

Contesting Discourses in the UNSC:

Legitimization discourses, R2P and the UNSC P5 on the case of the Rohingya crisis in Myanmar, August 2017 – May 2018.



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ABSTRACT

The goal of this thesis is to give insight in the complexity of a ‘timely and decisive’ response by the United Nations Security Council (UNSC) in a clear case where the Responsibility to Protect (R2P) principle is applicable, namely the Rohingya crisis in Myanmar. I do so through a discourse analysis of the way the UNSC Permanent Five (P5) member states use R2P language and legitimize their positions in official statements (inside and outside the UNSC). The P5 are divided into a ‘progressive’ position, existing of the USA, UK and France, and a ‘conservative’ position, existing of Russia and China. I use the analytical framework ‘Strategies of Legitimization’ as posed by (Reyes 2011) and define R2P language to inform this framework. R2P language is primarily found in the progressive position. Especially the R2P crime *ethnic cleansing* and the first pillar of the R2P principle can be found. Moreover, frequently used legitimization strategies in relation to R2P language are rationality, voices of expertise and altruism. However, it can be concluded that while certain elements of R2P language are part of the (legitimization) discourses the progressive P5 members present, the elements that would bring serious implications or obligations are avoided. Moreover, the conservative P5 members avoid using R2P language regarding the Rohingya crisis altogether. Therefore, unified ‘timely and decisive’ action from the UNSC proves to be a complex matter. This research is thus in line with major critiques on both the UNSC structure and the R2P principle. However, it also shows that language from the R2P principle has become part of the general discourse of three out of five permanent UNSC member states. It is thus also in line with R2P advocates who argue that as a norm, R2P has been accepted into the UN.

Keywords: *Responsibility to Protect (R2P); United Nations Security Council (UNSC); Permanent Five (P5); Discourse; Discourse Analysis; Legitimization; Rohingya; Myanmar; Rakhine State.*

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LIST OF ABBREVIATIONS

ARSA	Arakan Rohingya Salvation Army
CDA	Critical Discourse Analysis
HCHR	UN High Commissioner for Human Rights
ICC	International Criminal Court
IOs	International Organization
IR	International Relations
P5	Permanent Five member states of the United Nations Security Council
R2P	Responsibility to Protect
UN	United Nations
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council

LIST OF IMPORTANT PERSONS

Name	Position
<i>China</i>	
Ma Zhaoxu	Permanent Representative of the People's Republic of China to the UN
Wang Yi	Foreign Minister of the People's Republic of China
Wu Haitao	Deputy Permanent Representative of the People's Republic of China to the UN
<i>France</i>	
Emmanuel Macron	President of France
François Delattre	Permanent Representative of France to the UN
<i>Myanmar</i>	
Aung San Suu Kyi	State Counsellor of Myanmar
<i>Russia</i>	
Vassily Nebenzia	Permanent Representative of the Russian Federation to the UN
<i>UK</i>	
Jonathan Allen	UK Deputy Permanent Representative to the UN
Mark Field	UK Minister for Asia
Penny Mordaunt	UK International Development Secretary (from 9-11-2017)
Priti Patel	UK International Development Secretary (until 8-11-2017)
<i>USA</i>	
Kelley Currie	US Representative for Economic and Social Affairs (U.S. Mission to the UN)
Nikki Haley	US Permanent Representative to the United Nations
Patrick Murphy	US Deputy Assistant Secretary of State for Southeast Asia
Rex Tillerson	US Secretary of State (1-2-2017 – 31-3-2018)
<i>UN</i>	
Antonio Guterres	UN Secretary-General (December 2016 – present)
Ban Ki-Moon	UN Secretary-General (January 2007 – December 2016)
Yanghee Lee	UN Special Rapporteur for Human Rights in Myanmar
Zeid bin Ra'ad al-Husseini	UN High Commissioner for Human Rights

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INTRODUCTION

Over 700,000 refugees in less than a year. This shocking figure is the result of violent escalation in Rakhine state, Myanmar since the 25th of August, 2017. The violence is resulting from historic and protracted tensions in the region between Buddhist minorities and the Muslim Rohingya people both living in the area. The crisis has made Cox's Bazar, the location of the Rohingya refugee camps just over the border in Bangladesh, one of the densest refugee concentrations in the world. Moreover, the short time frame in which the influx of refugees took place has made it the fastest growing refugee crisis in the world (UNOCHA 2018).¹

For years, the situation has been called the 'plight of the Rohingya' and the Rohingya people are commonly referred to as the 'most persecuted minority in the world' in media and literature (e.g. Kingston 2015). For years, however, the Rohingya have also been largely neglected by the international community (Southwick 2015: 138). Academics have been calling on international institutions to consider acting under the principle of the Responsibility to Protect (R2P) for some time before the current escalation.² Especially since the escalation, the Rohingya crisis is a relevant case from the R2P perspective.³ Yet only after violence erupted in

¹ Before the escalation on 25 August 2017 the refugee camp in Cox's Bazar already existed, consisting of around 200.000 refugees. Between August 2017 and May 2018 around 700.000 more refugees from Rakhine state fled to the camp. This totals more than 900.000 refugees in one area. Also see UNOCHA (2018).

² Zarni and Cowley (2014), for example, argue that the Rohingya are subject to a 'slow-burning genocide' since 1978 and criticize the international community for not recognizing it as genocide. Kingston (2015) argues that despite the international community's commitment to R2P, the plight of the Rohingya has been relatively ignored. Southwick (2015) calls for solutions from the international community, arguing that the international community has legal obligations to act as the situation has a possibility for genocide. Trihartono (2018), lastly, calls for a regional response from ASEAN arguing from the perspective of fulfilling the R2P. Note that all of these articles were written before the August 2017 escalation.

³ Lund (2014), in his article 'Of What is This a Case?', poses a matrix for identifying case studies with on the one side 'specific' and 'general' contents and on the other 'concrete' and 'abstract'. From concrete and specific *observations*, one can move to general *patterns* of abstract *concepts*. In this sense, *observations* from both academic literature (*supra* note 2), NGO's (e.g. HRW 2013; HRW 2018; Amnesty International 2017) and news sources (e.g. Wallace 2016; Beech and Nang 2018) lead to the conclusion that the situation of the Rohingya is a case where the more abstract *concepts* of the R2P principle are relevant. This notion is used as premise for this research.

August 2017, the United Nations Security Council (UNSC), the body that is most influential/powerful regarding cases of R2P, put the issue on the agenda.⁴

This leads to the complication that, despite the Rohingya crisis being a clear case of R2P, it appears to be complex for the UNSC to act ‘timely and decisive’ under the banner of R2P.⁵ The situation is complicated and can hardly be explained comprehensively or understood fully in the scope of this research. However, with this thesis I attempt to add to the insight and analysis of the problems surrounding the situation by focusing on *discourse*, looking specifically at language and legitimization.

The issue is on the UNSC agenda since August 2017. The UNSC members have thus taken positions on the Rohingya crisis in statements at UNSC meetings since then. The UNSC is the international body that decides on international (coercive) action according to Chapter VII of the United Nations (UN) Charter. The role of the UNSC is also stated in the official text on the R2P principle that the UN adopted.⁶ In this thesis, I research the way the Permanent Five (P5) of the UNSC legitimize their positions on the case of the Rohingya crisis, and how language from the R2P principle is used in this legitimization.

The P5; China, France, Russia, the United Kingdom (UK) and the United States of America (USA), are seen as the most influential within the UNSC because of their right to veto. As Hurd argues, this has led to a structure of the UNSC in which ‘the effective decision-making power in the Council is monopolized by the Permanent Five’ (2002: 41). The ultimate power to act (coercively) according to the R2P principle thus lies with the P5 – despite calls for restraint on using the veto in cases of R2P.⁷ Therefore, it is most relevant to use the P5 as main

⁴ António Guterres, the Secretary General of the UN, wrote a letter to the UNSC on 2 September 2017 (S/2017/753) calling for a strong response and engagement on the issue after an earlier discussion of the matter at the UNSC on 30 August 2017 (closed meeting).

⁵ An important part of the R2P principle is the responsibility to *prevent*. However, this failed as soon as the most recent violent escalation started on 25 August 2017. Moreover, the UNSC did not react ‘timely and decisive’, as the R2P principle prescribes. A year later, the UNSC has visited the crisis area and has presented a Joint Response Plan for the second half of 2018. However, despite calls for creating safe conditions to return refugees, the situation in the camps is still dire and safe conditions have not been created. Myanmar has said they are willing to take measures to resolve the crisis. However, their words do not overlap with their actions. In a NY Times article from 14 March 2018, it is claimed that despite a ‘voluntary repatriation’ deal between Bangladesh and Myanmar, only around 8.000 refugees have said they are willing to return (see Beech and Nang 2018).

⁶ A/RES/60/1.

⁷ In the 2001 ICISS report, the ICISS recommended a ‘code of conduct’, namely for a P5 member to not obstruct a majority resolution on a decision regarding R2P with a veto. However, this idea was not followed through in the official UN adoption of the R2P principle in the 2005 World Summit Outcome Document (A/RES/60/1). Also see Hehir (2016: 174) for some comments on this issue and the 2015 ‘Restrain the Veto’ campaign following vetoes by Russia and China on the crisis in Syria in 2014.

actors when researching how different positions in the UNSC are legitimized in relation to the R2P principle.⁸

For this research, the P5 can roughly be divided in two opposing positions based on the statements made in UNSC open meetings on the situation in Myanmar.⁹ First, the USA, the UK and France are critics of the Myanmar government and military.¹⁰ They are calling on Myanmar to take adequate measures to tackle the issue and change their behavior. These states thus represent what I will further refer to as the ‘progressive position’: they promote change and progression. Second, Russia and China oppose this position and are more supportive of Myanmar. They are less eager to support calls for action or change in the way Myanmar handles the situation. These states represent what I will refer to as the ‘conservative position’.¹¹

As the focus is on language and legitimization, the research uses the discursive approach through a *discourse analysis*. From the above complication and introduction of the main actors, the following research question can be derived:

How is the concept of R2P interpreted and presented in the legitimization discourses of the different positions by the P5 member states of the UN Security Council in official statements regarding the Rohingya crisis in Myanmar between August 2017 and May 2018?

In order to answer the research question, the main puzzle is divided into the following sub-questions, which will be answered in the relevant chapters:¹²

- 1) What is R2P language?

⁸ Therefore, and because of the limited scope of this thesis, the non-permanent UN members are not taken into account in this research.

⁹ This is based on a first reading of the UNSC open meeting transcripts, where all Member States make statements regarding the issue. These documents are also part of the data sample, as I explain in the method section.

¹⁰ The USA, UK and France tend to call Myanmar by its former (colonial) name, Burma, which is not appreciated by Myanmar. I will use the name Myanmar when referring to the country myself. However, in quotes or when referring directly to a statement of the USA, UK or France in which they use Burma, I will follow their language and also use Burma.

¹¹ Claes (2012), in regard to UN Member State positions on R2P, uses the terms ‘friends of R2P’ and ‘rejectionists’. However, as I try to keep away from taking a normative stance, I have opted for more neutral terms, ‘progressive’ and ‘conservative’ regarding the positions they take on the matter of Myanmar.

¹² The ‘interpreting’ and ‘presenting’ parts of the research question are incorporated in the sub-questions in the sense that showing how R2P is used in legitimization includes both interpreting and presenting of the concept.

- a) How can R2P language be used to inform the ‘strategies of legitimization’ framework?
- 2) How are strategies of legitimization used to legitimize the usage of R2P crimes in the official statements by the progressive position?
- 3) How are R2P crimes used in legitimization strategies to legitimize the progressive position?
- 4) How are the R2P pillars used by the progressive position?
 - a) How is the usage of R2P pillars related to the legitimization strategies?
- 5) How is the conservative position of Russia and China opposing the legitimization discourses of the progressive position?
 - a) How do Russia and China legitimize this conservative position?
 - b) How is the concept of R2P used by the Russia and China?

Russia and China, the conservative position, are only covered in one sub-question. This is not because of a political bias or preference. Rather, the core of the discourse that is analyzed is found with the progressive position of the USA, UK and France. As a result, their data is covered more extensively.¹³

Context: Rohingya crisis

The Rohingya people have been subject to marginalization and persecution for decades. The root causes have two relevant aspects: statelessness and communal tensions. Since the 1982 Citizenship Act of Myanmar, the Rohingya have been rendered legally stateless.¹⁴ 135 ‘national races’ are recognized as Myanmar nationals in the act, but not the Rohingya (Wallace 2016). As a result, they live ‘under an apartheid-like system’, restricting their freedom of movement and limiting their access to healthcare and education (Wallace 2016). Kingston defines this problem as ‘state-sanctioned discrimination’ (2015: 1167). Moreover, tensions between ethnic groups in Rakhine state (see Figure 1), where the Rohingya historically live,

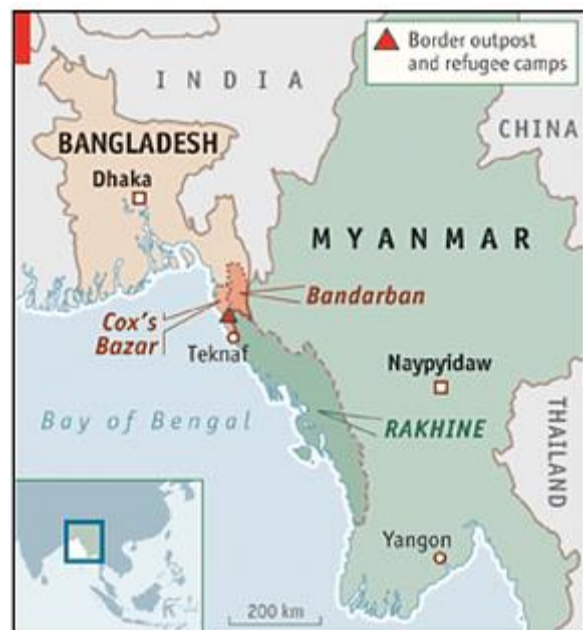


Figure 1: Map indicating Rakhine State and Cox's Bazar.
Source: ADRA Bangladesh (2017).

¹³ This will be argued more in-depth in the coming chapters of the thesis.

¹⁴ See *Burma Citizenship Law* (1982).

have been present for a long period as well. The approximately one million Muslim Rohingya have lived alongside the Buddhist Rakhine people here. Anti-Muslim sentiment and Buddhist nationalism have resulted in ethnic strife (Trihartono 2018: 5).

The situation of the Rohingya has led to episodes of violence and flight throughout the past decades (Southwick 2015: 141). The plight of the Rohingya has been called ethnic cleansing, constituting crimes against humanity or even genocide already before the current escalation.¹⁵ Yet the current crisis is of unprecedented scale. On 25 August, Rohingya militants from the Arakan Rohingya Salvation Army (ARSA) attacked police posts, killing twelve members. This led to a ‘security crackdown’ and the subsequent mass flight of Rohingya people to Cox’s Bazar in Bangladesh (see Figure 1) (BBC 2017). What makes the issue complex is that Myanmar’s military claims to fight the terrorist ARSA, while the Rohingya that fled say the military and militant Rakhine Buddhists are ‘conducting a brutal campaign to drive them out’ (BBC 2017). Another aspect that complicates the way the situation is handled is the fact that military of Myanmar military has a lot of political power. Therefore, the civilian government of State Counsellor Aung San Suu Kyi does not fully control the actions of the military.¹⁶

Aims and relevance

The goal of this thesis is threefold. First is to give insight on the complexity of a ‘timely and decisive’ response by the UNSC in a clear case where the R2P principle is applicable, namely the Rohingya crisis in Myanmar, by analyzing legitimization discourse. I research how the P5 members legitimize their different positions and use the R2P principle in this legitimization. Second is to analyze how an international (normative) concept – R2P – is interpreted and presented by the most influential international institution, the UNSC (specifically the P5). In this sense, the research is concerned with interpreting the significance of a politically significant phenomenon (Ragin 1994: 39).¹⁷ The third goal is to advance new theory (Ragin 1994: 45). I

¹⁵ See, for example, HRW (2013), a report in which the violent episode from 2012 is defined as constituting ethnic cleansing and crimes against humanity. Zarni and Cowley (2014) call the protracted issue of the Rohingya a ‘slow burning genocide’.

¹⁶ This is explained, for example, in a CNN article by Tarabay (2017). Myanmar is still in a process of democratic transition, the military having been the authoritative power from 1962 to 2011. Despite democratic reforms and a civilian government taking seat in 2011, a 2008 constitutional change allocated a quarter of the seats in parliament to the military. Moreover, as the CNN article reports, the commander-in-chief does not report to the State Counsellor and cannot be fired by her. In the P5 official statements I discuss in the coming chapters, often the security forces are named separately as a result of this.

¹⁷ Ragin (1994: 39) talks about ‘culturally significant phenomenon’ from a social research perspective. However, this research is more concerned with interpreting a political phenomenon – namely the usage of the R2P principle in legitimization.

do this by synthesizing the R2P principle with the analytical framework I use in order to analyze the P5 statements (see chapter 1).¹⁸

This thesis is relevant because it engages with several (academic) debates. First, the theoretical framework I use, ‘strategies of legitimization’, is part of discourse analysis literature. As I explain in chapter 1, by using this framework, this thesis positions itself in the discursive approach and different views on it. Advancing the analytical framework by combining it with the R2P principle can potentially add to the body of literature on discourse analysis.

Second, this research can add to the academic debate surrounding the R2P principle. There is a vast amount of literature ranging from critiquing to advocating that make out the debate on the (normative) value of the R2P principle in international politics.¹⁹ However, there is also a third body of literature on R2P more engaged with analysis. These analytical works ‘focus on deepening the understanding of R2P without necessarily taking a normative position’ (Gholiagha 2014: 362). I start from this point. While the underlying assumption of the chosen case study is that it is a case of R2P, the actual analysis is not focused on taking a normative position. Rather, this thesis is focused on analyzing how R2P fits within a certain analytical framework and understanding how it is used by certain actors. It can, in this way, inform both the normative debate and the analytical side of R2P literature.

Third, this research can engage with the debate surrounding the UNSC as an international body. Critique on the structure of the UNSC primarily concerns the veto power of the P5.²⁰ In this case, the veto power of the P5 is the reason to select the P5 as main actors. Understanding how different positions in the UNSC are legitimized might give some insights that are useful for the debate.

Last, this research also covers a relevant and contemporary case study. The crisis of the Rohingya and the violence in Rakhine state are relevant for conflict studies. Moreover, as

¹⁸ See Chapter 1 for an extensive explanation of how I do this.

¹⁹ Gholiagha (2014) reviews three books and identifies three strand of literature on R2P: advocacy, critique and analysis. Hehir (2011; 2016) is one of the major critics, where Bellamy (e.g. 2015) is more positive. In a 2016 special issue of *Cooperation and Conflict* offers a recent overview of the R2P debate. Hehir (2016), from a realist perspective, is critical and argues that national interests still weigh heavier than the R2P principle. Glanville (2016) and Gifkins (2016), from a more constructivist position, are more positive and argue that there is more consensus on the R2P principle in recent years and that it does have an impact on international behaviour. Welsh (2016) acknowledges difficulties with the R2P principle and argues for more focus on the responsibility to *prevent*, instead of the current focus on reaction. She also identifies the gap between rhetoric and reality in terms of commitment to the R2P principle. Last, Irvin-Erickson (2017) argues that R2P is a normative principle that has influence on the practice of politics, but not on the practice of law and security.

²⁰ Hosli and Dörfler (2017) offer an overview of the Security Council reform regarding the issues with the current structure and the P5 veto power, as well as arguing why reforming the Security Council proves so complex.

argued above, it is a clear case of R2P. This research can add to the understanding of the complexity of the issue and how it is covered in international politics. This thesis is therefore also socially (or, rather, politically) significant (Ragin 1994: 23).

Research Design and Method

According to Ragin (1994: 55), social research has to contain a dialogue between ideas (theory) and evidence (data). Ideas inform the analytical framework (deductive), while evidence leads to patterns that can then be linked to this framework (inductive). I explain here how I design my research and what methods I use, and thus how I come to the evidence and analytical framework.

First, for the research design, this thesis is using the qualitative research strategy. This research seeks to understand how political actors legitimize their position through discourse and how they use the R2P principle in doing this. Therefore, the epistemology is *interpretative* (Demmers 2017: 17). Ontologically speaking, this research is positioned between *agency* and *structure* (Demmers 2017: 16). Giddens' idea of *structuration* is therefore a suitable concept to define the ontology of this thesis.²¹ I explain this more extensively in chapter 1.

In line with the epistemology and ontology, and the analytical framework I use, the qualitative research method I primarily use is *discourse analysis* (Ritchie 2003: 35).²² The unit of observation for this is text, in this case in the form of documented statements. In accordance with this, naturally occurring data will be used (Ritchie 2003: 34). Moreover, the research is also embedded in academic context. Therefore, a review of secondary sources is also part of the methodology (see chapter 1).

The method of this research can be divided into three steps: identifying the data sample, collecting the data, and analyzing the data. First, the data sample. As evidence must be 'purposefully collected' (Ragin 1994: 23), the data sample is selected accordingly. As a type of 'purposive sampling' (Boeije 2010: 36), I derive the data sample from the research question

²¹ See, for example Demmers 2017: 126-130 for an explanation of structuration. The idea of structuration will be explained more extensively in chapter 1, as it is also one of the relevant theoretical backgrounds for this thesis.

²² According to Ritchie (2003: 35), *discourse analysis* examines 'the construction of texts and verbal accounts to explore "systems of social meaning".' Sources for this can include 'written documents, speeches, media reports, interviews and conversation'. The sources of this thesis consist of written documents (press statements on government websites) and speeches (transcribed statements).

and the body of theory it is based on. The data sample then consists of documents in the form of official statements by the P5 member states inside and outside of the UNSC. These ‘official statements’ are all collected via online open sources and represent the public discourse of each P5 member.

Second, all the statements by the P5 at UNSC open meetings on the situation in Myanmar were collected as the core documents. Note that, due to availability, the documents from the official UN website were all *open meetings*, of which there were five regarding Myanmar between August 2017 and May 2018. In four of these, the P5 member states all made a statement.²³ To supplement the statements made in the official UNSC setting, other official government statements on the situation in Myanmar were gathered as well. This is relevant because the statements in the open meetings can be seen as part of the *public* discourse of the P5 member state. The official documents outside of the UNSC were all gathered according to similar search queries and exclusively from official government websites.²⁴ In Appendix A the full data sample is explained and mapped in tables.

Third, the collected data has to be coded, categorized and analyzed. The codes and categories are based on relevant concepts derived from the analytical framework and academic literature. Part of the method is thus to identify these concepts or keywords.²⁵ In chapter 1 the relevant theoretical academic literature is reviewed in order to come to the analytical framework. This is then used for the ‘systematic analysis of the evidence’ in the form of a discourse analysis in the subsequent chapters (Ragin 1994: 23). In Appendix B the full codebook based on concepts from the analytical framework, relevant literature and the R2P principle can be found. In the coding and categorization process, all collected data was covered. However, ultimately not all documents from the data sample are used in the analysis as some did not contain relevant content to analyze. The evidence is triangulated by using not only the official UNSC sources, but also public official statements outside of the UNSC. This way, the

²³ In the (chronologically) second open meeting on 6 November 2017 (see S/PV.8085), the Presidential Statement (S/PRST/2017/22) was presented by the President of the UNSC, as well as reactions from representatives of both Myanmar and Bangladesh. However, as the P5 did not make statements here, it is excluded from the data sample. For the sake of continuity and clarity, I number the four UNSC open meetings in which the P5 did make statements one to four in the analysis chapters.

²⁴ Note that, while the search queries were similar, the resulting number of relevant documents differ per P5 member state. Especially for Russia and China the available official statements regarding the situation of the Rohingya were not as abundant as the other states.

²⁵ According to Lund (2014: 226), researchers are inherently subjective in the sense that the questions they ask and the concepts they use influence the method and the research in itself. I am aware of this ‘subjectivity’. However, I also believe that the questions I ask and the methodological/analytical framework and concepts I select are chosen rigorously to fit the ‘discourse analysis’ of this research (Holzscheiter 2014: 159). The ‘identifying’ of concepts and keywords, here, is thus part of this process.

public discourse is covered from two different source types. Moreover, the evidence is backed by secondary literature where relevant.

There are several limitations I can identify for this research. First, as the available UNSC sources are only the open meetings, the analysis will regard the *public discourse* of the P5 members only. This means that closed meetings, where more deliberation might take place, and informal discussions were not taken into account due to limited access. However, analyzing the public discourse does mean that official statements of the P5 members outside of the UNSC can be taken into account as well to supplement the data.

Second, the time frame of this research is relatively small. The Rohingya crisis escalated on 25 August 2017, and the last UNSC open meeting taken into account took place on 14 May 2018. The issue, however, is still ongoing. Future developments could influence the impact of this research. Despite this, taking the last open meeting as end point is logical as it also signifies the end of a phase. The last open meeting was a briefing of the UNSC visit to Bangladesh and Myanmar a few days before. Therefore, it can be seen as the end of a process in which the issue was put on the UNSC agenda until the UNSC decided to go on a field visit to see the situation and developments directly.

Last, there is a language limitation to this research. All of the documents, both from the UNSC and the other official statements, are in English. This means that the P5 member states who do not have English as official language offer translations of their statements. However, all of the statements were collected from official government websites and thus still represent the public discourse of that state.

The remainder of this thesis is structured after Ragin's (1994: 55) model of ideas and evidence, and includes both *analysis* and *synthesis*.²⁶ In chapter 1, the main theories underlying this research, the relevant literature and the analytical framework are discussed. In chapter 2 to 5, the *analysis* of the evidence in accordance with the analytical framework is covered. In chapter 2, I analyze how strategies of legitimization are used by the progressive position to legitimize using the R2P crimes. In chapter 3, the analysis turns to the way in which the R2P crimes are used as part of legitimization strategies. In chapter 4, I analyze how the R2P pillars are used in

²⁶ Ragin (1994: 55) defines analysis as 'breaking phenomena into their constituent parts and viewing them in relation to the whole they form'. Synthesis is defined as 'counterpart to analysis. [...] synthesis involves putting pieces together to make sense of them' (Ragin 1994: 56).

relation to legitimization discourses. In chapter 5, I analyze the conservative posed by Russia and China. Finally, the conclusion will offer a *synthesis* in order to answer the research question.

CHAPTER 1: ANALYTICAL FRAMEWORK: STRATEGIES OF LEGITIMIZATION AND THE R2P PRINCIPLE

This chapter is concerned with the theoretical background and analytical framework of this thesis. The analytical framework I use is ‘strategies of legitimization’ as posed by Reyes (2011). I use the R2P principle to further inform this analytical framework. This chapter, therefore, answers the sub-questions: *What is R2P language? And how can R2P language be used to inform the ‘strategies of legitimization’ framework?* I first discuss relevant theoretical literature on discourse analysis, also explaining how the research is relevant to (social) theory (Ragin 1994: 23). Following this, I turn to the analytical framework and the R2P principle.

1.1. Theory: *Discourse analysis in academic literature*

First, *discourse* and *discourse analysis* need to be defined. I use Holzscheiter (2014) for this. She gives a comprehensive overview of discourse analysis literature in the field of International Relations (IR). Discourse is defined by her as ‘the space where intersubjective meaning is created, sustained, transformed and, accordingly, becomes constitutive of social reality’ (Holzscheiter 2014: 144). Discourse is thus a *social* concept. This research is then concerned with how the legitimization discourses of the main actors sustain the intersubjective meaning given to the concept of R2P. Discourse analysis applied to international politics ‘examines what is achieved by using particular discursive repertoires and strategies and which dimensions of reality and options for political action are included and excluded by specific representations of reality’ (Holzscheiter 2014: 144). This definition will be used as the working definition of discourse analysis for this research.

As explained in the method section of the Introduction, Giddens’s idea of *structuration* is an important theoretical concept related to the epistemological stance of this research. Structuration is based on the idea that structure and agency are not ‘ontologically prior’, but

actually ‘mutually constitutive entities’ (Demmers 2017: 127). This is in line with Holzscheiter (2014), who argues that the types of discourse analysis in IR she discusses are all constructivist in the sense that ‘they theorize and investigate the co-constitutive relationship between agents and structure, text and context, albeit with differing assumptions on the degree to which agents are masters of discourse’ (2014: 143).²⁷

Holzscheiter (2014: 147) makes the distinction between micro-interactional (agency) and macro-structural (structure) levels-of-analysis.²⁸ Furthermore, she divides the interpretation of discourse and power between deliberative (or Habermasian), where discourse can replace instrumental power with ‘the power of the better argument’, and productive (or Foucauldian), where discourse is concerned with the production of power structures (Holscheiter 2014: 149).²⁹ This results in the following matrix:

	L₁: Agent	L₂: Structure
P₁: Deliberative	Discourse as communicative rationality – discourse as the place where “power of the better argument” comes to bear.	Deliberative design of international institutions allows redressing power asymmetries in global politics through discourse.
P₂: Productive	Discourse as knowledge-power nexus: Actors strive to impose their views of reality on others in discourse.	Discourses as institutionalized meaning-structures inevitably produce and perpetuate power asymmetries.

Table 1: Levels of Discourse-Analysis (L) and Discourse-Power Relationship (P). Source: Holzscheiter (2014: 150).

A relevant previous study that is concerned with discourse analysis in the UNSC is Johnstone (2003). Holzscheiter (2014: 151) positions this research as micro-interaction and deliberative. Johnstone (2003) uses Habermas’ theory of communicative action. The UNSC, according to him, is a place of deliberation. His focus is on justification in the UNSC by legal

²⁷ With this, Holzscheiter (2014) argues, she moves beyond the earlier overview work of discourse analysis in IR by Milliken (1999), who is more focused on critical theory and poststructuralism. Milliken is primarily focused on the Foucauldian understanding of discourse in relation to IR, posing for example the ideas of a ‘hegemonic discourse’ and ‘subjugated knowledge’ (1999: 243).

²⁸ Holzscheiter (2014: 145) bases her division of agency and structure on the ‘thin’ and ‘thick’ understandings of constructivism as posed by Alexander Wendt. Thick constructivism ‘sees language as the constitutive element of reality’, whereas thin constructivism assumes social facts can exist independently of discourse and the way individuals explain it. The micro-interaction focus on agency is then based on thin constructivism, as it sees agents as being able to ‘choose from a range of possible articulations and speech-acts’ within institutional structures. The macro-structural perspective is based on thick constructivism, assuming that ‘all speech-acts are instances of larger systems of signification’ (Holscheiter 2014: 147).

²⁹ As Holzscheiter (2014: 150) further explains, the Habermasian concept of discourse ‘serves to exhibit the transformative/deliberative potential of international politics’, whereas Foucault’s notion of discourse ‘underlies intellectual projects of deconstruction/reconstruction of the power structures inherent to historically dominant, institutionalized discourses.’

argumentation (Johnstone 2003: 438). This thesis, in contrast, is concerned with how a more normative concept, namely R2P, is used in legitimization by the P5.³⁰ In this sense, this research is more focused on the ‘agent’ level of analysis, while still embedded in the structure of international institutions – which is, again, in line with structuration. Regarding the ‘discourse-power’ relationship, this research can be seen as both deliberative, in the sense that the P5 have different positions arguments, and productive, in the sense that legitimization (through a concept like R2P) brings with it a certain view on reality.

The discursive approach to violent conflict as posed by Demmers is based on the idea of structuration and Jabri’s (1996) interpretation of it. Jabri (1996) identifies three types of structures posed by Giddens: structures of signification and legitimation, which are both discursive, and structures of domination, which is more related to power. She then combines these three types in the sense that ‘structures of signification are mobilized to legitimate the sectional interests of hegemonic groups’ (Jabri 1996: 96). The importance of *legitimization* in discourse thus becomes clear here. Demmers, moreover, argues that ‘the asymmetrical distribution of power results in certain agents simply having more “power to define”’ (2017: 129). In this sense, the P5 with their veto indeed have a certain ‘power to define’ through structures of signification and legitimation.

Relating this to back to structure and agency, Demmers argues that structure ‘becomes manifest in discourses and institutions’, while people (with agency) ‘(re)produce these rules through social practices’ (2017: 129). This results in the following model:

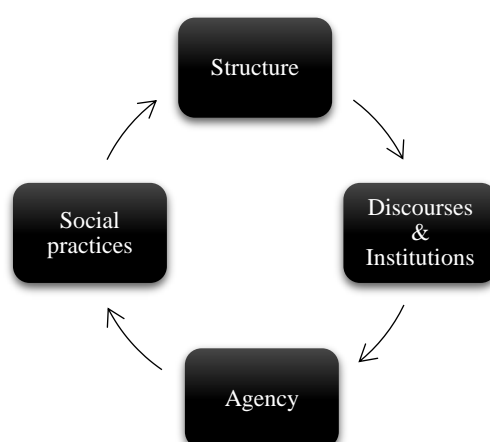


Figure 2: Discourses and practices. **Source:** Demmers (2017: 130).

³⁰ Another study that attempts to do a discourse analysis on the UNSC is by Curran and Holtom (2015). However, this article ultimately only maps the frequency of concepts associated with ‘stabilization’ mentioned by the P3 (USA, UK, France) in the UNSC. As they conclude, it is more of an exploratory study than an analysis of the discourse itself (Curran and Holtom 2015: 15). It is thus less relevant for this thesis.

While this thesis does not attempt to analyze how discourse is related to the emergence of violent conflict, the ideas posed above can be applied to the aspects of this thesis. Starting from *structure*, the UNSC can be seen as *institution*, in which *discourse* is exercised through language in the form of statements. This gives the member states (in this case the P5) *agency* to engage in the *social practice* of making statements (inside and outside the UNSC) on a certain issue – in this case the Rohingya crisis in Myanmar. This can then potentially influence the *structure*.

The concept of *social practice* here is important to briefly discuss, as the body of literature on Critical Discourse Analysis (CDA) views language as a form of social practice (Fairclough 2003; van Leeuwen 2008).³¹ CDA literature is relevant because the analytical framework I use to inform this research is largely based on this. Related to the literature discussed above, CDA as theoretical perspective approaches language as a social phenomenon (Chilton 2004: x). In relation to structuration, Fairclough (2003: 15) also stresses the need to combine the ‘micro’ of textual analysis with the ‘macro’ of structures. Social practices, then, are defined by Fairclough as ‘intermediate organizational entities’ between (social) structures and events (2003: 23). In a very broad sense, van Leeuwen’s view is that ‘all texts, all representations of the world and what is going on in it, however abstract, should be interpreted as representations of social practices’ (2008: 5). For this research, the social practice is that of making official statements representing the position of an actor (P5 member state) on a specific issue (Rohingya crisis in Myanmar).

1.2. Analytical framework: *Strategies of Legitimization*

The analytical framework I use is mainly informed by Reyes’ (2011) article ‘Strategies of Legitimization in Political Discourse’. His framework is in line with the working definition of discourse analysis I use. Moreover, it is based on CDA and Systemic Functional Linguistics. However, this research is not so much engaged with the linguistic side of CDA. Rather, I use this framework to inform an analysis of a political discourse in an IR setting, namely statements of the P5 members on the situation in Myanmar.

³¹ Critical Discourse Analysis is an interdisciplinary approach and is very broad. The amount of literature on CDA is vast and cannot be comprehensively discussed here. Therefore, I only briefly discuss how CDA literature relates to the perspective I take on discourse and how it informs the analytical framework I use. As a result, only a few of the important CDA works (Fairclough 2003; Chilton 2004; van Leeuwen 2008) are taken into account.

According to Reyes, an act of legitimization ‘implies an attempt to justify action or no action or an ideological position on a specific issue’ (2011: 783). Legitimization in political context is important because ‘a powerful group or institution [...] seeks *normative approval* for its policies or actions. It does so through strategies that aim to show that such actions are consistent with the *moral order* of society’ (Rojo and van Dijk 1997: 528). This is related to discourse in the sense that acts of legitimization are ‘usually accomplished by [...] *discourse*’ (Rojo and van Dijk 1997: 528). Moreover, the ‘contextual setting’ is important because it ‘validates the authority of the politician and that power allows the politician to present his speech as truth’ (Reyes 2011: 784). Reyes distinguishes **five strategies of legitimization** in political discourse. I discuss the strategies and their main concepts (see Table 2) below, supplemented by other literature where relevant.

Strategy	Main concepts
<i>Emotion</i>	<i>Fear</i> <i>Sympathy</i>
<i>Hypothetical future</i>	<i>Negative future</i> <i>Positive future</i>
<i>Rationality</i>	<i>Consultation</i> <i>Moral and value</i> <i>Definition</i>
<i>Voices of expertise</i>	<i>Personal</i> <i>Expert</i> <i>Impersonal</i> <i>Conformity</i>
<i>Altruism</i>	<i>Beneficial</i> <i>Well-being</i>

Table 2: Strategies of Legitimization and main concepts (based on Reyes 2011).

The first strategy is using **emotions**. Reyes explains this as constructing a negative image of the ‘other’. In Reyes’ (2011: 786) words:

The negative representation of social actors and the attribution of negative qualities to their personalities or their actions allow speakers to create two sides of a given story/event, in which speaker and audience are in the “us-group” and the social actors depicted negatively constitute the “them-group”.

He identifies *fear* as the main emotion to do this, which can be applied to demonize the ‘enemy’ (Reyes 2011: 790). However, in this research the audience is not directly threatened by the

‘other’. Therefore I suggest that using emotion as a strategy by P5 members also involves creating a feeling of *sympathy* with the audience for the victim group.

The second strategy is presenting a **hypothetical future**. A possible threat in the future legitimizes taking action in the present. The future is then related to both the past and the present. In Reyes’ words: ‘the cause of our present problem is in the past, and it now triggers imminent action in order to avoid the same problem repeating itself in the future’ (2011: 793). The sketched hypothetical future can either be *negative* (if you do not do what we suggest, the problem will stay or the situation will deteriorate further) or *positive* (if you do what we suggest, the situation will improve) (Reyes 2011: 793).³²

The third strategy is through **rationality**. This is done by presenting decisions as being made after ‘a heeded, evaluated and thoughtful procedure’ (Reyes 2011: 786). A decision or course of action is thus legitimized *after consultation*. However, Reyes also emphasizes that these decisions are often ‘based on morals and values that constitute recognizable variable within the community’ (2011: 798). It thus constitutes the ‘right’ thing to do. The *morals* and *values* of the speaker and audience are then also important to identify. These are used to inform the rational constructs on which the legitimization is based.³³ Van Leeuwen, as part of what he calls ‘theoretical rationality’, explains how a *definition* can be part of rational legitimization when ‘one activity is defined in terms of another, moralized activity’ (2008: 116).³⁴ A definition, then, is founded in a representation of some kind of ‘truth’, that can in a sense inform ‘the right thing to do’.

The fourth strategy is by referring to **voices of expertise**. Voices of different sorts of expert actors can be used to back up a suggestion or position (Reyes 2011: 786). This idea is informed by van Leeuwen’s (2008: 106) *authorization*: using a form of authority in legitimization discourse. Van Leeuwen (2008: 106-109) identifies several forms of authority, of which four are relevant: personal authority (via an authoritative figure), expertise authority (using the expertise of a source), impersonal authority (using laws or rules), and authority through conformity (referring to others). Using a source to back a statement is legitimization in the sense that ‘reported or quoted speech is imported into talk as a way of drawing on the

³² Posing a ‘future threat’ in political discourse is for example also discussed by Dunmire (2007).

³³ Reyes (2011: 797) argues regarding social constructs that ‘rationality is employed here as a social construct within a cultural group, that is, something that ‘makes sense’ for the community and constitutes the ‘right’ thing to do.

³⁴ According to van Leeuwen (2008: 115-116), in theoretical rationalization, ‘legitimation is grounded not in whether the action is morally justified or not, nor in whether it is purposeful or effective, but in whether it is founded on some kind of truth, on “the way things are”. Reyes (2011: 798) also employs this idea and argues that rational constructs are based on this in the sense that ‘the way things are’ inform ‘the right thing to do’.

authority of the person whose speech is being reported' (Hill and Irvine 1993 in Philips 2004: 475).

The fifth and last strategy is **altruism**. Altruism is employed by presenting a position as not driven purely out of personal interest (Reyes 2011: 787). Actions or positions are proposed as being beneficial to others. This is especially well-perceived if presented as beneficial for poor, innocent and vulnerable groups (Reyes 2011: 801).

Reyes applies this analytical framework to analyze speeches by former US presidents Bush and Obama, who have contesting ideologies (2011: 784). In this research, I apply the framework to a specific political arena, the UNSC, in order to analyze the contesting positions of the P5 members in their official statements. In this sense, it will be relevant to see how different strategies are used by the different actors.

1.3. Analytical framework: *The Responsibility to Protect*

While the concept of R2P is not a theory or analytical framework in itself, I use it to inform the analytical framework outline above. It is first important to explain the concept of R2P in the context of the UN and define what I understand as R2P language before synthesizing it with the analytical framework.

After the initial publication of the 2001 ICISS report *The Responsibility to Protect*, the UN adopted a set of principles under the R2P concept for the first time in the 2005 World Summit Outcome Document (see Appendix C).³⁵ In this document, the UN Member States accept that 'each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.'³⁶ In the Outcome Document, four 'atrocious crimes' that fall under the R2P principle are identified: *genocide*, *war crimes*, *ethnic cleansing* and *crimes against humanity*. An important caveat here is that only ethnic cleansing does not have an official legal definition under any international law.³⁷

³⁵ The 2001 ICISS report can be seen as the basis in which the R2P principle is outlined most comprehensively. The subsequent adoptions of the R2P principle in the UN are based on the ICISS report, however, they have also omitted certain elements.

³⁶ A/RES/60/1.

³⁷ Genocide (Article 6), Crimes against humanity (Article 7) and War Crimes (Article 8) are all legally defined in the *Rome Statute of the International Criminal Court*. These definitions are thus all recognized by the Member States party to it. Ethnic cleansing is not an officially defined crime under international law, but it is still an essential part of the R2P principle.

A second essential document in which the UN adopts the R2P principle is a report by Ban Ki-Moon, then Secretary-General of the UN, called *Implementing the Responsibility to Protect* (2009).³⁸ In this document, the Secretary-General identified three pillars on which the R2P concept is built:

- I. The protection responsibilities of the State.
- II. International assistance and capacity building.
- III. A timely and decisive response.

Pillar I is the responsibility of the State itself to protect its populations from any of the R2P crimes. Important here are the words ‘whether nationals or not’.³⁹ This means that, according to this principle, Myanmar has the responsibility to protect the Rohingya people living inside its borders, despite them not being recognized as a national ethnic group under Myanmar law.⁴⁰ Pillar II involves the international community. It is concerned with cooperation between Member States, but also ‘regional and subregional arrangements, civil society and the private sector’.⁴¹ Pillar III is the responsibility of Member States to ‘respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection’.⁴² This can either be because the State is unable or unwilling to adhere to its responsibility. International response can be in the form of measures under Chapter VI, VII and VIII of the UN Charter. Coercive measures fall under Chapter VII. These have to be authorized by the UNSC.⁴³

Despite the R2P principle being adopted into UN texts, it remains a contested concept – both in academics and in politics. Not all member states are as willing to support the principle as others.⁴⁴ Moreover, academic debate is also split between advocates and critics, mainly concerning the gap between words or rhetoric and actions or reality.⁴⁵ This research, however, is more concerned with an analysis of how R2P is used rather than engaging in the debate on the (normative) value of R2P.

³⁸ A/63/677.

³⁹ Ibid.

⁴⁰ See *Burma Citizenship Law* (1982).

⁴¹ A/63/677.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Irvin-Erickson, for example, argues there is no ‘globally accepted threshold for delineating what kinds of atrocities warrant international intervention under R2P and what kind of responses R2P calls for’ (2017: 106).

⁴⁵ Gholiagha (2014) divides R2P literature into advocacy and critique, and offers a third body of literature more focused on analysis instead of taking a normative stance. Welsh (2016) adequately explains the rhetoric/reality gap.

Taking the elements outlined above into account, I define R2P language for this research as: mentioning the **four R2P crimes** or referring, implicitly or explicitly, to terminology of the **three pillars** regarding the responsibilities of the State and international community. In order to ‘advance new theory’ (Ragin 1994: 45), R2P language then needs to be related to the analytical framework.

There are two ways I identify in which R2P language can inform the strategies of legitimization framework. The first way is when one of the legitimization strategies is used to legitimize the usage of R2P language itself. In this case, R2P language is the subject that needs to be legitimized. Here, it is interesting to analyze which strategies are used to legitimize the usage of R2P language. The second way is when R2P language is used as a way to legitimize a certain suggestion or position taken by the speaker. In this case, R2P is part of the legitimization. Here, it is also important to identify to which legitimization strategy the R2P language can potentially be related.

The next three chapters are structured according to the above distinction in order to analyze the way R2P is used by the progressive position of the USA, UK and France. In the fourth and final analytical chapter, the conservative position of Russia and China is covered separately. As explained, the conservative position is only covered in one chapter because the largest part of the discourse that is analyzed can be found with the progressive position. However, it is still important to cover the conservative position too in order to give a more complete representation.⁴⁶

⁴⁶ This can be seen as also covering the ‘subjugated knowledge’ as opposed to the ‘hegemonic discourse’ (see Milliken 1999).

CHAPTER 2: *USING LEGITIMIZATION STRATEGIES TO LEGITIMIZE THE USAGE OF R2P CRIMES*

In accordance with the way R2P language informs the analytical framework, this chapter analyzes how the ‘progressive position’, the USA, UK and France, use strategies of legitimization to legitimize the usage of R2P-crimes terminology. First, the strategies that can be identified as being used in combination with mentioning the R2P crimes are covered. Then I briefly discuss the strategies that are not used and explain the absence of the R2P pillars in this chapter. In this chapter I answer the sub-question: *How are strategies of legitimization used to legitimize the usage of R2P crimes in the official statements by the progressive position?*

The analysis of the official statements is done as follows: relevant excerpts from the texts are presented after giving a short context. Emphases in the excerpts are all mine. After the excerpts follows a short analysis. In the chapter conclusion I discuss the notable observations in general.

2.1. Rationality: *Definition and consultation*

The first legitimization strategy that is used to legitimize mentions of the R2P crimes is *rationality*. Reyes’ strategy of rationality is focused around presenting a decision as being made after a ‘heeded, evaluated and thoughtful procedure’ (2011: 797). In a statement by Rex Tillerson, then US Secretary of State, on 22 November 2017, he uses this to legitimize R2P language:

[1] **After a careful and thorough analysis** of available facts, it is clear that **the situation** in northern Rakhine state **constitutes ethnic cleansing** against the Rohingya.⁴⁷

⁴⁷ Statement by Rex Tillerson, USA-ST7, 22 November 2017.

Tillerson, here, defines the situation in Rakhine state as constituting the R2P crime *ethnic cleansing*. He legitimizes this claim by presenting it as being rationally made after a ‘careful and thorough analysis’.

The rational strategy of making decisions after consultation can also work the other way around. In a joint press conference of Tillerson with Myanmar’s State Counsellor Aung San Suu Kyi on 15 November 2017, just a week before the above statement, an interviewer asks a question about the usage of ethnic cleansing by the USA. Tillerson answers the following:

[2] I think clearly **what we know occurred** in Rakhine state that led to so many people fleeing the area **has a number of characteristics of** certainly **crimes against humanity**. Whether it meets all of the **criteria for ethnic cleansing**, I think **we continue to evaluate that ourselves**. I think this is the reason why an independent investigation would be very useful to help us understand not just who – who to hold accountable – but also why – what were the motivations behind what occurred.⁴⁸

Tillerson does state that the mass displacement of people in Rakhine state has characteristics of the R2P crime *crimes against humanity*. However, by using the words ‘a number’, he is careful not to definitively define it as such. Tillerson continues to argue that more evaluation is needed before determining whether the situation meets the criteria for defining it as ethnic cleansing. He does not want to make the decision to define it as such without being able to rationally legitimize it after consultation.

Next to Reyes’ interpretation of the rational strategy, van Leeuwen’s (2008: 116) theoretical rationalization of *definition* can also be found. With definition, van Leeuwen means ‘defining an activity in terms of another, moralized activity’ (2008:116). For this research, it would mean defining the situation or the actions of the perpetrators as one of the R2P crimes, which are moralized. For example, Nikki Haley, the US Permanent Representative to the UN, states the following in the first UNSC open meeting on 28 September 2017:

[3] **We cannot be afraid** to call **the actions of the Burmese authorities** what they **appear to be**: a brutal, sustained **campaign to cleanse the country of an ethnic minority**.⁴⁹

⁴⁸ Statement at Press Conference by Rex Tillerson, USA-ST4, 15 November 2017.

⁴⁹ Statement at UNSC open meeting by Nikki Haley, USA-SC1, 28 September 2017.

The actions of the Burmese authorities are defined here as the R2P crime ethnic cleansing. Moreover, the rationality of this definition is also stressed by Haley by stating that ‘we’ (referring to either the USA or the UNSC in general) cannot be afraid to define the situation as such. This implies that there is sufficient clear evidence to consult in order to rationally make the decision to define the issue as ethnic cleansing. Note, however, that Haley is also being careful by using the word what they ‘appear to be’.

An important general comment here is that in other statements, whether legitimizing R2P usage or using R2P as legitimization, the situation is often defined as an R2P crime first. The statements analyzed thus frequently use the rational *definition* strategy. As it is mostly used as a premise to further build statements and legitimization on, I will not explicitly cover this in every example.

2.2. Voices of expertise: *Authorizing the usage of R2P language*

Reyes’ (2011) strategy of *voices of expertise* can be supplemented by Van Leeuwen (2008: 105) idea of *authorization*, legitimization by referring to authority. The analysis that follows is based on the relevant forms of authorization as posed by van Leeuwen (2008). Personal authority, expert authority and impersonal authority are all used by France to legitimize the usage of R2P crimes. In a statement to the press on 26 September 2017, only days before the first open UNSC meeting, François Delattre, French Permanent Representative to the UN, states:

[4] According to the information that we have, more than 420,000 Rohingyas have now fled their country in the last month, of whom a majority are children. As you know, **French President Emmanuel Macron expressed a strong position** during the UN General Assembly, **calling what happened there an ethnic cleansing**.⁵⁰

Subsequently, in his statement at the first UNSC open meeting, Delattre uses similar language:

[5] **As President Macron reminded us** at the General Assembly (see A/72/PV.4), **ethnic cleansing is happening** today in western Myanmar.⁵¹

⁵⁰ Remarks to the press by François Delattre, FR-ST6, 26 September 2017.

⁵¹ Statement at UNSC open meeting by François Delattre, FR-SC1, 28 September 2017.

In both excerpts [4] and [5], Emmanuel Macron, the French President, is used as an authoritative figure to legitimize the statement that the situation in Rakhine state constitutes the R2P crime ethnic cleansing. As French President has already defined the situation as ethnic cleansing, it is only logical that Delattre uses similar language. However, by explicitly mentioning this, Delattre uses it as a legitimization strategy to give his statement more authority.

Also in his statement at the first UNSC open meeting, Delattre uses an expertise source:

[6] We cannot ignore the **massive violations of human rights that may constitute crimes against humanity**, as was **stated by the High Commissioner for Human Rights**.⁵²

Delattre legitimizes the claim that the situation possibly constitutes the R2P crime crimes against humanity by referring to the UN High Commissioner for Human Rights (HCHR) as an expertise source.

Last, François Delattre states the following in the French statement at the fourth UNSC open meeting by François Delattre on 14 May 2018:

[7] France recalls that the **forced displacement of people** constitutes a **crime against humanity** under **the Rome Statute** of the International Criminal Court, and we note that Bangladesh is party to it.⁵³

The Rome Statute of the International Criminal Court (ICC) is used here by Delattre to legitimize the claim that forced displacement of people falls under the R2P crime crimes against humanity.⁵⁴ By doing this, he gives his claim authority by using an existing law or norm (in this case an international treaty).⁵⁵

There are examples of both the USA and the UK applying an authorization strategy to legitimize the R2P crime ethnic cleansing too, but they use what Van Leeuwen (2008: 109) refers to as

⁵² Statement at UNSC open meeting by François Delattre, FR-SC1, 28 September 2017.

⁵³ Statement at UNSC open meeting by François Delattre, FR-SC4, 14 May 2018.

⁵⁴ In Article 7 of the *Rome Statute of the International Criminal Court*, Paragraph 7.1.d. identifies ‘Deportation or forcible transfer of population’ as a crime against humanity. In Paragraph 7.2.d. this is further defined as ‘forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they were lawfully present, without ground permitted under international law’.

⁵⁵ Note that Delattre also explicitly mentions that Bangladesh is party to the Rome Statute, but he does not say anything about Myanmar (who is not party to it). He possibly implies here that Bangladesh can take steps to prosecute perpetrators at the ICC for crimes against humanity. However, this is quite suggestive as he does not make this argument explicitly.

authority by conformity. This means that a position is legitimized by referring to others who have also stated the same, thus by conforming to this ‘trend’. The source, or ‘voice’, that is used as legitimization is not personal, impersonal or expert – but merely the voice of others doing the same. This can be tied to Reyes’ voices of expertise in the sense that the ‘voice’ of others is used to ‘support claims’ made by the speaker as well as to ‘share possible blame’ (2011: 800).

In the US statement at the UN Human Rights Council (HRC) Special Session on Myanmar on 5 December 2017 Kelley Currie, US Representative for Economic and Social Affairs at the UN, states the following:

[8] The **United States and other countries** have deemed this to be a **calculated campaign of ethnic cleansing**.⁵⁶

Furthermore, in the UK statement at the third UNSC open meeting on 13 February 2018, Jonathan Allen, UK Deputy Permanent Representative to the UN, uses a similar phrasing:

[9] ‘Even now, Rohingya still flee forced starvation and continued human rights violations. **As many of us have said**, this is **ethnic cleansing**.’⁵⁷

Both excerpt [8] and [9] legitimate the usage of ethnic cleansing by arguing that others (‘other countries’ and ‘many of us’) have also taken the same position. In other words, they give authority to their statements through conformity. By presenting their claim this way, not only do the USA and UK legitimize the usage of ethnic cleansing, they also share the responsibility of defining the situation as an R2P crime with others (Reyes 2011: 800).

2.3. Altruism: *The well-being of the Rohingya people*

Altruism is used to present a position or action as not being purely out of self-interest, but also being beneficial for others (Reyes 2011: 787). There is one example in which altruism is used to legitimize the usage of R2P language. After telling the story of Jena, a 10-year-old Rohingya refugee, Nikki Haley says the following in her statement at the second UNSC open meeting on 12 December 2017:

⁵⁶ Statement at UNHRC Special Session on Burma by Kelley Currie, USA-ST14, 5 December 2017.

⁵⁷ Statement at UNSC open meeting by Jonathan Allen, UK-SC3, 13 February 2018.

[10] It is **for Rohingya children like Jena**, and to learn all that we can of what happened, that we are here today. We must speak out for them and reject any attempt to play down the magnitude of this man-made tragedy. We **must shine a spotlight on these accounts of ethnic cleansing**.⁵⁸

Altruism is used here to legitimize the position that there must be international attention for the accounts of ethnic cleansing. It is thus also used to legitimize mentioning the R2P crime ethnic cleansing. It is not out of self-interest of the USA, but ‘for Rohingya children like Jena’, that the UNSC has to give the situation serious attention. This corresponds with Reyes’ (2011: 801) claim that altruism works especially well when doing things for poor, innocent or vulnerable people. The Rohingya people who fled, especially the children, fit this.

2.4. The missing strategies and the R2P pillars

In this chapter, two of Reyes’ (2011) strategies have not been addressed yet, namely the strategies of *emotions* and *hypothetical future*. This does not mean these strategies are not applied by the progressive position P5 members in legitimizing their positions. Especially the USA uses emotional language to create a feeling of sympathy with the audience. At the beginning of all of the USA statements at the UNSC open meetings on Myanmar, they start with a short introduction in which they describe the atrocities and use personal stories of victims. This way, they create sympathy for the victim group and create a negative image of the perpetrator, or the ‘other’. Words that can speak to emotions, for example ‘brutal’ in excerpt [3], are seen in relation to R2P language. However, the focus of the legitimization in these examples is not on the strategy of emotion. Therefore, the strategy of emotion is not analyzed separately.

Hypothetical futures, furthermore, are also used. Sometimes a negative future is sketched by that if the solutions proposed by the speaker are not heeded the situation will worsen. More often, a positive future is sketched in the sense that if the recommendations are followed, the conditions for a safe return of the refugees will be created. However, emotions

⁵⁸ Statement at UNSC open meeting by Nikki Haley, USA-SC2, 12 December 2017.

and hypothetical futures are not often used in legitimizing the usage of R2P crimes, and therefore are not analyzed in-depth here.

Moreover, the R2P pillars are also not analyzed in relation to legitimizing the usage of R2P language. Chapter 4 covers the R2P pillars separately as well as how the progressive position uses legitimization strategies in relation to the pillars. However, as I will show, the usage of the R2P pillars is often implicit. Therefore, there is no clear legitimization of the usage of R2P pillars itself.

2.5. Chapter conclusion

Several observations can be made regarding the above analysis to conclude this chapter. First, primarily the strategies of *rationality* and *voices of expertise* from Reyes' (2011) framework are used in legitimizing the usage of R2P crimes in the official statements. Altruism is also used as legitimization of ethnic cleansing once. Both emotions and hypothetical futures are used by the progressive position P5 members, but not to legitimize the usage of R2P crimes.

Second, of the four R2P crimes, it is primarily ethnic cleansing that is used in the official statements. Both the USA and the UK only mention *ethnic cleansing*, while France also identifies the situation in Rakhine state as constituting elements of *crimes against humanity*. There are no mentions of *genocide* so far. The absence of *war crimes* can be explained by the fact that there is no clear, open 'armed conflict' between the victims and the perpetrators.⁵⁹

Third, there are some differences between the USA, UK and France that can be identified. Firstly, as mentioned, France is the only one of the three who frequently mentions crimes against humanity. The USA only mentions it briefly once in careful language. Secondly, the USA is seen to use the rational strategy more often, whereas France frequently refers to voices of expertise in legitimizing ethnic cleansing of crimes against humanity. Lastly, the UK only has one discussed excerpt so far, namely excerpt [9] where authority by conformity was used to legitimize ethnic cleansing. In the next chapter I analyze how the R2P crimes are used as part of legitimization strategies.

⁵⁹ While it can be argued that the violence between the ARSA and the government security forces/Buddhist militant groups is an intra-state armed conflict, the main acts of violence this research (and thus also the statements) is concerned with is violence from security forces and Buddhist militant groups against Rohingya civilians. As I have not come across war crimes in any of the evidence I used, it is safe to say the international community does not see the crisis as an 'armed conflict of a non-international character' as stated in the *Rome Statute of the International Criminal Court*.

CHAPTER 3: *USING R2P CRIMES AS PART OF A LEGITIMIZATION STRATEGY*

This chapter analyzes how the P5 members of the progressive position use R2P-crimes terminology as part of a legitimization strategy to legitimize a position. Like in the previous chapter, I separately cover the strategies of *rationality*, *voices of expertise* and *altruism*. In the chapter conclusion I briefly comment on the strategies that are not part of the analysis. In this chapter I answer the sub-question: *How are R2P crimes used in legitimization strategies to legitimize the progressive position?*

3.1. Rationality: *Defining to legitimize*

The rational strategy of *definition* (van Leeuwen 2008: 116) is used frequently as part of legitimizing part of the progressive position. Defining the situation in Rakhine state as one of the R2P crimes, which moralizes it, is then used to legitimize another position or claim. There are multiple examples of France applying this. For example, François Delattre states the following in a press statement on 26 October 2017:

[11] We think that **given what is happening on the ground**, which is **ethnic cleansing**, a **clear reaction** of the Security Council **is needed**.⁶⁰

The situation ‘on the ground’ is first defined here as the R2P crime ethnic cleansing. Following this, Delattre states that a ‘clear reaction’ from the UNSC is needed. The definition of ethnic cleansing is used here as a ‘given’ to legitimize this position.

In another example from a French press statement a few weeks earlier, François Delattre comments on France taking the initiative on a meeting regarding the Rohingya crisis:

⁶⁰ Remarks to the press by François Delattre, FR-ST4, 26 October 2017.

[12] **France has taken the initiative** of this meeting, together with the United Kingdom, **because the situation** in Myanmar **is extremely serious**: 520,000 people displaced, hundreds of villages wiped out, systematic violations of human rights. **This is an ethnic cleansing** happening before our eyes.⁶¹

The reason Delattre gives for France taking the initiative is that the situation in Myanmar is extremely serious. He continues with describing the seriousness of the situation in order to then define it as ethnic cleansing. Defining the situation as such thus legitimizes France taking the initiative.

In the French statement at the fourth UNSC open meeting on 14 May 2018, again by François Delattre, some comments are made on prosecuting perpetrators:

[13] The destruction observed in northern Rakhine state of homes, mosques and villages burned to the ground speaks for itself. The Rohingya are **victims of ethnic cleansing**; there is **no other word for it**. **Prosecuting** the perpetrators of **such crimes** is a **moral, legal and political imperative**.⁶²

First, the situation is defined as constituting ethnic cleansing. In this case, the fourth UNSC open meeting comes after a field visit of the UNSC to the refugee camps and Rakhine state. Delattre has thus seen the destruction for himself. By stating that the situation ‘speaks for itself’ and that there is ‘no other word’ than ethnic cleansing to define the situation implies that Delattre has evaluated the situation. He has rationally defined it as such after a careful consultation. Following this, Delattre argues that prosecuting the perpetrators of ‘such crimes’ – referring to ethnic cleansing as R2P crime – is imperative. The French position that the perpetrators of the atrocities have to be prosecuted is thus legitimized by defining the situation as ethnic cleansing.

This way of legitimizing a position by rationally defining it as an R2P crime is also used by the USA. In excerpt [1], Rex Tillerson used the rational strategy of consultation to define the situation as ethnic. After stating this, he continues to use it to further legitimize the following position:

⁶¹ Remarks to the press by François Delattre, FR-ST5, 13 October 2017.

⁶² Statement at UNSC open meeting by François Delattre, FR-SC4, 14 May 2018.

[14] Those **responsible for these atrocities** must be **held accountable**. The **United States continues to support** a credible, independent **investigation to further determine all facts** on the ground to aid in these processes of accountability.⁶³

The position taken here is that those responsible must be held accountable, where ‘these atrocities’ refer back to the definition of the situation as ethnic cleansing. This position is developed further by Tillerson as he states that the USA supports an independent investigation in order to determine the facts for accountability. Without first defining the situation as constituting ethnic cleansing against the Rohingya people, this position would not be as strongly justified. Ethnic cleansing is thus used here as part of a rational legitimization.

The Rex Tillerson statement was followed by a special briefing to the press by two Senior State Department Officials (anonymous in the transcript), also on 22 November 2017. Here, the following was stated:

[15] The term “**ethnic cleansing**” is **not defined** in the context of either international law or domestic law. However, it is **a descriptive term**, and it carries with it, again, the **sense of urgency**. So it does **not require any new obligations**, but it does **emphasize our concern** about the situation and the **importance of remediation**, and to reverse the ethnic cleansing and make sure people can go home voluntarily and live their lives in dignity.⁶⁴

The above excerpt concerns the legal discussion on R2P crimes, as ethnic cleansing is the only crime that is not officially defined in international law.⁶⁵ The Senior State Department Official uses this as legitimization in two ways. On the one hand, because ethnic cleansing is not defined in law, he argues that the USA does not have any new obligations by defining the situation in Myanmar as such. On the other hand, however, the term ethnic cleansing does add a ‘sense of urgency’. Therefore, defining the situation as such is used as legitimization to stress the US position that something needs to be done. It emphasizes the ‘concern about the situation’ and ‘the importance of remediation’. This is a rational construct based on a moral or value (Reyes 2011: 798), namely, that ethnic cleansing is an atrocity crime. Defining the issue as such thus gives a sense of urgency to ‘do the right thing’.

⁶³ Statement by Rex Tillerson, USA-ST7, 22 November 2017.

⁶⁴ Special Briefing by Senior State Department Officials, USA-ST3, 22 November 2017.

⁶⁵ As explained in chapter 1, the *Rome Statute of the International Criminal Court* legally defines genocide, crimes against humanity, and war crimes. Ethnic cleansing, however, is not part of the Rome Statute or any other international law.

3.2. Voices of expertise: *Authorizing positions using R2P*

Using the *voices of expertise* strategy, as informed by van Leeuwen's (2008) authorization, to legitimize R2P-crimes terminology can be used to further legitimize a following position or claim. For example, the French statement at the second UNSC open meeting on 12 December 2017 begins with defining the situation as possibly amounting crimes against humanity:

[16] Some **acts being carried out systematically** in Rakhine state **could amount to crimes against humanity**.⁶⁶

This claim is directly followed by referring to an expertise source:

[17] At the special session of the Human Rights Council on 5 December, **High Commissioner Zeid Al-Hussein cited testimonies** about young girls who had been raped or burned, had their throats cut or been gang-raped to death.⁶⁷

The testimonies the HCHR cites here can be seen as examples of the 'acts being carried out systematically' mentioned in excerpt [16]. These acts were defined as possibly amounting crimes against humanity. The HCHR is thus used as an expertise source to give legitimization to this claim. Subsequently, the claim and its legitimization in excerpts [16] and [17] are followed by a position on what needs to happen:

[18] We **must work urgently** to establish serious measures to enable us to **investigate violations and prosecute the perpetrators** in order to **put an end to this atmosphere of impunity**. It will be crucial to shine a bright light on all of **these very serious accusations**, including through the Human Rights Council's fact-finding mission, which must be allowed to visit Rakhine state.⁶⁸

The French position here is that measures must be taken to investigate the violations and prosecute the perpetrators. 'These very serious accusations' refer back to the atrocity acts described in excerpts [16] and [17]. Defining these acts as crimes against humanity and

⁶⁶ Statement at UNSC open meeting by François Delattre, FR-SC2, 12 December 2017.

⁶⁷ Statement at UNSC open meeting by François Delattre, FR-SC2, 12 December 2017.

⁶⁸ Statement at UNSC open meeting by François Delattre, FR-SC2, 12 December 2017.

legitimizing this claim with an expertise source is thus used to legitimize this French position on ‘ending the atmosphere of impunity’.

An example of the UK using voices of expertise can be found in a statement to the UK Parliament by Mark Field, UK Minister for Asia, on 15 March 2018:

[19] **Yanghee Lee**, the UN Special Rapporteur for Human Rights in Burma, **recently stated that the conflict had the “hallmarks of genocide”**.⁶⁹

In excerpt [17], Yanghee Lee, the UN Special Rapporteur for Human Rights in Myanmar, is used to put emphasis on the seriousness of the situation by citing her statement that the conflict in Rakhine state has the ‘hallmarks of genocide’.⁷⁰ The R2P crime *genocide* is probably the most serious allegation to make in terms of atrocity crimes. However, immediately after this statement, Field continues with the following caveat:

[20] However, I must tell the House that the path to **prosecution for genocide or crimes against humanity is via the International Criminal Court**. Burma is not a party to the Rome Statute, and must therefore either refer itself to the Court, or be referred by the UN Security Council. While neither eventuality is likely in the short term, **this should not stop us supporting those who are collecting evidence for use in any such future prosecution**.⁷¹

Crimes against humanity and genocide, as opposed to ethnic cleansing, are legally defined in the Rome Statute.⁷² Defining the situation as genocide thus has more severe implications. Field, therefore, warns that prosecution of either genocide or crimes against humanities is going to be very difficult: it has to go via the ICC. The fact that Myanmar is not party to the Rome Statute complicates this even more, as Myanmar either has to refer itself or be referred by a unified UNSC.

However, Field does not mention Yanghee Lee’s statement for no reason. He uses it to argue that, while prosecution will be difficult in the near future, it should not stop the UK for

⁶⁹ Statement to Parliament by Mark Field, UK-ST18, 15 March 2018.

⁷⁰ See OHCHR (2018) for the full official statement by Yanghee Lee. In the statement, she further calls for both Myanmar and the international community to assume their responsibility to protect, and to hold those responsible accountable.

⁷¹ Statement to Parliament by Mark Field, UK-ST18, 15 March 2018.

⁷² See the *Rome Statute of the International Criminal Court*, Article 6 (Genocide) and Article 7 (Crimes against humanity).

supporting evidence collection in the case of ‘any such future prosecution’. With this, a prosecution of the R2P crime of genocide is implied. Underlying this message is the position of the UK that the situation might indeed potentially constitute genocide. Evidence must thus be collected in case of a future prosecution. Field thus uses Yanghee Lee as an expertise source to give the claim of genocide more authority. He then uses this to back up the position on collecting evidence for a possible future prosecution.

Field takes a similar position a month later in a statement to the House, stating that the UK Government has ‘recognised that there has been ethnic cleansing, and indeed that what occurred may amount to genocide or crimes against humanity’, followed by the same caveat as in excerpt [20].⁷³ The USA also take a similar position on the complexity of defining the issue as either constituting crimes against humanity or genocide, for example in the Special Briefing with Senior State Department Officials regarding the Rex Tillerson statement on 22 November 2017.⁷⁴ Yanghee Lee, moreover, has also stressed the difficult process of a potential prosecution of genocide in an interview she gave to the CNN after her ‘hallmarks of genocide’ statement (CNN 2018).

3.3. Altruism: *Helping those in need*

The R2P crimes can also be used as part of the legitimization strategy of altruism. Arguing that you are not acting out of self-interest but for the benefit of other people has a stronger message when the ‘other people’ are victims of one of the R2P crimes. This is in line with Reyes (2011: 801), who claims altruism is well-perceived when it benefits poor, innocent or vulnerable people. Using altruism together with R2P crimes can be seen several times in the statements by the progressive position P5 members. Priti Patel, UK International Development Secretary, for example, states the following in a press statement on 23 October 2017:⁷⁵

[21] UK **aid is helping** hundreds of thousands of **people who lost everything** and our further support announced today will relieve the suffering of thousands more.

⁷³ Statement to the House by Mark Field, UK-ST19, 17 April 2018.

⁷⁴ Special Briefing by Senior State Department Officials, USA-ST3, 22 November 2017.

⁷⁵ Priti Patel was UK International Development Secretary until 8 November 2017. After that, Penny Mordaunt took the position.

Ethnic cleansing, sexual violence, starvation and the murder of children **have no place in our world**. Today's pledges are only just the start, and **the world cannot afford to wait** as innocent men, women and children continue to lose their lives.⁷⁶

The R2P crime ethnic cleansing is used here among a list of atrocities that have taken place in Rakhine state. Preceding this, Patel states that UK aid is helping a lot of 'people who lost everything'. This is altruism: the aid is not out of self-interest for the UK, but beneficial to the people who have suffered. Moreover, Patel argues that more aid must be given, as 'innocent men, women and children continue to lose their lives', which again altruistic. The position that ethnic cleansing has 'no place in our world' is thus used here together with altruistic statements to legitimize the position that action needs to be taken.

In a more recent UK press statement on 16 March 2018, Penny Mordaunt, UK International Development Secretary, states the following:

[22] I **urge the international community** to continue to support the Government of Bangladesh to find the best solutions **to protect Rohingya victims of ethnic cleansing** who are **in dire need**.⁷⁷

Mordaunt urges the international community to support Bangladesh in protecting 'victims of ethnic cleansing'. She also stresses that these people are in 'dire need'. The international community is thus called upon to be altruistic and protect people who are in need. The R2P crime ethnic cleansing is used here to give strength to the argument why help is needed. The Rohingya are victims of ethnic cleansing and are thus in need.

An example of the USA can be found in the statement by Nikki Haley at the third UNSC open meeting on 13 February 2018:

[23] Like the soldiers in Gu Dar Pyin, powerful forces in the Burmese government have **denied the ethnic cleansing in Rakhine State**. To make sure no one contradicts their preposterous denials, **they are preventing access** to Rakhine to anyone or any organization that might bear witness to their atrocities, including the UN Security Council. And the result is that

⁷⁶ Statement to the press by Priti Patel, UK-ST13, 23 October 2017.

⁷⁷ Statement to the press by Penny Mordaunt, UK-ST17, 16 March 2018.

they are **denying access to many organizations** that the **displaced and starving in Burma desperately need** today.⁷⁸

Haley starts with critiquing the Burmese government for denying ethnic cleansing and preventing access for International Organizations (IOs). Myanmar is known to deny allegations of ethnic cleansing from the beginning of the current escalation, often using the argument that they are fighting terrorists (e.g. Beech and Nang 2018). Haley calls these denials ‘preposterous’. Underlying this is the position of the USA that ethnic cleansing is indeed happening. Building on this, the altruistic element can be seen in the second part of the excerpt. Haley continues to argue that, as a result of the Burmese government preventing access to IOs, the aid that the people in Rakhine state need cannot be given. This can be seen as an altruistic statement to legitimize the position that humanitarian access must be granted. It is not out of self-interest, but for the people who are in need.

Lastly, there is an example where the R2P crime ethnic cleansing is used together with both altruism and a *hypothetical future* to legitimize the position that humanitarian access must be granted. In a UK press statement, Penny Mordaunt states the following:

[24] It is horrifying that hundreds of thousands of innocent men, women and children have had their homes burnt to the ground, and parents have been forced to helplessly watch as their children die from hunger. **This looks like ethnic cleansing.** The **Burmese military must** end this inhumane violence and **guarantee unrestricted humanitarian access so aid can reach those in need** in Burma.⁷⁹

After describing the situation of the Rohingya people, Mordaunt identifies it as ethnic cleansing.⁸⁰ Subsequently, a *positive* hypothetical future is sketched: if the Burmese military guarantees unrestricted humanitarian access, aid can reach those in need. The cause and consequence as posed by Reyes (2011: 793) can be seen clearly in this statement. The cause is that the Burmese military is persistently persecuting the Rohingya – identified as constituting the R2P crime ethnic cleansing. The consequence for the future is that the military must end the violence and guarantee access. The projected future according to the ‘possible actions taken in

⁷⁸ Statement at UNSC open meeting by Nikki Haley, USA-SC3, 13 February 2018.

⁷⁹ Statement to the press by Penny Mordaunt, UK-ST4, 27 November 2017.

⁸⁰ Note that the word ‘horrifying’, here, is again a word that can potentially speak to emotions and create a feeling of sympathy. However, like explained in Paragraph 2.4, it is not the focus of the legitimization strategy and will thus not be analyzed separately.

the present' (Reyes 2011: 793) has a positive outcome, namely that aid can reach those in need. Moreover, this statement contains a similar altruism as excerpt [23]: access must be granted for 'those in need'.

3.4. Chapter conclusion

As this chapter shows, there are multiple examples for each of the progressive position P5 members of using an R2P crime as part of a legitimization strategy. In a general sense, the above analysis hereby shows how R2P language has become part of the general discourse of the progressive position regarding the Rohingya crisis. Again, several interesting observations can be made to conclude this chapter.

First, like last chapter, ethnic cleansing is the most used R2P crime. Only France uses crimes against humanity once. The reason why the USA and UK are reluctant to use either crimes against humanity or genocide is now explained. Both of these crimes are legally defined under the Rome Statute. Defining an issue as either of these crimes would thus have more severe implications. Moreover, the ICC is the only body that can officially define an issue as such for a prosecution. However, the USA and UK do not exclude crimes against humanity or genocide.

Second, also similar to the previous chapter, the strategies of rationality and voices of expertise are used frequently. However, altruism is also used multiple times in this chapter. The strategy of hypothetical future is used only once in combination with altruism. The strategy of emotion is absent for the same reason as explained in Paragraph 2.4. These two strategies thus seem to be less suited in combination with using R2P crimes than the others.

Third and finally, the UK is represented more equally in this chapter. They seem to use altruism more frequently. France, again, uses voices of expertise most often while both the USA and France use rational strategies together with R2P crimes.

CHAPTER 4: *THE R2P PILLARS AND LEGITIMIZATION STRATEGIES*

This chapter separately discusses the usage of R2P pillar terminology by the progressive position P5 members. I analyze how the R2P pillars are used by the progressive position P5 members, and if this can be related to legitimization strategies. The chapter is not structured after the strategies of legitimization like the previous two chapters, but after the three pillars – they are each discussed separately. This chapter answers the sub-questions: *How are the R2P pillars used by the progressive P5 members? And how is the usage of R2P pillars related to the legitimization strategies?*

4.1. Pillar I: *Myanmar's responsibility*

Pillar I constitutes the responsibility of the State to protect its populations.⁸¹ This principle is used most frequently by the progressive position, albeit often implicit. Inherent to mentions of Pillar I is the position that Myanmar must take action to resolve the crisis, as it is Myanmar that has this responsibility.

Especially the UK statements where Pillar I terminology is used can be tied to legitimization strategies. Jonathan Allen, for example, in the UK statement at the first UNSC open meeting on 28 September 2017, argues that world opinion is aligning on the issue. He continues to state:

[25] In the face of such opinion, it falls to Burma – and in particular the Burmese military – to respond. For it is the **Burmese military** who bear the **primary responsibility** for resolving this crisis. **There is a way out.**⁸²

⁸¹ A/63/677.

⁸² Statement at UNSC open meeting by Jonathan Allen, UK-SC1, 28 September 2017.

While not directly using the words of Pillar I regarding protecting populations, the ‘primary responsibility’ of the Burmese military here is derived from Pillar I. The UK position that Burma has to respond, then, is legitimized by mentioning this responsibility. Moreover, the words ‘there is a way out’ imply a positive hypothetical future in which the problem is resolved. While the cause-consequence is not as clear in this excerpt, offering a way out can still be related to Reyes’ (2011: 793) hypothetical future. Following this excerpt, Allen sums up a list of action Myanmar must take in order to improve the situation. This way, Myanmar’s responsibility is used to legitimize what needs to be done according to the UK.

In the second UNSC open meeting, on 12 December 2017, Jonathan Allen uses similar language:

[26] The **responsibility** for making **progress** lies **primarily with the government and security forces of Myanmar**. And the **actions** they must take are already **set out in the Presidential Statement** agreed unanimously by this Council.⁸³

This time, the implicit Pillar I mention is the responsibility to ‘make progress’. Making progress, in this case, also includes protecting all populations. Furthermore, the UK position that action must be taken is backed by mentioning Myanmar’s responsibility and by referring to what can be seen as personal authority: the Presidential Statement. A presidential statement is unanimously agreed upon by the UNSC. Moreover, the UNSC president can be seen as an authoritative figure. Referring to this gives more authority to the position that action must be taken, as the presidential statement also outlines the actions Myanmar must take. The voices of expertise strategy is thus applicable here.

Lastly, in a UK Foreign & Commonwealth Office press release on 27 September 2017, the following is stated:

[27] Mr Field made clear the violence needs to stop, with the **security forces** taking **responsibility to protect all communities** and the government allowing full humanitarian access for aid.⁸⁴

This time, the security forces must protect ‘all communities’, which relates to the Pillar I words of protecting ‘all populations’. Moreover, with ‘all communities’, especially the Rohingya

⁸³ Statement at UNSC open meeting by Jonathan Allen, UK-SC2, 12 December 2017.

⁸⁴ Press release by Foreign & Commonwealth Office, UK-ST7, 27 September 2017.

people are implied.⁸⁵ This is used to legitimize the position that the violence needs to stop. A direct legitimization strategy is not clearly present here. However, following this excerpt are some comments on the UK position that Myanmar must implement the recommendations of the Advisory Commission on Rakhine State's final report, led by Kofi Annan.⁸⁶ This could be seen as indirectly using expert authority to legitimize the above excerpt.

Pillar I mentions can also be found in multiple USA statements, albeit less clearly related to legitimization strategies than the UK statements discussed above. First, Patrick Murphy, US Deputy Assistant Secretary of State for Southeast Asia, states the following in a special briefing on 8 September 2017:

[28] **Security forces**, in fact, need to be there to **protect civilian populations** and to address the threats posed to the governing structure. At the same time, they have a **responsibility** to carry out those activities **in accordance with rule of law and international human rights**.⁸⁷

Taking the role of security forces to protect civilian populations together with the fact they have the responsibility to do this in accordance with international human rights can be seen as Pillar I. Murphy makes this statement in the context of the USA position how the Myanmar government and security forces should react to the 25 August ARSA attacks against security forces. It thus implies a certain moral or value on which a rational construct can be built. However, this statement if not followed up with a clear rational strategy in the sense of a definition (van Leeuwen 2008) or a decision after consultation (Reyes 2011).

Second, Rex Tillerson states the following in a joint press conference with Aung San Suu Kyi on 15 November 2017:

[29] The key test of any democracy is how it treats its most vulnerable and marginalized populations. It is the **responsibility of a government and its security forces to protect and respect the human rights of all persons within its borders** and to **hold accountable** those who fail to do so.⁸⁸

⁸⁵ As explained in the theory chapter, the 2009 report on Implementing the Responsibility to Protect by the UN Secretary-General (see A/63/677) states that States have the 'responsibility to protect all of its populations, whether nationals or not' from atrocity crimes. This, thus, includes the Rohingya, despite their stateless status.

⁸⁶ Press release by Foreign & Commonwealth Office, UK-ST7, 27 September 2017.

⁸⁷ Special Briefing by Patrick Murphy, USA-ST1, 8 September 2017.

⁸⁸ Statement at Press Conference by Rex Tillerson, USA-ST4, 15 November 2017.

The Pillar I mention can be seen in the responsibility to protect and respect human rights of all persons. Especially ‘all persons within its borders’ refers to the Pillar I words of protecting ‘all populations’. This, again, is implicitly directed to the stateless Rohingya people. Moreover, the excerpt begins with a moral or value, namely the position of the USA on how a democracy is tested or measured: how it treats its most vulnerable and marginalized populations. This could be tied to Reyes (2011: 801) strategy of altruism: doing things for vulnerable people. However, in this case it is not clearly stated that the USA acts out of altruism. Rather, the well-being of vulnerable and marginalized populations is used to legitimize the position that Myanmar has the responsibility to protect its civilians.

Last, Pillar I is mentioned in the USA statement at the fourth UNSC open meeting on 14 May 2018. After stating that the UNSC must remain engaged with the issue to create the right conditions for returning refugees, Nikki Haley states:

[30] We are glad to see some cooperation between the Governments of Bangladesh and Burma toward this goal, but the **ultimate responsibility** for creating these conditions **rests squarely with Burmese authorities**.⁸⁹

Myanmar’s responsibility to protect is not explicitly mentioned here, but is implied: in order to protect returning refugees, safe conditions must be created. Moreover, the goal of creating safe conditions could be seen as a positive hypothetical future: if the right conditions are created, then the refugees can return. The first R2P pillar is then used to legitimize the US position that Myanmar has the responsibility to create these conditions.

Finally, there is one example of the French using Pillar I in a press release on 18 October 2017:

[31] France strongly reiterates its call for the **Burmese security forces to ensure the protection of the civilian populations without discrimination, in accordance with their responsibility**, and to ensure the swift establishment of safe humanitarian action.⁹⁰

Pillar I is relatively explicit here, as the statement directly refers to the protecting of civilian populations without discrimination. Furthermore, the words ‘without discrimination’ again

⁸⁹ Statement at UNSC open meeting by Nikki Haley, USA-SC4, 14 May 2018.

⁹⁰ Press release by Ministry for Europe and Foreign Affairs, FR-ST8, 18 October 2017.

implicitly direct to the Rohingya people. Pillar I is used here as legitimization for the French position that Myanmar has to act. However, it is not clearly followed up by a legitimization strategy.

4.2. Pillar II: *International support for Myanmar*

Pillar II of R2P constitutes the commitment of the international community to assist States in meeting their responsibility.⁹¹ Next to calling for Myanmar to act, the progressive position P5 members all state that they support Myanmar in finding a solution. However, direct mentions of international assistance and capacity building, as Pillar II states, are not found very explicitly in the statements.

A way to look at Pillar II in the case of the Rohingya crisis is to see the fact that the issue is on the UNSC agenda already as part of fulfilling the commitment of the international community to assist States. In the UNSC open meeting statements, a lot of suggestions are given as to what Myanmar can do to resolve the crisis. The final report of the Rakhine State Advisory Commission is frequently referred to as road map to improve the situation.⁹² Moreover, the Presidential Statement of 6 November 2017 on which the UNSC unanimously agreed also includes suggestions for Myanmar.⁹³

The way the Presidential Statement relates to the commitment of the international community can be analyzed more in-depth with the following example. In the French statement at the second UNSC open meeting on 12 December 2017, François Delattre makes a few comments and states the following:

[32] The first relates to the **implementation** of presidential statement S/PRST/2017/22, adopted just a month ago. Faced with **a situation of** – it should be recalled – **ethnic cleansing**, the **Security Council mobilized itself** and **expressed itself in very strong terms**.⁹⁴

Firstly, the situation is stated as constituting ethnic cleansing. In this light, Delattre states that the UNSC has ‘mobilized itself’ and ‘expressed itself in very strong terms’ in the Presidential

⁹¹ A/63/677.

⁹² See Advisory Commission on Rakhine State (2017).

⁹³ S/PRST/2017/22.

⁹⁴ Statement at UNSC open meeting by François Delattre, FR-SC2, 12 December 2017.

Statement. The R2P crime ethnic cleansing is used here to legitimize the UNSC mobilization.⁹⁵ Moreover, the Presidential statement includes measures that Myanmar must take in order to improve the situation.⁹⁶ The French position is that these measures must be implemented. The Presidential Statement itself can thus be seen as an example of Pillar II. By unanimously agreeing on the statement and the measures it suggests, the UNSC assists Myanmar in meeting its responsibility.

4.3. Pillar III: A *timely and decisive response*?

Pillar III is the responsibility of Member States to respond collectively and in a timely and decisive manner.⁹⁷ Directly mentioning this responsibility would bring with it implications for the UNSC Member States. Therefore, member states are often reluctant to mention the third pillar.⁹⁸ Even the progressive position P5 members are reluctant to use this language. The only way to implicitly see the third pillar in the official statements is in calls for the international community to act. However, these calls for action do not use Pillar III language explicitly. The USA has the strongest language of the progressive position. In their statement at the fourth UNSC open meeting on 14 May 2018, for example, they state that ‘we must act now’, in which ‘we’ refers to the UNSC.⁹⁹ However, the softer language on ‘having to act’ without using language from Pillar III directly does not bring with it the implications, and thus also does not require a strong legitimization. ‘We must act now’ does not say anything about *how* to act, what action the international community should concretely take.

4.4. Chapter conclusion

Some interesting conclusions can be drawn from the above analysis. First, the three R2P pillars are not equally represented. The progressive position P5 members are reluctant to use direct

⁹⁵ A caveat here is that the words ‘ethnic cleansing’ are not used in the Presidential Statement. A Presidential Statement has to be agreed upon unanimously, and thus also includes the voices of states contesting R2P language (e.g. Russia and China).

⁹⁶ S/PRST/2017/22.

⁹⁷ A/63/677.

⁹⁸ See, for example, Hehir (2016), who argues that there is a lack of consensus surrounding Pillar III.

⁹⁹ Statement at UNSC open meeting by Nikki Haley, USA-SC4, 14 May 2018.

wording from the third pillar, and the second pillar is also only implicitly mentioned in the fact that the states support Myanmar. The Presidential Statement can be seen as an example of the second pillar, but this represents the view of the entire UNSC, not just the progressive position of the USA, UK and France. This reluctance could be because it might bring with it certain implications or obligations. This is in line with critique on the R2P principle (e.g. Hehir 2016).

Second, the first pillar is used frequently, albeit mostly implicit too. This means that the language of the R2P pillars, especially the first pillar, has become part of the statements of the USA, UK and France – at least regarding the Rohingya crisis. However, there also seems to be a carefulness in using the exact language from Pillar I as stated in the *Implementing the Responsibility to Protect* report.

Third, the way Pillar I is used can be related to strategies of legitimization in some examples, while in others it was not so clear. Generally speaking, the R2P pillars are harder to relate to the analytical framework because they are often mentioned implicitly. Explicit language would bring with it implications or obligations, but implicit mentions are in this sense less risky. Therefore, they are not as much legitimized or used as legitimization as the R2P crimes.

CHAPTER 5: *LEGITIMIZATION AND R2P IN THE CONSERVATIVE POSITION*

Where the previous three chapters focused on how the progressive position of the USA, UK and France use R2P language in their legitimization discourse, this last analytical chapter focuses on how the conservative position of Russia and China contest this. Russia and China are less critical of Myanmar in their official statements and thus also less eager to call for change. This chapter thus analyzes how Russia and China legitimize their conservative position. I subsequently discuss if and how Russia and China use the R2P principle in their statements. The sub-questions answered in this chapter are: *How is the conservative position of Russia and China opposing the legitimization discourses of the progressive position? How do Russia and China legitimize this conservative position? And how is the concept of R2P used by the Russia and China?*

On a general note, the available sources of China and Russia as derived from the data sample prove to be less abundant than those of the other P5 members.¹⁰⁰ Outside of the UNSC open meeting statements, other official statements were not as available – both in numbers and in content.¹⁰¹ Therefore, the analysis in this chapter mainly concerns the official statements from the core UNSC documents.¹⁰²

¹⁰⁰ See Appendix A for an overview and explanation of the data sample. This also shows that the number of collected documents for China and Russia were not as numerous as the other P5 members.

¹⁰¹ This could be explained by Russia and China having tighter official government channels, and thus less statements. In Appendix A it can be seen that all of the official statements of both Russia and China outside of the UNSC are not statements by government officials, but general press releases. It can be argued that these are more likely to be censored than the personal statements that are more common in the data samples of the USA, UK and France.

¹⁰² The official statements outside of the UNSC were still all read, coded and categorized, but ultimately proved to be less useful for the actual analysis in this chapter.

5.1. Russia: *Counter-discourse and legitimization*

Russia offers a counter-discourse that is more supportive of Myanmar in several ways. First, in line with the way Myanmar defends itself, Russia stresses the fact that the crisis was initiated by violence from the ARSA aimed against security forces. While the USA, UK and France also frequently mention they condemn the violent acts by the ARSA, they are quick to switch the focus to the violence by the military. However, in the first UNSC open meeting on 28 September 2017, Vassily Nebenzia, the Russian Permanent Representative to the UN, uses hard language against the ARSA. He calls ‘terrorists’ and blames them for a lot of the violence and arson attacks in Rakhine state.¹⁰³ This way, Russia shifts the attention to the ARSA and away from the military acts of violence against the Rohingya community.

Another way in which Russia presents a counter-discourse is by stressing positive developments. Where in the first UNSC open meeting Russia still called the situation ‘worsening’, in the subsequent UNSC meetings the statements of Russia became more positive. In the second UNSC open meeting, Nebenzia states that the security situation in Rakhine state has ‘stabilized to a degree’.¹⁰⁴ In the third UNSC open meeting, he assesses that the situation is in general ‘under control’.¹⁰⁵ This is supplemented by statements on the measures Myanmar has taken, regardless of the effects or results of these measures.

In relation to the strategies of legitimization, Russia legitimizes their conservative position in several ways. One way Russia does this is by advocating an exclusively political solution, in which the international community can merely have a supportive role. For example, in the Russian statement at the first UNSC open meeting on 28 September 2017, Vassily Nebenzia says:

[33] We maintain our unchanging position that **there is no alternative** to resolving the existing problems in Rakhine state except **through political means** and **dialogue between representatives of all nationalities and faiths**.¹⁰⁶

Russia legitimizes their position for a political solution by stating that ‘there is no alternative’. This can be related to the rational strategy. Presenting the solution as the only option implies

¹⁰³ Statement at UNSC open meeting by Vassily Nebenzia, RUS-SC1, 28 September 2017.

¹⁰⁴ Statement at UNSC open meeting by Vassily Nebenzia, RUS-SC2, 12 December 2017.

¹⁰⁵ Statement at UNSC open meeting by Vassily Nebenzia, RUS-SC3, 13 February 2018.

¹⁰⁶ Statement at UNSC open meeting by Vassily Nebenzia, RUS-SC1, 28 September 2017.

that there has been a process of consultation in which other options were considered. Stating that there is no alternative thus legitimizes the position as being taken after rational consultation. Also note that Nebenzia presents the dialogue as ‘between representatives of all nationalities and faiths’. This does not exclude the Muslim Rohingya people, however, they are also not explicitly mentioned. This is in line with supporting Myanmar, as Myanmar advocates against using the name Rohingya.¹⁰⁷

Similar language is used in statements at the subsequent UNSC open meetings and in a press statement on 28 August 2017, only days after the escalation and a month before the first UNSC open meeting:

[34] We believe that **resolving the existing complex issues in Rakhine is possible only by political means** through a dialogue between representatives of all the ethnicities and religions **in the interests of the socioeconomic development of this state**.¹⁰⁸

The political solution is again presented as the only option. Moreover, the solution is presented as in the interest of the development of Rakhine state. This could be seen as an altruistic statement. Russia shows here that it is concerned with resolving the issue for the benefit of Rakhine state. Where the progressive position P5 members use the well-being of the Rohingya people, Russia uses the benefit of Rakhine state in its altruistic statement. Also note that they do not call for action from the international community here. Rather, they state that resolving the issue through political means is in the interest of the involved parties as it will help the development of Rakhine state.

Another way in which Russia counters the calls for action by the progressive position is by emphasizing the sovereignty of Myanmar. In the Russian statement at the second UNSC open meeting on 12 December 2018, Vassily Nebenzia states the following:

[35] We underscore the need to **respect Myanmar’s national sovereignty**.¹⁰⁹

¹⁰⁷ Myanmar uses the term ‘Bengali’ when referring to the Rohingya people, and deny the name ‘Rohingya’. The extent of this can be seen, for example, in the Advisory Commission for Rakhine State final report (2017: 12), where per request of the State Counsellor of Myanmar, the Commission does not use either ‘Bengali’ or ‘Rohingya’, but refers to the group as either ‘Muslims’ or ‘the Muslim community in Rakhine’.

¹⁰⁸ Comment by the Information and Press Department, RUS-ST1, 28 August 2017.

¹⁰⁹ Statement at UNSC open meeting by Vassily Nebenzia, RUS-SC2, 12 December 2017.

The sovereignty of a state is used as an argument against the international R2P principle (especially Pillar III).¹¹⁰ The argument from this perspective is that other states should not meddle with national politics or issues. This can be seen as a different moral or value than the progressive position P5 members present, however it is not clearly linked to a rational legitimization strategy.

Finally, Russia presents the issue as bilateral between Myanmar and Bangladesh (where the refugee camps are located). Vassily Nebenzia, in the Russian statement at the third UNSC open meeting on 13 February 2018, states the following:

[36] We would like to emphasize that the Myanmar refugee situation is a **issue of bilateral relations** between Myanmar and Bangladesh that **should be resolved through appropriate consultations**.¹¹¹

The Russia position that the issue is bilateral is used to argue that it should thus be resolved through consultation between the two involved states. This can be seen as a rational statement as it calls for ‘appropriate consultations’ to resolve the issue. While it is thus not a position or decision taken by Russia after consultation as Reyes (2011) poses it, the solution is posed as being rational through consultations between Myanmar and Bangladesh – not by international interference.

5.2. China: *The ‘friendly neighbor’*

China, like Russia, are more supportive of Myanmar in that they put more emphasis on measures that are already taken, and hereby presenting a more positive image of the situation. Moreover, also in line with Russia, China presents the issue as being bilateral. This can be seen, for example, in the Chinese statement at the second UNSC open meeting on 12 December 2017. Here, Wu Haitao, Deputy Permanent Representative of China to the UN, states:

¹¹⁰ Claes (2012) outlines what he calls ‘R2P Rejectionists’, among which Russia and China are positioned (at the time of writing that article in 2011). These rejectionists ‘emphasise the potentially corrosive effects of R2P on their national sovereignty’ (Claes 2012: 73).

¹¹¹ Statement at UNSC open meeting by Vassily Nebenzia, RUS-SC3, 13 February 2018.

[37] It is the **consistent view** of China that the question of a Rakhine state should be **addressed appropriately** by Myanmar and Bangladesh **through bilateral channels**.¹¹²

Haitao legitimizes the Chinese position that the situation in Rakhine state should be solved through bilateral channels by stating that this is the ‘appropriate’ way to address the issue. The word ‘appropriately’ implies a certain moral or value that the bilateral solution is the ‘right thing to do’ (Reyes 2011: 797), hereby countering a progressive position in which more action is required. It can thus be seen as part of a rational construct. Moreover, it is also stated that this position is the ‘consistent view’ of China, implying that they have taken this position after a rational consultation and see it as the best option. Indeed, in the third UNSC open meeting on 13 February 2018, similar language is used.¹¹³ The view is thus indeed consistent.

Furthermore, China has a specific way of legitimizing its position that can be linked to their regional presence. China is the only P5 member with a regional interest in the Rohingya crisis, as it borders Myanmar and is also close to Bangladesh. They make use of this regional presence by portraying themselves as the ‘friendly neighbor’. They use this discourse in all of their statements at the UNSC open meetings. In the Chinese statement at the first UNSC open meeting on 28 September 2017, for example, Wu Haitao says the following:

[38] China, as a **friendly neighbor** of both Myanmar and Bangladesh, has been **actively engaging with those countries to influence them positively** and encourage them to **address the issue through dialogue and consultation**.¹¹⁴

Haitao, here, uses the role of China as friendly neighbor to legitimize their engagement with the involved countries ‘to influence them positively’. This can be seen as a specific way of using altruism as legitimization. China supports Myanmar and Bangladesh in resolving the issue as a friendly neighbor, not out of self-interest. Moreover, like Russia, China calls for dialogue and consultation here in to resolve the issue. This call for consultation can thus be seen as rationality in the same way as I explained for excerpt [34].

In the second UNSC open meeting, on 12 December 2017, the statement is extended slightly:

¹¹² Statement at UNSC open meeting by Wu Haitao, CH-SC2, 12 December 2017.

¹¹³ Statement at UNSC open meeting by Ma Zhaoxu, CH-SC3, 13 February 2018.

¹¹⁴ Statement at UNSC open meeting by Wu Haitao, CH-SC1, 28 September 2017.

[39] As a **friendly neighbor** of both Myanmar and Bangladesh, China has **provided emergency humanitarian relief** for the appropriate settlement of displaced persons and, at the same time, worked with them to **push for dialogue and consultations** in order to find a solution.¹¹⁵

Besides using the same language as the previous statement, they strengthen the altruistic legitimization by also stating China has ‘provided emergency humanitarian relief’ in their role as friendly neighbor. In the Chinese statement at the third UNSC open meeting on 13 February 2018, they use almost identical language as in excerpt [39].¹¹⁶ The friendly neighbor discourse is used in press releases outside of the UNSC as well.¹¹⁷ Furthermore, the bilateral solution ‘through dialogue and consultation’ is frequently repeated in the Chinese statements. This can be seen, again, as a way to counter the progressive position in which more action is required.

5.3. The R2P principle in the conservative position

The last questions that remain are *if* and *how* Russia and China use R2P language in relation to their conservative position. First of all, both countries have an ambiguous relationship regarding their general position on the R2P principle.¹¹⁸ China acknowledges primarily Pillar I from their role as growing global power, responding to humanitarian crises in some instances. However, they still see state sovereignty and the principle of non-interference as more important (see Chen 2016). Russia accepts Pillar I, but also places state sovereignty above the R2P principle – especially Pillar III. Moreover, after the intervention in Libya in 2011 under the banner of R2P, the position of both Russia and China against forcible intervention (for example via Pillar III) has strengthened (Chen 2016; Averre and Davies 2015).

In this context, China and Russia use R2P in a different way than the progressive position P5 members. First of all, they do not ‘define’ the situation as constituting one of the R2P crimes in any of their statements. Russia, as explained earlier, stresses the national sovereignty of

¹¹⁵ Statement at UNSC open meeting by Wu Haitao, CH-SC2, 12 December 2017.

¹¹⁶ See: Statement at UNSC open meeting by Ma Zhaoxu, CH-SC3, 13 February 2018.

¹¹⁷ For example, see: Remarks to the press by Foreign Ministry Spokesperson Lu Kang, CH-ST10, 30 September 2017.

¹¹⁸ Claes (2012) includes them in the list of Rejectionist states as of 2011, however, at least rhetorically, Russia and China are cautiously supporting some elements of the R2P principle (primarily Pillar I).

Myanmar. This can be seen as a way to counter calls for international action under banner of R2P. The only time Russia mentions the R2P crimes ethnic cleansing and genocide is in a warning in their statement at the first UNSC open meeting on 28 September 2017:

[40] We call on the parties involved and external stakeholders to demonstrate **restraint and objectivity** in their **assessment of ongoing events**. We need to be **very precise in using terms like “genocide” and “ethnic cleansing”**.¹¹⁹

The implications of using the R2P crimes genocide and ethnic cleansing are used here, in a way, to legitimize the position that the international community must show ‘restraint and objectivity’. This can also be seen as a call for rationality, for heeded and thoughtful consultation (Reyes 2011: 797). A decision to define the situation in Rakhine state as constituting ethnic cleansing or genocide should only be made after a rational process of consultation. While rationality is not used here to directly legitimize the Russian position, it is used as a warning.

Like the USA, UK and France, both Russia and China state their support for Myanmar (and Bangladesh). They were also part of the decision-making process leading up to the Presidential Statement.¹²⁰ Thus, in the same way as explained in the previous chapter (4.2), both Russia and China can be seen as implicitly applying Pillar II. There is one example in which China mentions the role of the international community relatively clearly as the second phase in a three-phase approach to the Rohingya crisis. In the Chinese statement at the second UNSC open meeting on 12 December 2017, Wu Haitao outlines the approach:

[41] The second phase is for **the international community to encourage communication** between the two countries so that they find practical ways **to solve problems through consultations** on equal footing.¹²¹

The role of the international community to encourage communication can be seen as a way of international assistance from Pillar II. Note that this is in line with the other excerpts of China discussed above, where they say to be working with Myanmar and Bangladesh in promoting dialogue. Moreover, earlier in this Chinese statement, the three-phase approach is legitimized by using the voices of expertise strategy. Chinese Foreign Minister Wang Yi is used as an

¹¹⁹ Statement at UNSC open meeting by Vassily Nebenzia, RUS-SC1, 28 September 2017.

¹²⁰ S/PRST/2017/22.

¹²¹ Statement at UNSC open meeting by Wu Haitao, CH-SC2, 12 December 2017.

authoritative figure to legitimize the proposed solution, as he is mentioned as being the one to propose the approach.¹²² Furthermore, China's position of the issue being bilateral and having to be solved through consultation can also be seen in this statement again.

5.4. Chapter conclusion

The conservative position of Russia and China can be summarized in a few concluding observations. First, Russia and China are aligned in terms of their positions in several ways. They both stress the positive developments or measures Myanmar has already taken, without looking at the results. Moreover, they both take the position that the problem is bilateral between Myanmar and Bangladesh and that the solution lies in dialogue and consultation between these two countries. The role of the international community, from this perspective, is to support this dialogue.

Second, China, as the only P5 state with a regional presence, uses a specific discourse by presenting itself as the 'friendly neighbor'. This can be related to the legitimization strategy of altruism. In a more general sense, the legitimization strategies framework seems to be more difficult to apply to the statements of Russia and China as opposed to the statements by the USA, UK and France. Still, some applications of especially rationality can be found.

Third, R2P language is not explicitly used by Russia and China. Russia uses the R2P crimes ethnic cleansing and genocide once to warn others in being careful to define the situation as such. Moreover, Russia stresses the importance of state sovereignty. China sees a role for the international community in their 'three-phase approach', which can be seen as an implicit application of Pillar II.

¹²² For the original reporting on the three-phase approach by Wang Yi, see: Press release by Foreign Ministry of the People's Republic of China, CH-ST7, 20 November 2017.

CONCLUSION

In this thesis I have attempted to give some insight on the complexity of a ‘timely and decisive’ response by the UNSC in a clear case where the R2P principle is applicable, namely the Rohingya crisis in Myanmar. This was done by conducting a discourse analysis of official statements by the P5 members of the UNSC, focused around the way the P5 legitimize their positions and the way R2P language is used in relation to this. What remains now is answering the research question: *How is the concept of R2P interpreted and presented in the legitimization discourses of the different positions by the P5 member states of the UN Security Council in official statements regarding the Rohingya crisis in Myanmar between August 2017 and May 2018?*

In terms of *interpretation*, this thesis shows that the R2P principle is interpreted differently by each P5 member, which influences the way they apply R2P in their presented discourse. The distinction between the progressive position (USA, UK and France) and the conservative position (Russia and China) as posed in the introduction also applies to the R2P interpretations. The progressive interpretation of the (international) R2P principle means more mentions of R2P language regarding the Rohingya crisis, as this can bring incentives for change or action. The conservative interpretation, in contrast, are not advocating for action as much as the progressive position, and therefore also refrain from using R2P language.

At the core of this thesis is how the different P5 members *present* their legitimization discourses and how they used the R2P principle within these discourses. I will reflect on this by briefly discussing the most interesting observations from each chapter.

In chapter 1, I discussed the theoretical background and outlining the analytical framework, ‘strategies of legitimization’, as posed by Reyes (2011). The framework consists of five sets of strategies, namely: emotion, hypothetical future, rationality, voices of expertise, and altruism. After this, I identified two main ways in which R2P language can inform this framework: 1) legitimization strategies applied to legitimize the usage of R2P language, and 2) R2P language as part of a legitimization strategy to further legitimize a position.

In chapter 2, 3 and 4 I analyzed the progressive position of the USA, UK and France. Chapter 2 was concerned with how usage of R2P crimes was legitimized using legitimization strategies. Of the four R2P crimes, ethnic cleansing was most frequently used and legitimized. France is the only state also defining the situation as crimes against humanity. There were no mentions of genocide or war crimes. Moreover, primarily the strategies of rationality and voices of expertise were used as legitimization. The strategies of emotion and hypothetical future were absent in relation to R2P crimes, whereas altruism was only used in one example. The USA mainly used the rational strategy here, and France mainly voices of expertise.

Chapter 3 was concerned with how the R2P crimes were used as part of legitimization strategies. Again, ethnic cleansing was the most used R2P crime and rationality and voices of expertise the most used legitimization, although altruism was also used more often. The reluctance of the USA and UK to use crimes against humanity or genocide proved to be legitimized by referring to the legal definitions of these crimes. It would thus be a matter for the ICC. Again, the strategies of emotion and hypothetical future were not seen to be used often. However, this chapter shows that usage of the R2P crimes has become part of the general discourse of the USA, UK and France – at least in regard to their position on the Rohingya crisis. While in the previous chapter R2P crimes were the subjects that needed to be legitimized, in this chapter I show that R2P crimes are also used as legitimization themselves.

Chapter 4 covered the R2P pillars and how they are related to legitimization strategies. Pillar I was mentioned frequently, albeit implicit in several examples. Pillar I, the responsibility of individual states, was used in combination with legitimization strategies in some examples, but not in all. Pillars II and III, the responsibilities of the international community, are not an essential part of the discourse of the USA, UK and France as much, despite their progressive position. This is explained by the argument that direct mentions of the second and third pillar would bring with them certain implications or obligations. Generally speaking, the fact that the pillars are often mentioned in implicit language complicates their relation to legitimization. As implicit language does not bring with it the implications or obligations explicit language would, it does not need legitimization nor is it part of legitimization as clearly.

In chapter 5, finally, I covered the conservative position of Russia and China. These P5 members contest the R2P language posed by the progressive position in several ways. Their positions are mostly in line with each other. Russia and China both emphasize positive developments, present the problem as bilateral between Myanmar and China, and present the solution as being political through dialogue and consultation only. China, moreover, uses a discourse in which they present themselves as the ‘friendly neighbor’, which can be seen as a

specific way of applying the strategy of altruism. Both Russia and China do not use R2P language in any of their statements like the progressive position does. Russia only warns for using R2P crimes terminology, while China sees a role for the international community in supporting dialogue. This could be seen as China being active under Pillar II, albeit in implicit language and solely concerning the support of bilateral dialogue.

All in all, this thesis argues that while certain elements of R2P language are part of the (legitimization) discourses the progressive P5 members present, the elements that would bring serious implications or obligations are avoided. Moreover, the conservative P5 members avoid using R2P language regarding the Rohingya crisis altogether. This partly explains why ‘timely and decisive’ action from a unified UNSC proves to be a complex matter.

How does this all reflect back to the goals of this research stated in the introduction? Firstly, what this thesis shows is in line with critiques on the structure of the UNSC. The P5 have the ultimate power with their veto right, also regarding decisions on cases where R2P can be applied (e.g. Hosli and Dörfler 2017). Ultimately, the conservative P5 members Russia and China thus hold the power to block attempts by the progressive P5 members USA, UK and France to call for action. Perhaps, as Welsh (2016) argues, there needs to be a shift in focus from reacting to preventing in R2P. However, with the current state of play, this will be a difficult process.

Secondly, what this thesis shows is also in line with critical literature on the R2P principle. Even the progressive P5 members avoid using R2P language that brings implications with it, namely the atrocity crimes defined under the Rome Statute and the international responsibility to act under Pillar III. This further complicates acting under the banner of R2P. This complication is in line with the realist view of Hehir (2016). However, there is also room for optimism from a more constructivist perspective. R2P language has become part of the ‘general’ discourse for three out of five permanent UNSC members – at least in the case of the Rohingya crisis. This can be seen as proof that, as a norm, R2P is indeed firmly established in the UN (e.g. Bellamy 2015; Glanville 2016).

Lastly, a goal of this thesis was also to ‘advance new theory’ (Ragin 1994: 45). I attempted to do this by synthesizing what I defined as ‘R2P language’ with an analytical framework from discourse theory, ‘strategies of legitimization’ (Reyes 2011). The analysis ultimately showed that some elements of Reyes’ analytical framework were indeed combinable with the R2P principle. Moreover, this research has showed that R2P language does not only needs to be legitimized, it can also be part of legitimization discourses. Yet, other elements of the framework were barely used in combination with R2P. Moreover, R2P language from the

Pillars proved to be more difficult to relate to legitimization strategies as the used language mostly mentioned R2P implicitly. Legitimization from rationality, voices of expertise and altruism are, however, used in combination with R2P, while emotions and hypothetical futures are not. Moreover, implicit language does not need clear legitimization. Yet, as a final note, the framework used is not all-encompassing, and there are other ways to look at legitimization and R2P language.

Recommendations for further research

To conclude this research, I would recommend several paths for further research. First, other methods to analyze discourse, or more specifically legitimization discourse, could be applied to the way R2P is presented in the UNSC. This can be applied to other case studies as well. Second, discourse and practice theories could be combined to research the UNSC. Holzscheiter (2014: 158) already argues that practice theory can add to discourse analysis in IR. Ralph and Gifkins (2017), for example, have already looked at practices in the UNSC regarding R2P. Potentially, a combination of practices and discourses in the UNSC might give further insights into the R2P principle in the UN(SC). Lastly, future developments in the ongoing Rohingya crisis (inside or outside of the UNSC) might also provide reason to follow up this research with new data.

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APPENDICES

Appendix A: Data Sample

Overview of number of sources per P5 Member State:

P5 Member State	UNSC statements	Other official statements
France	4	16
People's Republic of China	4	10
Russian Federation	4	9
United Kingdom	4	20
United States of America	4	15

List of all documents per P5 Member State:

UNITED STATES OF AMERICA			
Code ¹²³	Document	Date	Source ¹²⁴
USA-SC1	Statement at UNSC Open Meeting by Nikki Haley	28-09-2017	S/PV.8060
USA-SC2	Statement at UNSC Open Meeting by Nikki Haley	12-12-2017	S/PV.8133
USA-SC3	Statement at UNSC Open Meeting by Nikki Haley	13-02-2018	S/PV.8179
USA-SC4	Statement at UNSC Open Meeting by Nikki Haley	14-05-2018	S/PV.8255
USA-ST1	Special Briefing by Patrick Murphy	08-09-2017	State Department website
USA-ST2	Special Briefing by Simon Henshaw	20-09-2017	State Department website
USA-ST3	Special Briefing by Senior State Department Officials	22-11-2017	State Department website
USA-ST4	Press Availability by Rex Tillerson	15-11-2017	State Department website
USA-ST5	Testimony by Patrick Murphy	5-10-2017	State Department website
USA-ST6	Press Statement by Heather Nauert	23-10-2017	State Department website
USA-ST7	Statement by Rex Tillerson	22-11-2017	US Embassy in Myanmar website

¹²³ Code for the documents are: [abbreviated country name]–[abbreviated source type + number]. The country names are abbreviated as: USA (United States of America), UK (United Kingdom), FR (France), RUS (Russia), CH (China). The source types are abbreviated as: SC (Security Council open meeting document); ST (other official government statements outside of the UNSC).

¹²⁴ Online sources used for the USA statements outside of the UNSC: *US Department of State*, archive Remarks East Asian and Pacific Affairs. Available at: <https://www.state.gov/p/eap/rls/rm/index.htm>; *US Embassy in Myanmar*, archive Press Releases. Available at: <https://mm.usembassy.gov/category/press-releases/>; *US Mission to UN*, archive Remarks. Available at: <https://usun.state.gov/remarks>.

USA-ST8	Statement by US Embassy	2-10-2017	US Embassy in Myanmar
USA-ST9	Press release by Nikki Haley	31-08-2017	US Mission to UN website
USA-ST10	Press release by Nikki Haley	08-09-2017	US Mission to UN website
USA-ST11	Press release by Nikki Haley	18-09-2017	US Mission to UN website
USA-ST12	Statement at UNGA by Nikki Haley	16-11-2017	US Mission to UN website
USA-ST13	Readout of US mission to UN	12-10-2017	US Mission to UN website
USA-ST14	Statement at UNHRC Special Session by Kelley Currie	5-12-2017	US Mission to UN website
USA-ST15	Press release by Nikki Haley	9-02-2018	US Mission to UN website

UNITED KINGDOM

Code	Document	Date	Source ¹²⁵
UK-SC1	Statement at UNSC open meeting by Jonathan Allen	28-09-2017	S/PV.8060
UK-SC2	Statement at UNSC open meeting by Jonathan Allen	12-12-2017	S/PV.8133
UK-SC3	Statement at UNSC open meeting by Jonathan Allen	13-02-2018	S/PV.8179
UK-SC4	Statement at UNSC open meeting by Jonathan Allen	14-05-2018	S/PV.8255
UK-ST1	Announcement on press statement by Priti Patel	8-09-2017	UK Government website
UK-ST2	Announcement on press statement by Alistair Burt	29-09-2017	UK Government website
UK-ST3	Announcement on press statement by Mark Field	20-09-2017	UK Government website
UK-ST4	Announcement on press statement by Penny Mordaunt	27-11-2017	UK Government website
UK-ST5	Announcement on press statement by Boris Johnson	2-09-2017	UK Government website
UK-ST6	Announcement on press statement by Boris Johnson	18-09-2017	UK Government website
UK-ST7	Announcement on press statement by Mark Field	27-09-2017	UK Government website
UK-ST8	Announcement on press statement by Priti Patel	29-09-2017	UK Government website
UK-ST9	Announcement on press statement by Boris Johnson	12-02-2018	UK Government website

¹²⁵ Online sources used for the UK statements outside of the UNSC: *UK Government website*, announcements archive filtered on Burma and period August 2017 – May 2018. Available at: https://www.gov.uk/government/announcements?keywords=rohingya&announcement_filter_option=all&topics%5B%5D=all&departments%5B%5D=all&people%5B%5D=all&world_locations%5B%5D=burma&from_date=25%2F08%2F2017&to_date=01-06-2018.

UK-ST10	Press statement by Mark Field	12-03-2018	UK Government website
UK-ST11	Statement at the UNHRC Special Session by Lord Ahmad of Wimbledon	7-12-2017	UK Government website
UK-ST12	Comment on UNSC Presidential Statement by Boris Johnson	6-11-2017	UK Government website
UK-ST13	Announcement on UK support to Rohingya crisis	23-10-2017	UK Government website
UK-ST14	Comments on sexual violence by Lord Ahmad of Wimbledon	14-11-2017	UK Government website
UK-ST15	Announcement on press statement by Boris Johnson	10-02-2018	UK Government website
UK-ST16	Announcement on press statement by Boris Johnson	9-02-2018	UK Government website
UK-ST17	Comments on Joint Response Plan by Penny Mordaunt	16-03-2018	UK Government website
UK-ST18	Statement to Parliament by Mark Field	15-03-2018	UK Government website
UK-ST19	Statement to the House by Mark Field	17-04-2018	UK Government website

FRANCE

Code	Document	Date	Source ¹²⁶
FR-SC1	Statement at UNSC open meeting by François Delattre	28-09-2017	S/PV.8060
FR-SC2	Statement at UNSC open meeting by François Delattre	12-12-2017	S/PV.8133
FR-SC3	Statement at UNSC open meeting by François Delattre	13-02-2018	S/PV.8179
FR-SC4	Statement at UNSC open meeting by François Delattre	14-05-2018	S/PV.8255
FR-ST1	Comments on Security Council	13-10-2017	France Mission to UN website
FR-ST2	Press remarks by François Delattre	13-02-2018	France Mission to UN website
FR-ST3	Press remarks by François Delattre	6-11-2017	France Mission to UN website
FR-ST4	Press remarks by François Delattre	26-10-2017	France Mission to UN website
FR-ST5	Press remarks by François Delattre	13-10-2017	France Mission to UN website
FR-ST6	Press remarks by François Delattre	26-10-2017	France Mission to UN website
FR-ST7	Press release by MEAE	?	Ministry of European and Foreign Affairs website

¹²⁶ Online sources used for the French statements outside of the UNSC: *Permanent Mission of France to the UN*, Press Room archive. Available at: <https://onu.delegfrance.org/-Press-Room-1357->; *France Diplomatie*, Myanmar Country File Events archive. Available at: <https://www.diplomatie.gouv.fr/en/country-files/myanmar/events/>.

FR-ST8	Press release by MEAE	18-10-2017	Ministry of European and Foreign Affairs website
FR-ST9	Press release by MEAE	6-11-2017	Ministry of European and Foreign Affairs website
FR-ST10	Press release by MEAE	6-11-2017	Ministry of European and Foreign Affairs website
FR-ST11	Press release by MEAE	13-11-2017	Ministry of European and Foreign Affairs website
FR-ST12	Press release by MEAE	20-11-2017	Ministry of European and Foreign Affairs website
FR-ST13	Press release by MEAE	25-11-2017	Ministry of European and Foreign Affairs website
FR-ST14	Press release by MEAE	15-12-2017	Ministry of European and Foreign Affairs website
FR-ST15	Press release by MEAE	10-01-2017	Ministry of European and Foreign Affairs website
FR-ST16	Press release by MEAE	26-04-2017	Ministry of European and Foreign Affairs website

RUSSIA

Code	Document	Date	Source ¹²⁷
RUS-SC1	Statement at UNSC open meeting by Vassily Nebanzia	28-9-2017	S.PV/8060
RUS-SC2	Statement at UNSC open meeting by Vassily Nebanzia	12-12-2017	S.PV/8133
RUS-SC3	Statement at UNSC open meeting by Vassily Nebanzia	13-2-2018	S.PV/8179
RUS-SC4	Statement at UNSC open meeting by Vassily Nebanzia	14-5-2018	S.PV/8255
RUS-ST1	Press comment by the Press Department of the Ministry of Foreign Affairs of the Russian Federation	28-8-2017	Ministry of Foreign Affairs of the Russian Federation website
RUS-ST2	Press comment by the Press Department	03-09-2017	Ministry of Foreign Affairs website
RUS-ST3	Press comment by the Press Department	17-11-2017	Ministry of Foreign Affairs website
RUS-ST4	Press release on UNHRC Special Session	6-12-2017	Ministry of Foreign Affairs website

¹²⁷ Online sources used for the Russian statements outside of the UNSC: *Ministry of Foreign Affairs*, country page Myanmar, press page. Available at: <http://www.mid.ru/en/maps/mm/-/category/10557>.

RUS-ST5	Statement at the UNRC Special Session by a representative	6-12-2017	Ministry of Foreign Affairs website
RUS-ST6	Press comment by the Press Department	19-1-2018	Ministry of Foreign Affairs website
RUS-ST7	Press comment by the Press Department	26-1-2018	Ministry of Foreign Affairs website
RUS-ST8	Press release	25-04-2018	Ministry of Foreign Affairs website
RUS-ST9	Briefing by Foreign Ministry Spokesperson Maria Zakharova	15-09-2017	Ministry of Foreign Affairs website

CHINA

Code	Document type	Date	Source ¹²⁸
CH-SC1	Statement at UNSC open meeting by Wu Haitao	28-9-2017	S.PV/8060
CH-SC2	Statement at UNSC open meeting by Wu Haitao	12-12-2017	S.PV/8133
CH-SC3	Statement at UNSC open meeting by Ma Zhaoxu	13-2-2018	S.PV/8179
CH-SC4	Statement at UNSC open meeting by Ma Zhaoxu	14-5-2018	S.PV/8255
CH-ST1	Press release by People's Republic of China's mission to the UN	18-9-2017	People's Republic of China's mission to the UN website
CH-ST2	Press release by Foreign Ministry of the People's Republic of China	1-4-2018	Foreign Ministry of the People's Republic of China website
CH-ST3	Press release	22-4-2018	Foreign Ministry website
CH-ST4	Press release	21-11-2017	Foreign Ministry website
CH-ST5	Press release	15-12-2017	Foreign Ministry website
CH-ST6	Press release	22-9-2017	Foreign Ministry website
CH-ST7	Press release	20-11-2017	Foreign Ministry website
CH-ST8	Press release	20-11-2017	Foreign Ministry website
CH-ST9	Press release	20-11-2017	Foreign Ministry website
CH-ST10	Remarks to the press by Foreign Ministry Spokesperson Lu Kang	30-9-2017	Foreign Ministry website

¹²⁸ Online sources used for the Chinese statements outside of the UNSC: *Ministry of Foreign Affairs*, Myanmar page, Archive activities page. Available at: http://www.fmprc.gov.cn/mfa_eng/wjb_663304/zzjg_663340/yzs_663350/gjlb_663354/2747_663498/2749_663502/.

Appendix B: Codebook

No.	Code	Description/comments
<i>Strategies of Legitimization</i>		
1	<i>Emotions</i>	Allows social actors to skew the opinion of their interlocutors or audience regarding a specific matter (Reyes 2011: 785). Specifically done by invoking an ‘us vs. them’ idea with a negative ‘other’
1a	<i>Fear (of ‘the other’)</i>	Pose ‘the other’ as a ‘fearful enemy’ by emphasizing the negative side/practices of ‘the other’ (Reyes 2011: 790). I.e. by referring to (atrocious) crimes as done by ‘the other’. Also related to ‘Moral Evaluation’ as posed by van Leeuwen (2008: 110).
1b	<i>Sympathy</i>	Drawing on feelings of sympathy from the audience by showing the suffering of the victim group of ‘the other’.
2	<i>Hypothetical future</i>	To pose a threat in the future that requires our imminent action in the present (Reyes 2011: 786). The cause of the present problem is in the past, and it now triggers imminent action in order to avoid the same problem repeating itself in the future (Reyes 2011: 793).
2a	<i>Negative future</i>	If we do not do what the speaker proposes in the present, the past may repeat itself/the problem will grow/etc.
2b	<i>Positive future</i>	If we do act accordingly to the speaker’s suggestion, the problem(s) will be solved (in the future), and thus the future situation will be more positive.
3	<i>Rationality</i>	A social construct within a cultural group, that is, something that ‘makes sense’ for the community and constitutes the ‘right’ thing to do. ‘Rational’ decisions are often based on morals and values that constitute recognizable variables within the community (Reyes 2011: 797).
3a	<i>After consultation</i>	The decision is rational because it was made after due consideration, and possibly consultation with other parties or actors.
3b	<i>Moral/value</i>	Decision or argument based on a rational construct, informed by a representation of a moral or value that constitutes ‘the right thing to do’.
3c	<i>By definition</i>	An activity is defined in terms of another, moralized activity. Both activities must be objectivated and generalized, and the link between them must be either attributive or significative (van Leeuwen 2008: 116)

4	Voices of <i>expertise</i>	Referring to other sources to give legitimacy to a statements. Experts in a specific field are backing the politician's proposal (Reyes 2011: 786). Informed by <i>authorization</i> as posed by van Leeuwen (2008: 107).
4a	<i>Personal</i> authority	Legitimacy through an authoritative figure. Status or role in a particular institution is of importance here (van Leeuwen 2008: 106).
4b	<i>Impersonal</i> authority	Legitimacy comes from the authority of laws, rules, and regulations (van Leeuwen 2008: 108). Can be treaties, international laws or UN resolutions/presidential statements.
4c	<i>Expert</i> authority	Legitimacy is provided by expertise (van Leeuwen 2008: 107). Can also be a referral to an expert report.
4d	<i>Conformity</i>	Conformity gives authority with the argument 'because that's what everybody else does', e.g. conforming to a trend (van Leeuwen 2008: 109).
5	<i>Altruism</i>	Legitimization through altruism, e.g. when proposals do not appear driven only by personal interest (Reyes 2011: 787).
5a	<i>Beneficial</i> for states/region/international community	Proposed solution/action will be beneficial to the affected states (Myanmar and Bangladesh), for the region or even the entire international community.
5b	<i>Well-being</i> of other people	Actions are for the well-being of others, especially well-perceived when for the poor, innocent and/or vulnerable people (Reyes 2011: 787).

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6	<i>R2P Crimes</i>	The atrocity crimes as identified in paragraph 138 and 139 of the UN 2005 World Summit Outcome Document.
6a	<i>Genocide</i>	Defined in the <i>Rome Statute of the International Criminal Court</i> (2002).
6b	<i>War crimes</i>	Defined in the <i>Rome Statute of the International Criminal Court</i> (2002).
6c	<i>Ethnic cleansing</i>	The only atrocity crime of R2P that is not defined in the <i>Rome Statute of the International Criminal Court</i> (2002).
6d	<i>Crimes against humanity</i>	Defined in the <i>Rome Statute of the International Criminal Court</i> (2002).
7	<i>R2P Pillars</i>	The pillars of R2P as identified by UN Secretary-General Ban Ki-Moon in his 2009 report <i>Implementing the Responsibility to Protect</i> .
7a	<i>Pillar I</i>	The protection responsibility of the State.

7b	<i>Pillar II</i>	International assistance and capacity building.
7c	<i>Pillar III</i>	A timely and decisive response.

Appendix C: *The Responsibility to Protect text*

The full original text of the adoption of the R2P principle into the UN can be found in paragraphs 138 and 139 of the UN 2005 World Summit Outcome Document. The following excerpt contains the full original text:

“138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.”

Source: A/RES/60/1