout the conflict, the P2 made more references to international law than the P3 which could be for a number of reasons. It could be a case of reverse revisionism, as per Cunliffe; whereby both actors are striving to protect the law and norms which were formed in the aftermath of WWII which prohibit the use of force.²²² However, it could also be that their words and actions are being couched in law and legal terminology to give them a veneer of legitimacy and conceal their true intentions. What was not clear from the research, was whether international law is used to perpetuate selection bias, as per Deplano’s study

²¹⁹ Cobain, I. and Ross, A. ‘EXCLUSIVE: British propaganda efforts in Syria may have broken UN law’, Middle East Eye <https://www.middleeasteye.net/news/exclusive-british-propaganda-syria-war-opposition-illegal-internal-review> accessed on 28th August 2020

²²⁰ Sandholtz, W. and Stiles, K. *op. cit.* at note 3

²²¹ Caron, D. ‘The Legitimacy of the Collective Authority of the Security Council’, Vol. 87 (4) (1993) The American Journal of International Law 552 – 588

²²² Cunliffe, P. *op. cit.* at note 201

previously discussed.²²³ For whatever reason, the result of adopting such rhetorical practices serves as a balance against the P3, who often cherry pick law and norms to suit their desired course of action. Whilst they are unable to prevent the P3 from undertaking unilateral actions or interventions, they can prevent the UNSC from being turned into an organisation which authorises intervention and regime change in the name of human rights, as has been proved in Syria.

This part of the analysis demonstrated how rhetorical practices are used to influence legitimacy judgements and steer UNSC activity. The P5 are paralysed by competing interests in Syria and the norms surrounding the use of force, including those of sovereignty, territorial integrity and non-intervention. The P2 regularly cite these norms and other laws which demonstrates their desire to protect them and prevent an international intervention. By contrast, the P3 rarely make references to these norms and instead adopt emotional rhetoric which advocates for a moralistic approach as opposed to a legalistic one. As a result of the power imbalance within the UNSC they have succeeded in steering the UNSC to recognise that the protection of human rights deserves a greater part to play in the activity of the organisation. However, due to resistance from the P2 and other members of the international community who doubt the legality of such action, the practice is far from being normalised.

5.3 - The Importance of UNSC Legitimacy

The final part of the analysis argues that the different approaches adopted by each actor are defined by the importance each actor places in the organisation and how much they depend on it for international legitimacy. The tone used by each member of the P5 varies significantly and can be explained by the amount each actor relies on their membership in the UNSC for international prestige. The P3, primarily led by the US, cherry pick laws and norms to suit their own interests with little concern paid to the hypocrisy in their actions. By contrast, the P2, who collectively have less communicative power and great power status, appeal to the P3 to follow international law and norms which can be understood as an attempt to both bring them to heel and to show the international community that they are responsible international players and thus worthy of legitimacy. In order to demonstrate these points, the

²²³ Deplano, R. *op. cit.* at note 75

following will be considered: how and why the tone of each actor differs, whether the legitimacy of the UNSC is valued, and finally how actors seek to protect UNSC legitimacy.

The approach adopted by the P5 in the UNSC differs according to their confidence as an international player, a confidence which is informed by their status as a great power. Confidence in this context meaning ‘a feeling or consciousness of one’s powers or of reliance on one’s circumstances.’²²⁴ On one extreme is the US, who are prone to leading unilateral interventions, guided by their supposed moral superiority which trumps any norms that ought to prevent such actions. As the crisis in Syria proved, they provided few, if any, justifications for their intervention, assuming that their humanitarian motivations alone were enough. On the other extreme is China, who are particularly wary and critical of such practices but, in line with UNSC formality, refrain from direct confrontations and instead urge the UNSC to uphold international law and protect the system which prevents the use of force. These approaches reflect the extent each player relies on the UNSC for legitimacy and international prestige. They are influenced by each member’s respective foreign policies, which define their view of the world and where they see themselves in it, each of which will briefly be considered.

First to consider is America, who has a ‘long-standing belief, common to both citizens and elites, that America and Americans are somehow exceptional,’²²⁵ and thus suppose that ‘when the US actually uses its exceptional power and wealth to promote a double standard... it proposes that different rules apply to itself than applies to the rest of the world.’²²⁶ In practice in the UNSC, the US regularly use an assertive tone which implies that it is not going to seek permission and instead must be followed. Often sentences began with phrases such as ‘Let me be clear. The United States believes...’²²⁷ and ‘Let there be no doubt...’²²⁸ both of which sound slightly arrogant. Compared to the other members of the P5, the US use more

²²⁴ ‘Confidence’. *Merriam Webster* <https://www.merriam-webster.com/dictionary/confidence> accessed on 26th August 2020

²²⁵ Lipset, S. *American Exceptionalism: A Double-Edged Sword* (New York: W. W. Norton & Company, 1997) as cited by Dombrowski, P. and Reich, S. ‘The United States of America’ in Balzacq, T. and others (ed), *Comparative Grand Strategy: A Framework and Cases* (Oxford: Oxford University Press, 2019)

²²⁶ Koh, H. ‘On American Exceptionalism’, Vol. 55 (5) (2003) *Stanford Law Review*, 1479 – 1527 as cited by Dombrowski, P. and Reich, S. ‘The United States of America’ in Balzacq, T. and others (ed), *Comparative Grand Strategy: A Framework and Cases* (Oxford: Oxford University Press, 2019)

²²⁷ Statement by Ambassador Susan Rice, Permanent Representative of the United States to the United Nations, UNSC, S/PV.6627, 4th October 2011

²²⁸ *Ibid.*

informal language, sometimes colloquial, with less references to international law and more references to what is acceptable for the US and what is not. This reflects the fact that the US does not believe that it needs the UNSC for status and prestige; it sees itself as the leading global power. This can also explain why the US is so confident when driving forward a new, humanitarian approach. It does not care whether established norms and laws are disregarded because it believes it has the power and moral superiority to change them.

Next China, who maintain a formal and legalistic tone throughout the research and prioritise adherence to international law. Whilst China promote a multipolar world, it now sees the cultural hegemonism of the West as a threat to China's socialist values and is thus positioning itself as a counterweight to the West.²²⁹ China's commitment to a strict legal approach which prioritises adherence to law can be understood as an attempt to demonstrate to the international community that China is responsible and worthy of great power status. Throughout the conflict the speeches delivered by China gradually became longer, although in general they are shorter than those of the other members. This reflects the recent change in China's foreign policy to 'participate in the formulation of international norms... [and] strengthen our country's discourse power and influence in international legal affairs...'²³⁰

Russia treats the UNSC in a similar way to China, although it engages more actively in argumentation and norm making. This reflects the fact that Russia believes it is entitled to great power status and a regional hegemonic role.²³¹ Russia uses law and order to demonstrate that it too is a responsible international player whilst also pointing out the instances in which the P3 are failing to adhere to their international legal commitments. The UNSC is particularly important for both Russia and China as it gives them a voice in arguably one of the most prestigious international forums. This can explain why they treat the UNSC with respect, preferring to stick to established law and practice, whilst also ensuring the UNSC remains the primary actor responsible for responding to threats to international peace and security.

²²⁹ Finnish Institute of International Affairs, *op. cit.* at note 145

²³⁰ CCP, 'Central Committee Decision concerning Some Major Questions in Comprehensively Moving Governing the Country According to the law Forward' 28th October 2014 as cited by Fung, C. *op. cit.* at note 12

²³¹ Marangé, C. 'Russia' in Balzacq, T. and others (ed), *Comparative Grand Strategy: A Framework and Cases* (Oxford: Oxford University Press, 2019)

Both the UK and France promote multilateralism whilst relying on the US and NATO for security and to promote their interests. They are less confident than the US in the UNSC, which reflects the recognition that they are not leading powers and thus need the status of permanent membership more than the US. Evidence of this insecurity can be seen in the 1990s when, during their one-month presidency, the UK quickly secured the transition of the USSR's membership to Russia, fearing that any reform would lose their seat on the UNSC. They justified the tactical decision by arguing that the Gulf crisis proved the P5 were worthy of this status, expressed by then President John Major with the slogan 'Why change a winning team.'²³² The UK, like the US, use emotional language, although their speeches are slightly more formal than those of the US. They likewise believe that their own interests and morals are superior, thus on one occasion the UK Ambassador refused to express thanks to the President, who at the time was the Russian Ambassador, for casting a veto. 'I normally begin my statements in the Council with the words 'Thank you, Mr President.' I cannot do that today, because today we have seen the fifth veto of a vote on Syria... from you, Mr President.'²³³

Whilst France was previously more reluctant to accept American hegemony, it has shifted its stance in recent years which can be understood as a reflection of France's desire to be recognised as a co-promoter of a liberal world order. France is slightly more confident and forceful than the UK and regularly uses non-legal, descriptive language which is filled with adjectives and drama, another emotional strategy used to drive forward their campaign against Assad. The leading role that France adopted in the anti-Assad campaign has been interpreted as a desire to redefine France as a great power,²³⁴ a speculation which certainly matches the tone used by France in the UNSC. One example of the confidence displayed by France is when they launched a 'pragmatic partnership that brings together states that reject the impunity for individuals involved in chemical-weapon attacks or in the development of

²³² Prime Minister John Major, Interview (BBC World Service, 25 January 1992) in Blavoukos, S. and Bourantonis, D. 'Pursuing National Interests: The 1992 British Presidency of the UN Security Council and the Soviet Permanent Seat', Vol. 16 (2) (2014) *The British Journal of Politics and International Relations* 349 – 365

²³³ Statement by Ambassador Matthew Rycroft, Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV.7785, 8th October 2016

²³⁴ TRT World, 'France: a former colonial power, still reinforces itself in Syria', (TRT World, 23 January 2020) <https://www.trtworld.com/magazine/france-a-former-colonial-power-still-reinforces-itself-in-syria-33182> accessed on 12th August 2020; Ramani, S. 'Why France is so deeply entangled in Syria', (The Washington Post, 19th November 2015) <https://www.washingtonpost.com/news/monkey-cage/wp/2015/11/19/why-france-is-so-deeply-entangled-in-syria/> accessed on 12th August 2020

chemical weapons programmes.²³⁵ Unlike Russia when they launched the Astana Process, they did not rely on the UN to legitimise the institution and instead assumed that the institution itself was legitimate, since it was supported by themselves and other like-minded actors. Unsurprisingly, Russia criticised France for ‘cobbling together narrow groups of like-minded people... [and] undermining the authority of international bodies.’²³⁶ It is striking that, compared to Russia, France was so confident presenting a new initiative, which also undermines the UN. It demonstrates the reality of the international system whereby western (P3) initiatives are assumed to be right and therefore legitimate, whilst non-western (P2) initiatives are assumed to be wrong and so illegitimate.

The P5 recognise that, in order to maintain their status and prestige as permanent members, the legitimacy of the UNSC must be maintained. However, as the analysis has shown, the US are less concerned about how their actions may affect the legitimacy of the organisation. Hurd provides that an organisation can lose legitimacy ‘if the institution is dominated by one actor, or if it consistently fails to live up to the ideals and principles which justify it.’²³⁷ Both possibilities currently threaten the UNSC and in an effort to maintain the legitimacy of the organisation the P5 urge one another to change their approach. However, such statements are not only voiced to protect the legitimacy of the UNSC. When such comments are made by the P3, they can be interpreted as an attempt to shame the other into compliance, as per Ralph and Gifkins.²³⁸ They often talk of the collective failure of the UNSC to fulfil its responsibility; ‘We have to concede that we have all failed. We have all been losers... We have to do better and we have to do better fast.’²³⁹ Such comments are often followed with a motivational drive: ‘the world is watching and waiting on us. Let us rise to our responsibility under the Charter of the United Nations.’²⁴⁰ All of which can be understood as part of the emotional strategy used by the P3 to prove that they are right whilst their opponents are on the wrong side of history.

²³⁵ Statement by Ambassador François Delattre, Permanent Representative of France to the United Nations, UNSC, S/PV.8174, 5th February 2018

²³⁶ Statement by Ambassador Vasily Nebenzia, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.8174, 5th February 2018

²³⁷ Hurd, I. *op. cit.* at note 48

²³⁸ Ralph, J. and Gifkins, J. *op. cit.* at note 112

²³⁹ Statement by Mr. Philip Hammond, UK Foreign Secretary, UNSC, S/PV.7588, 18th December 2015

²⁴⁰ Statement by Ambassador François Delattre, Permanent Representative of France to the United Nations, UNSC, S/PV.7893, 28th February 2017

When such accusations come from the P2, they are more often than not attempts to protect the status and legitimacy of the UNSC and its traditional norms. But they both also use the protection of UNSC legitimacy as a way to delegitimise the P3 by highlighting practices which are contrary to the spirit or practices of the UNSC. On one occasion Russia commented on the stupidity of the UNSC meeting underway, the outcome of which could be predicted before the meeting had even begun. ‘We are about to vote on two draft resolutions, and we are all perfectly aware that neither of them will be adopted.’²⁴¹ The comment was made to criticise the P3 and their practices in the UNSC, accusing them of rushing to the vote without spending enough time at the negotiation stage. China is also particularly critical of such practices, arguing that it ‘is not conducive to the unity of the Security Council.’²⁴² In a calm manner, China regularly reminds the members of their responsibilities as permanent members:

*I would also like to take this opportunity to point out that the Security Council is the core of our collective security regime. Every Council member bears the sacred responsibility of maintaining int. peace and should define its national position in accordance with the purposes and principles of the UN and on the merits of the case under discussion.*²⁴³

Such comments made by the P2 reflect their desire to preserve the legitimacy of the UNSC which, in the absence of, would affect their status as players with a voice in one of the most important international security forums.

Another practice used to delegitimise other actors, disguised as an attempt to protect the legitimacy of the UNSC, is to highlight instances where the formal Rules of Procedure have not been followed. Of course, the practice may be used in good faith but, based on the fact that such occurrences are usually targeted towards actors with opposing interests, are also used to delegitimise those actors. On several occasions, members of the P3 commented on speeches made by the Syrian representative who ‘consistently shows a lack of respect by

²⁴¹ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7785, 8th October 2016

²⁴² Statement by Ambassador Wu Haitao, Deputy Permanent Representative of China to the United Nations, UNSC, S/PV.8073, 24th October 2017

²⁴³ Statement by Ambassador Liu Jieyi, Permanent Representative of China to the United Nations, UNSC, S/PV.7893, 28th February 2017

abusing our time, exceeding the 5 minutes recommended by presidential note 5/2017/507 every time he speaks,²⁴⁴ whilst also using his platform to vilify other UNSC members and the UN itself which ‘is an affront to this organ and the rules-based international order.’²⁴⁵ Such statements fit perfectly into the P3 narrative, in which Syria is the number one antagonist. Russia also regularly refer to the formal Rules of Procedure. On one occasion, when accusing the P3 of rushing to the vote, the Russian Ambassador claimed that the draft resolution put forward ‘violates the Security Council’s rules of procedure, since the draft resolution was put into blue only at 11.20am this morning and cannot be voted on before tomorrow morning, in accordance with the 24-hour rule.’²⁴⁶ This comment fits nicely into the Russian narrative, whereby the P3 disregard international law and norms whilst Russia strives to protect them. Both examples demonstrate the way actors can use the protection of UN legitimacy as a way to delegitimise their opponents.

The P3 take this one step further by targeting the P2’s use of the veto, declaring it to be ‘a cynical abuse of the privileges and responsibilities of permanent membership.’²⁴⁷ As previously established, the veto does give the P5 a considerable strategic advantage when contesting norms.²⁴⁸ The P3 know that the international community are sensitive to the veto rights of the P5 and know that highlighting a perceived abuse of this right, will cause a stir amongst the wider UN membership. Such declarations of course compliment their campaign and form part of the narrative which assumes that the interests of the P3 are on the right side of history. As expected, these accusations are met with a highly emotional response as Russia and China defend their right to use the veto and their position as permanent members. Like many other accusations in the UNSC, the arguments are turned around and used against their sponsors, as did Russia in the following example. ‘We have heard many insulting words today with regard to our right to the veto – our right. We have won it and have exercised it in

²⁴⁴ Statement by Ambassador Jonathan Cohen, Acting Permanent Representative of the United States to the United Nations, UNSC, S/PV.8567, 27th June 2019

²⁴⁵ Statement by Ambassador Jonathan Cohen, Acting Permanent Representative of the United States to the United Nations, UNSC, S/PV.8567, 27th June 2019

²⁴⁶ Statement by Ambassador Vitaly Churkin, Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7825, 5th December 2016

²⁴⁷ Statement by Ambassador Matthew Rycroft, Permanent Representative of the United Kingdom to the United Nations, UNSC, S/PV.7785, 8th October 2016

²⁴⁸ Bloomfield, A. *op. cit.* at note 6

a responsible manner, but we use it only in such circumstances when others in the Security Council try to impose their irresponsible geopolitical projects.’²⁴⁹

Even China responds to such accusations with a slightly more assertive tone than usual, arguing that ‘all countries are entitled to voice their opinions, make recommendations on issues and determine their voting positions independently, in accordance with their own principled positions.’²⁵⁰ These points, made by both Russia and China, about the right to veto, are indeed what the UN Charter provides. Yet, in an effort to put an end to such practices, France once drafted a resolution which allowed ‘for the suspension of the resort to the veto by permanent member States in cases of mass atrocities.’²⁵¹ Whilst the resolution was not passed, it demonstrates the perceived moral superiority of the P3 who believe that voting practices contrary to their own are illegitimate.

The final part of the analysis argued that the approach adopted by each member of the P5 is a reflection of their confidence as a great power. At one end of the spectrum is the US, who consider themselves to be the leading power and thus assume that they can disregard the rules when it suits their interests. On the other end of the spectrum is China, who is less confident as a leading power and strives to present itself as a respectable alternative to the US by adhering to established practices and international law. Russia adopts a similar approach, although engages in more confrontations with the P3, fighting to regain its former power status. Both France and the UK are less confident than the US, but due to sharing the same interests, benefit from US dominance. The P5 are aware of the need to protect UNSC legitimacy, although this concern is not as important for the US who do not depend on UN legitimacy as much as the other players. Each actor regularly refers to the need to adhere to the established practices of the organisation, both as a way to uphold the legitimacy of the UN, whilst also delegitimising those that can be blamed for damaging this legitimacy.

²⁴⁹ Statement by Ambassador Vladimir Safronkov, Deputy Permanent Representative of the Russian Federation to the United Nations, UNSC, S/PV.7919, 7th April 2017

²⁵⁰ Statement by Ambassador Wu Haitao, Deputy Permanent Representative of China to the United Nations, UNSC, S/PV.8734, 27th February 2020

²⁵¹ Statement by Ambassador François Delattre, Permanent Representative of France to the United Nations, UNSC, S/PV.7834, 13th December 2016

6 - Conclusion

The purpose of this research was to re-emphasise the concept of legitimacy in the study of normative change by analysing the rhetorical practices and patterns of behaviour used by actors when contesting norms. The discourse of the five permanent members of the UNSC was analysed and the findings were explored in three parts. The first part demonstrated how each actor has constructed a narrative which is used to legitimise their own interests whilst simultaneously delegitimising the interests or actions of others. The second part argued that UNSC activity is shaped by the rhetorical practices used by actors to legitimise their narrative. The moralistic approach lobbied by the P3 has a greater influence on UNSC practice due to the imbalance of power in the UNSC. The final part argued that the approach adopted by each actor is influenced by their view of great power politics and where they see themselves in the global order. The most confident member of the P5, the US, pays less attention to law and norms and instead is guided by its moral superiority. By contrast, the other members are less confident about their status in the international system and are thus more interested in preserving the legitimacy of the UNSC by playing by the rules. This final section will reconsider the research questions whilst drawing necessary conclusions to the results of the analysis. The following questions were asked:

1. How do actors legitimise themselves?
2. How do actors try to influence the legitimacy judgements of others?

The main strategy used by each member of the P5 is to construct a narrative which frames the issues in a way that compliments their desired course of action. The practice of storytelling is used by each of the actors and allows them to paint a picture of the conflict which categorises others involved in the conflict as either good actors or bad actors. Unsurprisingly, the bad actors are also those that do not share the same interests as the narrator. It is in this sense, that Bob was right to conclude that actors engaged in normative contestation cannot be distinguished from one another as they are all ‘rival entrepreneurs in warring networks’.²⁵² These narratives are justified using references to authority, morals,

²⁵² Bob, C. *The Global Right Wing and the Clash of World Politics* (Cambridge: Cambridge University Press, 2012) as cited by Bloomfield, A. *op. cit.* at note 6

history and assurances of each actor's expertise in the matter. The amount each actor utilises each of these legitimisation strategies is what differentiates them from one another.

References to authority and other legitimate things are used primarily by China and Russia, although the P3 also utilise this strategy. Whilst the P3 drive forward a humanitarian approach to international interventions, citing references to human rights and the norms surrounding the prohibition of chemical weapons, the P2 fight back in an effort to ensure the norms they support remain relevant. They regularly use law, norms and order to defend the legal based normative system from morphing into one guided by western morals. Such a drive by the P3 is justified with references to morals which are primarily used to delegitimise the villains in their narrative. The emotional strategies that are used, most prominently by the US, are designed to evoke emotions in the audience and influence their legitimacy judgements.

All members use references to history to legitimise their narratives, albeit with a different intention. The P3 strive to convince the international community that if they do not take action fast, history will repeat itself and the members of the P5 that prevented such action will find themselves on the wrong side of history. By contrast, the P2 use the recent memory of Libya and other western-led interventions to justify their stance against such a practice and regularly make references to the disastrous aftermath in Libya which followed the NATO-led intervention. All of the above is justified using references to each actor's self-professed expertise in the conflict, as well as a public display of how much they have been contributing to the cause.

Evidence of these legitimisation practices proves that language and rhetoric are hugely important when studying normative contestation. As the second part argued, UNSC activity is influenced by the rhetorical strategies used by the P5, which as a result of the power imbalance within the UNSC are primarily western. The P3, led by the US, use emotional strategies to persuade the international community that humanitarian issues ought to play a greater part in the international response to threats to peace and security. They successfully led the UNSC to consider the protection of vulnerable groups of people a legitimate reason for concern, thus shaping the normative conversation to match their own interests. Using emotional rhetoric which makes use of descriptive imagery and visual realia is a strategy which seeks to redirect the normative conversation from one which prioritises sovereignty

and territorial integrity to one that recognises that human rights and morals ought to be centre-stage. However, ironically, but in line with the right side of history argument, it is only the morals of the P3 which are taken into consideration due to their supposed superiority in this field, despite their own track record of supporting international human rights agreements. In an effort to defend the principle of non-intervention, the P2 fight back to protect the international system and the former status quo. The language they use, couched in law and authority, ensures their interests stay relevant; however due to having less communicative power, they are unable to prevent a gradual international acceptance of the P3's morals.

All of the above is informed by each actor's view of great power politics and how much they rely on their status as a permanent member of the UNSC for international legitimacy. Thus, the US, a former leading power, remains confident in its abilities to shape the international system and continues to try and reshape the normative conversation to suit its own interests. By contrast, China is slowly positioning itself as a counterweight to the US and is thus using the UNSC to demonstrate to the international community that it will respect international law, the sovereignty of other states and the international system. In a similar vein, Russia is also determined to challenge the interests of the US, although they depend much more on the legitimacy of the UNSC for international prestige. As a result, both members are particularly vocal about respecting the rules of the organisation, in order to preserve its legitimacy, whilst also delegitimising those that have abused those rules. Both the UK and France are less confident about their place in the international system, but fortunately for them, can rely on the US, who shares their interests, to lead the way.

As a result of their regular clashes and refusal to cooperate with one another in a respectful manner, the legitimacy of the UNSC is often threatened. The P5 are aware of this and each make attempts to disassociate themselves from these unproductive practices and present themselves as a worthy permanent member. It is unfortunate that a dishonest attempt to use the UN to increase one's legitimacy can lead to a decrease in the legitimacy of the UN. Whether the UNSC will remain the central actor responsible for responding to threats to peace and security will depend on the collective response to future conflicts and if the P5 are able to work together. The conflict in Syria has caused the normative conversation to change, but not just in the predictable way that is often presented, whereby the future of the R2P concept is uncertain. Most importantly, it has changed the record and demonstrated that the P2 are willing to put their foot down and prevent the P3 from steering the normative

conversation to one of western interests and values. The increased confidence in both Russia and China to challenge the US is influencing the normative conversation; the Syrian conflict demonstrates the changing global order which is seeing a decline of the US and a rise of other international players, two of whom are able to voice their interests in arguably the most important international security forum.

This research study proves that analysing normative contestation without considering processes of legitimacy is insufficient. The legitimisation practices adopted by actors, when contesting norms, to influence the legitimacy judgements of others, are crucial to understanding how the normative conversation is shaped. The rhetorical practices, used by actors to contest norms, demonstrate how new interests and practices are advanced. The fact that such practices are used to influence the legitimacy judgements of both the UNSC members, and the international community, indicate why this finding is so important. Without paying attention to the words and symbols used by actors who are seeking to persuade, one is unable to recognise the effect such persuasive methods might have on oneself and others.

Bibliography

Abbott, K and Snidal, D., 'Why States act through Formal International Organisations', Vol. 42 (1) (1998) *Journal of Conflict Resolution* 3 – 32

Al Jazeera, 'Syria's War explained from the beginning' (Al Jazeera, 2018) at <https://www.aljazeera.com/news/2016/05/syria-civil-war-explained-160505084119966.html> accessed on 15th July 2020

Allison, R., 'Russia and Syria: explaining alignment with a regime in crisis', Vol. 89 (4) (2013) *International Affairs* 795 – 823

Averre, D. and Davies, L., 'Russia, Humanitarian Intervention and the Responsibility to Protect: the case of Syria', Vol. 91 (4) (2015) *International Affairs* 813 – 834

Barnett, M. 'Bringing in the New World Order: Liberalism, Legitimacy, and the United Nations', Vol. 48 (4) (1997) *World Politics* 526 – 551

Bellamy, A. and Wheeler, N., 'Humanitarian Intervention in World Politics', in Baylis, J. and others (ed), *The Globalization of World Politics: An Introduction to International Relations*, 7th edition (New York: Oxford University Press, 2017)

Björkdahl, A. 'Norms in International Relations: Some Conceptual and Methodological Reflections' Vol. 15 (1) (2002) *Cambridge Review of International Affairs* 9 – 23

Blavoukos, S. and Bourantonis, D. 'Pursuing National Interests: The 1992 British Presidency of the UN Security Council and the Soviet Permanent Seat', Vol. 16 (2) (2014) *The British Journal of Politics and International Relations* 349 – 365

Bloomfield, A., 'Norm entrepreneurs and theorising resistance to normative change', Vol. 42 (2) (2016) *Review of International Studies* 310 – 333

Booth Walling, C., *All Necessary Measures: The United Nations and Humanitarian Intervention* (Philadelphia: University of Pennsylvania Press, 2013)

Caron, D. 'The Legitimacy of the Collective Authority of the Security Council', Vol. 87 (4) (1993) *The American Journal of International Law* 552 – 588

Claude, I. 'Collective Legitimation as a Political Function of the United Nations', Vol. 20 (3) (1966) *International Organisation* 367 – 379

Cobain, I. and Ross, A. 'EXCLUSIVE: British propaganda efforts in Syria may have broken UN law', (Middle East Eye, 11th May 2020) <https://www.middleeasteye.net/news/exclusive-british-propaganda-syria-war-opposition-illegal-internal-review> accessed on 28th August 2020

Coen, A., 'R2P, Global Governance, and the Syrian Refugee Crisis', Vol. 19 (8) (2015) *The International Journal of Human Rights* 1044 – 1058

Coicaud, J., *Legitimacy and Politics: A Contribution of the Study of Political Right and Political Responsibility*, (Cambridge: Cambridge University Press, 2002), Chapter 1

Coleman, K., *International Organisations and Peace Enforcement: The Politics of International Legitimacy* (Cambridge: Cambridge University Press, 2007), Chapter 2

Council on Foreign Relations, 'Civil War in Syria' (CFR, 2020) at <https://www.cfr.org/global-conflict-tracker/conflict/civil-war-syria> accessed on 15th July 2020

Cunliffe, P., 'Framing Intervention in a multipolar world', Vol. 19 (3) (2019) *Conflict, Security and Development* 245 – 250

Deplano, R., *The Strategic Use of International Law by the United Nations Security Council* (Cham: Springer International Publishing, 2015)

Dombrowski, P. and Reich, S. 'The United States of America' in Balzacq, T. and others (ed), *Comparative Grand Strategy: A Framework and Cases* (Oxford: Oxford University Press, 2019)

Erameh, N., 'Humanitarian Intervention, Syria and the politics of human rights protection', Vol. 21 (5) (2017) *The International Journal of Human Rights* 517 – 530

Finnemore, M. and Hollis, D., 'Constructing Norms for Global Cybersecurity', Vol. 110 (3) (2016) *The American Journal of International Law* 425 – 479

Finnemore, M. and Sikkink, K., 'International Norm Dynamics and Political Change', Vol. 52 (4) (1998) *International Organization* 887 – 917

Finnemore, M. 'Fights about rules: The Role of Efficacy and Power in Changing Multilateralism', Vol. 31 (2005) *Review of International Studies* 187 – 206

Finnemore, M., *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca, NY: Cornell University Press, 2003)

Finnish Institute of International Affairs, *The Security Strategies of the US, China, Russia and the EU* (FIIA Report, 2018)

Franck, T., *The Power of Legitimacy among Nations* (New York: Oxford University Press, 1990)

Franck, T. 'The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium', Vol. 100 (1) (2006) *The American Journal of International Law* 88 - 106

Fung, C., 'Separating Intervention from Regime Change: China's Diplomatic Innovations at the UN Security Council Regarding the Syria Crisis', Vol. 235 (2018) *The China Quarterly* 693 – 712

- Ginty, R., 'Post-Legitimacy and post-legitimation: a convergence of Western and non-Western intervention', Vol 19 (3) (2019) *Conflict, Security and Development* 251 – 255
- Hillebrecht, C., 'Review: Reshaping the Idea of Humanitarian Intervention: Norms, Causal Stories, and the Use of Force', Vol. 36 (2) (2014) *The Johns Hopkins University Press* 488 – 492
- Howard, L. and Dayal, A. 'The Use of Force in UN Peacekeeping', Vol. 72 (1) (2018) *International Organisation* 71 – 103
- Hurd, I., *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton, NJ: Princeton University Press, 2007)
- Hurd, I., 'Legitimacy, Power and the Symbolic Life of the UN Security Council', Vol. 8 (1) (2002) *Global Governance: A Review of Multilateralism and International Organisations* 35 – 51
- Jamnejad, M. and Wood, M., 'The Principle of Non-Intervention', Vol. 22 (2) (2009) *Leiden Journal of International Law* 345 – 381
- Johnstone, I. 'Legislation and Adjudication in the UN Security Council: Bringing down the Deliberative Deficit', Vol. 102 (2) (2008) *American Journal of International Law* 275 – 308
- Johnstone, I., 'Security Council Deliberations: The Power of the Better Argument', Vol. 14 (3) (2003) *European Journal of International Law* 437 – 480
- Jones, C., *China's Challenge to Liberal Norms: The Durability of International Order* (London: Palgrave Macmillan UK, 2018)
- Kanet, R., 'Russia and global governance: the challenge to the existing liberal order', Vol. 55 (2) (2018) *International Politics* 177 – 188
- Katzenstein, P. (ed), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996) Introduction
- Keck, M. and Sikkink, K., *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998)
- Klose, F. 'The emergence of humanitarian intervention: three centuries of 'enforcing humanity'', in Klose, F. (eds) *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present* (Cambridge: Cambridge University Press, 2015)
- Krisch, N. 'The Security Council and the Great Powers' in Lowe, V. and others (ed), *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945* (New York: Oxford University Press, 2008)
- Lefsrud, L. and others, 'Giant Toxic Lakes you can See from Space': A Theory of Multimodal Messages and Emotion in Legitimacy work', Vol. 41 (8) (2020) *Organization Studies* 1055 – 1078

- Lombardo, G., 'The Responsibility to Protect and the lack of intervention in Syria between the protection of human rights and geopolitical strategies', Vol. 19 (8) (2015) *The International Journal of Human Rights* 1190 – 1198
- Macfarlane, S., *Intervention in Contemporary World Politics* (New York: Oxford University Press, 2002) Chapter 1
- Macklem, P. 'Humanitarian Intervention and the Distribution of Sovereignty in International Law', Vol. 22 (4) (2008) *Ethics and International Affairs* 369 – 393
- Marangé, C. 'Russia' in Balzacq, T. and others (ed), *Comparative Grand Strategy: A Framework and Cases* (Oxford: Oxford University Press, 2019)
- March, J. and Olsen, J. 'The Institutional Dynamics of International Political Orders', Vol. 52 (4) (1998) *International Organization* 943 – 969
- Marwell, G. and Schmitt, D. 'Dimensions of Compliance-Gaining Behaviour: An Empirical Analysis', Vol. 30 (4) (1967) *American Sociological Association* 350 – 364
- Moisander, J. and others, 'Emotions in Institutional Work: A Discursive Perspective', Vol. 37 (7) (2016) 963 - 990
- Morris, J., 'Libya and Syria: R2P and the spectre of the swinging pendulum', Vol. 89 (5) (2013) *International Affairs* 1265 – 1283
- Niemann, H. and Schillinger, H., 'Contestation 'all the way down'? The grammar of contestation in norm research', Vol. 43 (1) (2016) *Review of International Studies* 29 – 49
- Odeyemi, C., 'Re-emerging Powers and the Impasse in the UNSC over R2P intervention in Syria', Vol. 40 (2) (2016) *Strategic Analysis* 122 – 149
- Pieper, M., '“Rising Power” Status and the Evolution of International Order: Conceptualising Russia’s Syria Policies', Vol. 71 (3) (2019) *Europe-Asia Studies* 365 – 387
- Power, S. 'Samantha Power: My friend, the Russian Ambassador' (New York Times, 17th February 2017) <https://www.nytimes.com/2017/02/25/opinion/sunday/samantha-power-my-friend-the-russian-ambassador.html> accessed on 10th August 2020
- Price, R. and Reus-Smit, C., 'Dangerous Liaisons? Constructivism and critical international theory', Vol. 4 (3) (1998) *European Journal of International Relations* 259 – 294
- Ralph, J. and Gifkins, J. 'The Purpose of UNSC Practice: Contesting Competence Claims in the Normative Context Created by the Responsibility to Protect', Vol. 23 (3) (2017) *European Journal of International Relations* 630 – 653
- Ralph, J. and Souter, J., 'Is R2P a Fully-Fledged International Norm?', Vol. 3 (4) (2015) *Politics and Governance* 68 – 71

Ramani, S. 'Why France is so deeply entangled in Syria', (The Washington Post, 19th November 2015) <https://www.washingtonpost.com/news/monkey-cage/wp/2015/11/19/why-france-is-so-deeply-entangled-in-syria/> accessed on 12th August 2020

Risse, T. and others (ed), *The Power of Human Rights: International Norms and Domestic Change* (New York: Cambridge University Press, 1999)

Sandholtz, W. and Stiles, K., *International Norms and Cycles of Change* (New York: Oxford University Press, 2008)

Scharf, M. and others, *The Syrian Conflict's Impact on International Law* (Cambridge: Cambridge University Press, 2020) Chapter 2

Seligman, L. and Lefebvre, B. 'Little-known US firm secures deal for Syrian oil', (POLITICO, 8th June 2020) <https://www.politico.com/news/2020/08/03/delta-crescent-energy-syrian-oil-391033> accessed on 28th August 2020

Smith, R. '“To see themselves as others see them”: the Five Permanent Members of the Security Council and the Human Rights Council's Universal Periodic Review', Vol. 35 (1) *Human Rights Quarterly* 1 – 32

Snetkov, A. and Lanteigne, M., '“The Loud Dissenter and its Cautious Partner” – Russia, China, global governance and humanitarian intervention', Vol. 15 (1) (2015) *International Relations of the Asia-Pacific* 113 – 146

Stahn, C., 'Between law-breaking and Law-making: Syria, Humanitarian Intervention and 'What the Law ought to be'', Vol. 19 (1) (2014) *Journal of Conflict and Security Law* 25 – 48

Suddaby, R. and Greenwood, R. 'Rhetorical Strategies of Legitimacy', Vol. 50 (1) (2016) *Administrative science quarterly* 25 – 67

Teimouri, H., 'Protecting while not being responsible: the case of Syria and responsibility to protect', Vol. 19 (8) (2015) *The International Journal of Human Rights* 1279 – 1289

Thakur, R. 'Law, Legitimacy and United Nations', Vol. 11 (1) (2010) *Melbourne Journal of International Law* 1 - 26

Tocci, N., 'On Power and Norms: Libya, Syria and the Responsibility to Protect', Vol. 8 (1) (2016) *Global Responsibility to Protect* 51 – 75

TRT World, 'France: a former colonial power, still reinforces itself in Syria', (TRT World, 23 January 2020) <https://www.trtworld.com/magazine/france-a-former-colonial-power-still-reinforces-itself-in-syria-33182> accessed on 12th August 2020

Vaara, E. and others, 'Pulp and Paper Fiction: On the Discursive Legitimation of Global Industrial Restructuring', Vol. 27 (6) (2006) *Organization Studies* 789 – 810

Van Kersbergen, K. and Verbeek, B., 'The Politics of International Norms: Subsidiarity and the Imperfect Competence Regime of the European Union', Vol. 13 (2) (2007) *European Journal of International Relations* 217 – 238

Voeten, E., 'The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force', Vol. 59 (3) (2005) *International Organization* 527 – 557

Wiener, A., *A Theory of Contestation* (Berlin: Springer Berlin Heidelberg, 2014)

Wiener, A., *Contestation and Constitution of Norms in Global International Relations* (New York: Cambridge University Press, 2018)