# EMERGING INTERNATIONAL NORMS AND STATE BEHAVIOR: CHINESE FOREIGN POLICY BETWEEN "PLURALIST PULL" AND "SOLIDARIST PUSH"

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## Abstract

*The article examines the impact of emerging international norms on the behavior of states, thus endeavoring to fill a gap within the constructivist IR scholarship which has mostly focused on the relationship between fully-fledged, inter-subjective and internalized norms and the behavior these norms encourage. The main argument it advances is that emerging norms should not be considered as legitimate. Instead, they should be understood in terms of the (morally charged) legitimacy claims that sustain them and have the ability to prompt states to consider compliance due to a fear of international shaming, exclusion or some other losses. Empirically, the article makes an inquiry into China's approach to the "responsibility to protect" (R2P) principle by examining its recent voting strategies in the UN Security Council, namely its abstention on the Resolution tackling Libyan crisis and three subsequent vetoes in relation to Syrian uprising.*

**Key words:** emerging norms, legitimacy claims, "responsibility to protect", China

## 1. Introduction

The constructivist scholarship in the study of international relations should be praised for contributing significantly to our understanding of the influences that international norms have on the behavior of various international actors, as well as for unpacking the intricate processes lying behind the emergence of these norms.[1] Yet there are many questions in this strand of IR scholarship that require further attention. In general, constructivists tend to focus on the fully-fledged, intersubjective norms and the relatively undisturbed effects that these norms have on the behavior of actors who, in turn, take part in their reproduction. However, many norms which feature prominently in the international arena have not yet, and perhaps never will, reach the point at which the majority of international actors will

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[1]    For more detail on the constructivist approach to international norms see: Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52 (1998): 887-917.; Martha Finnemore, *The Purpose of Intervention: Changing Beliefs About the Use of Force* (Ithaca: Cornell University Press, 2003); Michael N. Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca: Cornell University Press, 2004); Michael N. Barnett, "The Un Security Council, Indifference, and Genocide in Rwanda," *Cultural Anthropology* 12 (1997): 551-578; Michael N. Barnett, *Eyewitness to a Genocide : The United Nations and Rwanda* (Ithaca: Cornell University Press, 2002).

accept them as legitimate and will choose to act accordingly. Nevertheless, these kinds of "norms" often cause a considerable international stir and, to an extent, are one of the most important ingredients of everyday international politics. Despite these effects, international relations scholarship has largely failed to examine the influence they exert on the behavior of states. Through an examination of the Chinese approach to the "responsibility to protect" principle (R2P), this article endeavors to offer some insights with regard to this issue.

Historically, China's preferred strategy in the UN Security Council has been one of abstention. However, this "passive" approach has recently caused a significant amount of controversy. In March 2011, the UN Security Council adopted Resolution 1973 with regard to the humanitarian situation in Libya which authorized the UN member states to "take all necessary measures to protect civilians" by acting through "regional organizations".[2] As it had already done many times before, China decided to abstain. However, its abstention in this case had an entirely different meaning since the Resolution was the first Security Council decision that actively endorsed the R2P principle. In this way, China implicitly allowed for a breach of the non-intervention principle. Many observers were fast to interpret this move as a possible indication that the country had renounced its usual attachment to the principle of sovereignty and was instead ready to act as a more responsible international actor. A few months later, however, China contradicted these expectations by casting a veto against the three Security Council Resolutions tackling the situation in Syria.[3] This was unusual since, in its entire history, China had used its veto power only six times. Thenceforth, scholars started offering an entirely different analysis of the country's behavior whereby it was depicted as an active and assertive power prepared to stand by the non-interference principle even if this meant annoying Western powers eager to see the R2P develop into a new international norm.

The R2P principle has featured prominently in the international discussions and discourse for almost fifteen years now; however, in spite of some initially optimistic promises, it has failed to acquire a legislative status equivalent to that of an amendment to the UN Charter, Chapter VII or international treaty.[4] Yet, as we can

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[2]    The UN Security Council (S/RES/1973 Meeting) Resolution 1973, (March 17, 2011).

[3]    See: The UN Security Council 6627th Meeting, "Security Council Fails to Adopt Draft Resoluton Condemning Syria's Crack on Anti-Government Protestors, Owing to Veto by Russian Federation and China "(October 4, 2011); The UN Security Council 6711th Meeting, "Securtiy Council Fails to Adopt Draft Resolution on Syria as Russian Federation and China Veto Text Supporting Arab League's Proposed Peace Plan," (February 4, 2012).

[4]    See: Alex J. Bellamy, *Global Politics and the Resonsibility to Protect: From Words to Deeds* (London: Routledge, 2010); Ramesh Thakur, *The Responsibility to Protect: Norms, Laws and the Use of Fore in Intenational Politics*(London: Routledge, 2011); James Pattison,

see from the example of China, the country which showed a substantial reservation towards this new principle, the R2P has become an important component of its foreign policy calculations, thereby indicating that even if a certain international norm has not yet acquired a fully-fledged international status, it still has the ability to exert influence on the behavior of states. What is more, the R2P has the ability to influence the behavior of powerful states which do not yet accept it as a prevailing standard of international conduct. By using the concept of legitimacy to make a distinction between emerging and fully-fledged international norms, this article endeavors to advance a particular understanding of the mechanism by which emerging norms affect state behavior. The main argument is that emerging norms are not sustained by international legitimacy but by various legitimacy claims premised on strong moral arguments. The persistent presence of these moral arguments in international discourse creates an "atmosphere" whereby states face shaming, exclusion or some other kind of ramification if they choose not to comply with the provisions of an emerging norm. In this way, emerging norms become an element in a strategic calculation of state's "national interest".

In light of these theoretical and empirical considerations, the article proceeds as follows. In the first section the theoretical argument is embedded within the existing literature on international legitimacy and is developed in greater detail. The second section briefly revisits the emergence, evolution and constraining/enabling effects of the R2P principle, while the third and final section employs the theoretical argument to account for the apparent inconsistencies in Chinese voting strategies displayed with regard to the recent UN Security Council Resolutions on Libya and Syria.

## 2. Theoretical Argument: An Emerging Norm and the Role of Legitimacy Claims

The use of force for humanitarian purposes has become a familiar practice in post-Cold War international politics. The former UN Secretary General, Kofi Annan, has characterized this process as indicating possible development of an "international norm in favor of intervention to protect civilians".[5] However, one characteristic cannot be stressed enough: for a new norm of international relations to develop, legitimacy is a *condicio sin qua non.* And indeed, the concept of legitimacy has entered the field of IR[6] through the debate on the controversial 1999 NATO

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*Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010).

[5] Kofi Annan, "Two Concepts of Sovereignty," *The Economist,* 16 September 1999, 82.

[6] For examples on recent IR scholarship on legitimacy see: Ian Hurd, "Legitimacy and Authority in International Politics," *International Organization* 53 (1992), 379-408.; Ian Hurd, *After Anarchy: Legitimacy & Power in the United Nations Security Council* (Princeton and Oxford: Princeton University Press, 2007); Ian Clark, *Legitimacy in International Society*

intervention in Kosovo and the 2003 US-led war against Iraq.[7] However, due to its elusive nature, the concept itself that has become the subject of a debate.[8] On the one hand, there are those who approach the issue of legitimacy in largely prescriptive and normative terms and who are thus predominantly concerned with outlining the conditions under which certain social actions, institutions and norms can/should be considered as legitimate.[9] On the other, there are a growing number of scholars who engage with legitimacy empirically. Rather than proposing why something *should be* considered as legitimate, they focus on social phenomena that *are* already accepted as legitimate and explore the reasons why this is the case.[10]

This article joins the "empirical camp" since, rather than advancing a particular normative stance, it aims to examine how emerging norms influence state behavior. Nonetheless, normative considerations play an important role in the overall argument. They are studied in relation to the reasons social agents (be they state officials or academics) advance in support of emerging norms. With this in mind, this article makes a distinction between fully-fledged and emerging international norms by arguing that a strong international legitimacy sustains fully-fledged norms, while emerging norms lack such legitimacy and, instead, are grounded in the legitimacy claims that various social agents pronounce in their support. This distinction is important because, as will be shown below, legitimacy and legitimacy claims impact, enable, and constrain social behavior differently.

As defined by Mark Suchman, legitimacy is "a generalized perception or assumption that the action of any entity are desirable, proper, appropriate within some socially constructed system of norms, values, beliefs, and definitions".[11] Suchman's definition implies that legitimacy has two constitutive elements: quantitative and

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(Oxford: Oxford University Press, 2005); Thomas M. Franck, *The Power of Legitimacy among Nations* (New York: Oxford University Press, 1990); Allen Buchanan and Robert O. Keohane, "The Legitimacy of Global Governance Institutions," *Ethics & International Affairs* 20 (2006), 405-437.; Allen Buchanan, "The Internal Legitimacy of Humanitarian Intervention," *Journal of Political Philosophy* 7 (1999), 71-87.

[7]      See: Corneliu Bjola, "Legitimating the Use of Force in International Politics: A Communicative Action Perspective," *European Journal of International relations* 11 (2005): 266-303.

[8]      See: Jens Steffek, "The Legitimacy of International Governance: A Discourse Approach," *European Journal of International Relations* 9 (2003): 253; Bjola, "Legitimating the Use of Force in International Politics," 268.

[9]      Steffek, "The Legitimacy of International Governance," 253.

[10]      These line of reasoning is mainly inspired by Max Weber's idea that a legitimate social order enjoys "the prestige of being considered binding". See: Max Weber, *Economy and Society* (Berkeley: University of California Press, 1978)

[11]      Mark C. Suchman, "Managing Legitimacy: Strategic and Institutional Approaches," *Academy of Management Review* 20 (1996): 574.

qualitative. Quantitatively, legitimacy depends on the social action, or the corresponding social norm, being generally perceived as desirable. In their study of the international norms dynamic, Martha Finnemore and Kathrin Sikkink demonstrate this in a compelling way. With the concept of "norm cascade" they enable us to observe that if a large enough group of social actors is prepared to adopt a new norm as a standard of appropriate behavior, this norm is likely to replace the one that previously structured certain kinds of social interaction.[12] Qualitatively, Suchman relates legitimacy with "socially constructed system of norms, values, beliefs and definitions", and thus with an elaborate social scheme which is perceived as logical and meaningful for social actors who sustain and reproduce it through social action. International norms, which are in this sense legitimate, are often described by constructivists in terms of their intersubjective character and are thought to be internalized by the social actors in such a way that they rarely reflect upon them while engaging in corresponding behavior. [13]

Emerging norms, on the other hand, lack both the quantitative and qualitative element typical of fully-fledged norms. They do not yet command broad social recognition, nor are they internalized and intersubjectively shared so as to influence an unquestionable social behavior. Nonetheless, the advocates of emerging norms advance numerous arguments why these norms, and the behavior they inspire, should be considered as legitimate. In the absence of quantitative and qualitative components that render fully-fledged norms legitimate, these arguments become one of the most important instruments in upholding emerging norms and making them effective. However, rather than being seen as constitutive of the emerging norms' legitimacy, these arguments should be conceived of as "legitimacy claims" – a normative assertions telling us why a new norm *should be* considered as legitimate, rather than why it *is* legitimate.

The equating of legitimacy and legitimacy claims is a surprisingly common feature in the literature that deals with the use of force for humanitarian purposes. Nicholas Wheeler, who is considered as one of the most authoritative scholars dealing with this issue, is no exception in this regard. In his seminal book *Saving Strangers: Humanitarian Intervention in International Society*, Wheeler builds a case in favor of intervention around what is indeed a question that confronts us with an noteworthy moral dilemma:

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[12]     Finnemore and Sikkink, "International Norm Dynamics and Political Change," 895.
[13]     For more information see: Alexander Wendt, Social Theory of International Politics, (Cambridge: Cambridge University Press, 1999); Alexandar Wendt, "Constructing International Politics," *International Security* 20 (1995): 71-81; Alexander Wendt, "Anarchy Is What States Make of It: The Social Construction of Power Politics," *International Organization* 46 (1992): 391-425.

> If we do not allow for the unilateral response, what should happen if the UN Security Council is unable or unwilling to authorize the use of force to prevent or end humanitarian tragedy?"[14]

In this way, he identifies with the English school's "solidarists" who maintain that individuals hold rights in world politics, and that states have not only a moral responsibility to protect the security of their own citizens, but also the wider duty of "guardianship of human rights everywhere".[15] This is clearly a normative assertion, yet Wheeler chooses to present it as proof of the legitimacy of humanitarian intervention, although his own definition of legitimacy does not differ significantly from the definition presented earlier in this section. In his view, legitimacy consists in "standards of acceptable conduct set by the prevailing morality of society be it domestic or international society".[16] However, he fails to acknowledge that humanitarian intervention is not yet a part of any such "prevailing morality".

Although Wheeler confuses legitimacy with legitimacy claims, his work reveals one important feature of the legitimacy claims uttered in support of international humanitarian interventions: they are "just cause" assertions imbued with significant moral weight. The recent scholarship on legitimacy, which draws heavily on Jürgen Habermas's theory of communicative action, has recognized that "validity claims" uttered in the process of legitimization must possess certain characteristics that make them convincing. In an attempt to understand how international organizations legitimate their own activities, Jens Steffek has combined Habermas's notions with Max Weber's theory of rational legal domination in order to arrive at the idea of "legitimization through rational discourse".[17] In just the same way, this article argues that "legitimacy claims", which are uttered as a part of the communicative action surrounding the new international norm in favor of intervention to protect civilians, are aimed at achieving "legitimization through moral discourse". In Habermas's terms, we are in the realm of validity claims which can be challenged only on the basis of the moral rightness of underlying argument.[18] However, it is important to distinguish between the process of the

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14    Nicholas J. Wheeler, "A Victory for Common Humanity? The Responsibility to Protect after the 2005 World Summit," in *The UN at Sixty: Celebration or Wake?* (Faculty of Law, University of Toronto, Canada2005): 2.

15    This claim is not specific only to Nicholas Wheeler. Alex Bellamy observes that in the past few years many liberal states have begun to accept the proposition that intervention not authorized by the UN Security Council can be considered as legitimate. See: Alex Bellamy, *Kosovo and International Society* (London: Palgrave MacMillan, 2002).

16    Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, 10.

17    Steffek, "The Legitimization of International Governance," 262-264.

18    Habermas distinguishes between three types of validity claims that can be challenged through communicative action: (1) those that concern the truth of assertion; (2) those that concern its moral argument; (3) those that center on truthfulness and authenticity

legitimization of emerging norms, which is aimed at providing these norms with fully-fledged status, and the process of the legitimization of fully-fledged norms, which is aimed at their social reproduction.

That being said, what is the difference between fully fledged and emerging norms in the influence that they exert on the behavior of states? Friedrich Kratochwil, Alexander Wendt and Ian Hurd, constructivists all, argue that we can differentiate between three types of reasons that motivate states to follow international norms: (1) coercion or fear of punishment; (2) cost-benefit calculation; and (3) acceptance of the norm as binding.[19] There has been a lot of debate among the IR scholars as to which of these motivations should be given priority. For the purposes of this article, however, it is sufficient to observe that Max Weber associated legitimacy only with the "acceptance of norm as binding", since following norms due to a fear of punishment is a matter of common sense, while following norms in order to gain benefits is a matter of rational calculation.[20] What this implies for emerging norms is that, due to their lack of legitimacy, they cannot be expected to be accepted as binding. However, their persistent presence in the international discourse, as well as the strong moral argument with which legitimacy claims behind emerging norms are imbued, means that these norms have become the standards by which the conduct of individual states is measured, and often, the means by which certain states are internationally shamed or even isolated. The moral arguments of legitimacy claims thus prompts states to include emerging norms in their "national interest" calculation, either to avoid punishment (e.g. shaming, isolation), to increase/maintain certain gains or to avoid losses (e.g. to sustain good relations with the state that supports the emerging norm).

In this way, the national interest becomes an "independent variable", to use the language of positive science, helping us to understand how emerging norms can exert influence on state behavior. However, national interest should not be understood in purely realist terms as a state's inherent and constant pursuit aimed at maximizing material utility. Rather, as Martha Finnemore argues, external influences, such as social interaction and international norms, should equally be taken as factors influencing the formation of state preferences (interests).[21] These external influences, she asserts, generate "shared expectations about appropriate

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of speaker. For more details see: Jürgen Habermas, *The Theory of Communicative Action* (Boston: Beacon Press, 1987).

[19]    See: Kratochwil, "The Force of Prescriptions," 685–708.; Hurd, "Legitimacy and Authority in International Politic," 378; Wendt, "Social Theory of International Politics," Chapter 6.

[20]    Steffek, "The Legitimacy of International Governance," 254.

[21]    Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press 1996).

behavior"[22] which have a strong impact on a state's understanding of the objects that should be commonly desired in international politics. When it comes to an emerging international norm on the use of force for humanitarian purposes, a strong moral argument behind its legitimacy claims creates an "atmosphere" of high expectations about appropriate state behavior which, in turn, pressures states to recalibrate their preferences accordingly. In this regard, Quentin Skinner is right to assert that "even if an agent is not in fact motivated by any of the principles he professes, he will nevertheless be obliged to behave in such a way that his actions remain compatible with the claim that these principles genuinely motivated him".[23]

Bearing these theoretical assertions in mind, the remainder of the article will endeavor to account for the apparent inconsistencies in recent Chinese foreign policy. Namely, it will explore China's decision to abstain on the Security Council Resolution on Libya, which implied its tacit endorsement of the "responsibility to protect" principle, and its three subsequent vetoes, premised on its strong support for the "non-interference" principle, against the Security Council Resolutions with regard to the situation in Syria. First, however, the article will briefly recall the process of the emergence of the "responsibility to protect" principle since it is an important factor for the understanding of the Chinese decisions.

## 3. R2P: The Constraining and Enabling Effect of the Legitimacy Claims

The R2P principle emerged on the basis of the belief that an urgent reconceptualization of the traditional notion of sovereignty was needed. The gross violations of human rights worldwide have prompted scholars, as well as practitioners, to propose a conceptual shift from "sovereignty as right" to "sovereignty as responsibility".[24] By rejecting the sacrosanct status of the sovereignty principle, the main idea behind this new concept has been that states unable to protect their own citizens should welcome an international support.[25] Following the 1999 NATO intervention in the humanitarian crises in Kosovo, which was not sanctioned by the UN Security Council Resolution, this question became one of the most fiercely debated questions of the world politics in the first decade

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[22]     Finnemore, *National Interests in International Society*, 22.

[23]     Quentin Skinner, "Analysis of Political Thought and Action," in *Meaning and Context: Quentin Skinner and His Critics*, ed. James Tully (Cambridge: Polity Press, 1988), 116.

[24]     James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010), 2.

[25]     The "responsibility to protect" concept was first advanced by Francis Dang and Robert Cohen with respect to problem of internally displaced persons. Later it was adopted by the UN Inter-Agency Standing Comity, the OSCE and African Union. See: Alex Bellamy, "The Responsibility to Protect and the Problem of Military Intervention," *International Affairs* 84 (2008): 615-639.

of the twenty-first century. The controversies surrounding this intervention led to the formation of the International Commission on Intervention and State Sovereignty (ICISS) which, in 2001, issued a report entitled *The Responsibility to Protect*.[26]

The central idea of the report was clear: the unwillingness or inability of any state to protect its citizens from "supreme humanitarian emergence" suspends non-interference principle, simultaneously invoking the "international responsibility to protect".[27] In this way, the focus of the debate has been shifted from the concept of sovereignty to the concept of human rights making it possible to use an empathetic notion of a "responsibility to protect" in place of a controversial "right to intervene". By embedding the legitimacy claim behind the newly advanced international norm into a strong moral language, the authors of the report succeeded in creating a new international atmosphere within which the "burden of proof " was no longer on those advocating the new norm, but on those opposing it. The terms of the debate were thus set in such a way that any actor who dared to protest against helping the civilians whose rights were grossly violated was faced with the likelihood of being shamed and labeled as an irresponsible international actor.

However, the importance of this discursive shift should not be overstated since the subsequent document on the R2P did not, in terms of substance, diverge significantly from the principles already set out in the UN Charter. The ICISS's general focus on intervention[28] and its openness towards intervention that would not be authorized by the Security Council meant that the R2P was unlikely to command a consensus among world leaders without some important revision.[29] It thus did not come as much of a surprise that the version of the R2P endorsed by the *Outcome Document* of the 2005 World Summit was markedly different from the initial ICISS version. The *Outcome Document* referred to the R2P in two

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[26]       Kofi Annan, "Annual Report of the Secretary-General to the General Assembly," (September 20, 1999).
[27]       Report of the International Commission on Intervention and State Sovereignty, "The Responsibility to Protect" (December 2001), xi.
[28]       As Alex Bellamy notices the report dedicated only 9 out of 85 pages to prevention, whereas 32 pages were devoted to intervention. What is more, the Report left significant space for the unilateral intervention by urging the permanent five members of the Security Council to refrain from using the power of veto in the cases where "threshold conditions" are fulfilled and no vital national interests are at stake. Furthermore, the UN General Assembly, as well as other regional organizations, were given the power to authorize possible intervention. See: Bellamy, "The Responsibility to Protect and the Problem of Military Intervention," 621.
[29]       Bellamy, "The Responsibility to Protect and the Problem of Military Intervention," 622.

paragraphs- Paragraph 138 and Paragraph 139.[30] These paragraphs ruled out the possibility of granting the right to authorize intervention to any international body other than the Security Council. Nonetheless, the continued presence of the R2P in the international and states' discourse was confirmed through the unanimous endorsement of the *Outcome Document.* Even the Chinese officials openly asserted that "when a massive humanitarian crisis occurs, it is the legitimate concern of international community to ease and defuse the crisis".[31]

In 2006, an attempt to translate the provisions of the *Outcome Document* into a binding UN Security Council Resolution brought about further difficulties. As Gareth Evans observes, once the draft of the Resolution reached the Security Council, states started expressing a "buyer's remorse".[32] Algeria, Brazil and the Philippines, which were non-permanent members of the Security Council at the time, voiced their hostility and skepticism towards the R2P and its predominant focus on the issue of military humanitarian intervention. The adoption of the Resolution was made possible only after the change in the nonpermanent membership of the Security Council, which tipped the balance of the debate. All of the new five non-permanent members - Slovakia, Qatar, Peru, Ghana and Congo - were strong supporters of the principle.[33] As for China, it entered a process of serious negotiations with the United Kingdom, demanding that the Resolution fully reflects what had already been agreed on in paragraphs 138 and 139 of the *Outcome Document*, in exchange for its support.[34]

It is, however, one thing to rhetorically support the principle and quite another to allow for its implementation and further development. By not objecting too loudly to the R2P and at times even voicing support for its ethical background, it can be assumed that China primarily sought to convey the image of a responsible power willing to socialize in the emerging normative context and that it is deserving of international prestige. In any respect, the effects of this "solidarist push" on China goes only so far. As many official documents and its behavior reveal, China is still more than happy to play by the rules of the "pluralist camp". As an illustration, China's Permanent Representative to the UN asserted at the Security Council's

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[30]    See: The UN General Assembly, Resolution 60/1 World Summit Outcome (24 October, 2005): 30.

[31]    Sarah Teitt, "China and the Responsibility to Protect " *Asian-Pacific Centre for the Responsibility to Protect* (December 2008 ), 8.

[32]    Gerath Evans, "Responsibility to Protect in 2007: Five Thoughts for Policy Makers," Presentation Given to the Panel Discoussion "The Responsibility to Protect: Ensuring Portection of Population under Threat of Genocide and Crimes against Humanity," *United Nations, New York* (April 12, 2007).

[33]    Alex Bellamy, "Realizing the Responsability to Protect," *International Studies Perspecives* 10 (2009): 115.

[34]    Bellamy, "Realizing the Responsability to Protect," 115.

*Open Debate on the Protection of Civilians in Armed Conflict* that the responsibility for the protection of civilians lies, first and foremost, with their respective governments; it also asserted that any international action aimed at the protection of civilians must be in accordance with the UN Charter, thus first paying due respect to the principles of sovereignty, territorial integrity, and the non-interference principle.[35] During the *Open Debate*, China's Representative also suggested that since there "are still differing understandings and interpretations of this concept among Member States", the Security Council should refrain from adopting it fully.[36] In 2009 this approach was reiterated when Ambassador Liu Zhenmin emphasized that "thus far" the "responsibility to protect" remained just a concept, and as such did not yet constitute a rule of the international law.[37]

## 4. The Case of China:  Between "Pluralist Push" and "Solidarist Pull"

This section examines China's approach to the R2P through the scrutiny of its voting decisions in the UN Security Council with respect to the recent crisis in Libya and Syria. The reason why China has been chosen as a case study is threefold. First, China is still suspicious to the R2P, which makes it a particularly interesting case for the study of the influence emerging norms have on the behavior of states, given that the transition of these norms from an emerging to a fully-fledged status depends on the support from those states that oppose it. Second, at first glance, China's votes on the Libyan and Syrian Resolutions seem to contradict each other which, in itself, makes it a compelling research puzzle. Lastly, an understanding of the approaches that the world's greatest powers have adopted towards the recent uprisings in the Arab world ranks as one of the most important issues of current world politics.

In this section both primary and secondary sources are used. Secondary sources and the official United Nations' data assisted in the historical reflection on the Chinese approach to the non-interference principle and on its behavior within the UN. The text of the SC Resolutions on Libya and Syria, the explanations of the Chinese Permanent Representatives to the UN that followed these Resolutions, along with newspapers' clippings were used for the analyses of the Chinese vote in these two instances. Both their content and discourse were analyzed. One thing, however, should be noted. These sources were used only as circumstantial "evidence" assisting this article to make a claim about the motives lying behind China's behavior and, as such, should be understood as providing a first step in a larger

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[35]     Li Baodong, "Statement at Security Council Open Debate on Protection of Civilians in Armed Conflict," (November, 2011).
[36]     The United Nation Security Council S/PV.5703 Meeting, (New York, June 22, 2007).
[37]     Ambassador Liu Zhenmin, "Statement at the Plenary Session of the General Assembly on the Question of Responsibilty to Protect," (July 2009 ).

study inspired by the theoretical argument made above, rather than as a comprehensive body of data supporting it.

*4.1 Revisiting History: China and the Principle of Non-Interference*

Ever since it was formally established in 1949, the People's Republic of China has been an avid advocate of the international normative order premised on the principles of sovereignty and non-interference.[38] The reasons for this are complex and manifold; nonetheless, a brief examination of Chinese history might offer us some valuable insights. First, on numerous occasions the country suffered forceful intrusion from external powers: the Opium Wars when it fought against the British Empire (1839-1842 and 1856-1860), the Japanese dominance of Manchuria in the 1930s and many border disputes with Russia and India during the Cold War, to name just a few.[39] Second, China's wary approach to foreign intervention can also be related to territorial claims it has with regard to several disputed regions - Tibet, Xinjiang and Taiwan.[40] In order to get a sense of the strength of Chinese rhetorical commitment to the principles of sovereignty and non-interference one should also look at the Preamble to the Chinese Constitution where these issues dominate in the overall discourse.[41]

During the Cold War, China's approach to the principle of sovereignty was so rigid that, until the 1980s, it refused to participate in any of the UN Security Council meetings requiring voting on the issues of peacekeeping, or to contribute any resources to UN missions.[42] In China's interpretation, peacekeeping was one of the many tools of American, and even Soviet, imperialist expansion. However, during the 1980s it started to develop a more flexible approach. As Ken Sofer observed, by noting that the support for peacekeeping does not necessarily interfere with the sovereignty principle and can even be beneficial in conveying a message of the country's peaceful intentions and its willingness to socialize in world politics, China decided to engage.[43] In 1981, when the Security Council was considering the

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[38]     Jochen Prantl and Ryoko Nakano, "Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect, " *Singapore: RSIS Centre for Non-Traditional Security Studies* NTS Working Paper 5 (2011).

[39]     Prantl and Nakano, "Global Norm Diffusion in East Asia," 10.

[40]     Prantl and Nakano, "Global Norm Diffusion in East Asia," 10.

[41]     Christopher Holland, "Chinese Attitudes to International Law: China, the Security Council, Sovereignity, and Intervention " *Journal of International Law and Politics Online Forum* (July 2012): 3-43.

[42]     Ken Sofer, "China and the Collapse of Its Non Interventionist Foreign Policy: Past Diplomatic Practices Colliding with Rising Economic and Political Realities," *Center for American Progress* (March, 2012).

[43]     Sofer, "China and the Collapse of Its Non Interventionist Foreign Policy," 1-12.

Resolution on Cyprus, China decided to cast a positive vote in relation to a peacekeeping operation for the first time in its history.[44] From then onwards, China's role in peacekeeping has steadily increased, so much so that today it sends more peacekeepers than any other permanent member of the Security Council.[45]

All things considered, China's approach to peacekeeping does not diverge from any of the principles and provisions set down in the UN Charter. Internationally, its rhetorical action still consists very much in a constant reiteration of the principle of sovereignty, although its practical actions, as will be shown below, sometimes go against these professed principles.[46] The explanations that China's ambassador to the UN gives as the follow up to the country's votes in the Security Council serve as a good illustration of this point, since they do not fail to emphasize the need for the consent of the target state, the limited use of force, the necessary authorization by the UN Security Council and the need for regional support in order for any intervention to be considered as legitimate.[47]

### 4.2 China's Voting Record in the UN Security Council

The People's Republic of China joined the UN in 1971 when it replaced the Republic of China. Initially, as already pointed out, China approached the UN with suspicion and did not engage in its activities in any great extent. In the 1980s, besides participating in the UN peacekeeping missions, the country decided to join most of the UN intergovernmental organizations, advocating altogether a multilateral and engaging approach to major world issues.[48] However, within the Security Council, China preferred to abstain rather than to take strong "pro" or "against" positions, and this earned it its famous nickname - "Mr. Abstention".[49] From 1971, China used

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[44]    Bates Gill and Chin-Hao Huang, "China's Expanding Role in Peacekeeping " *SIPRI Policy Paper* (November, 2009).
[45]    In 1982, for the first time China contributed financially to the UN led peacekeeping. In 1989 it become a member of the UN Special Committee on Peacekeeping Operations. In 1989 it set up its first civilian observer's mission in Namibia. For more information see:  United Nations Documents, "Montley Summary of Military and Civilian Personnel Deploued in Current Unted Nations Operations,"(January 31, 2012). ; Gill and Huang, "China's Expanding Role in Peacekeeping."
[46]    The United Nations, "Charter of the United Nations and Statute of the International Courte of Justice,"(San Francisco 1945), Article 2 (1), 2 (4) and 2(7).
[47]    Holland, "Chinese Attitudes to International Law: China, the Security Council, Sovereignty, and Intervention," 24-29.
[48]    Jianwei Wang, "China's Multilateral Diplomacy in the New Millennium " in *China Rising: Power and Motivation in Chinese Foreign Policy*, ed. Yong Deng and Fei-Ling Wang(Rowman & Littlefield Publishers: 2005).
[49]    Cary Huang, "For Beijing, It's No More Mr Abstention," *Chinese News Watch*, February 2012, 63-85.

its veto power only eight times, which is in stark difference to the United States, which, in the same period, used it seventy-nine times (for a detailed comparison see Table 1.0).[50]

**Table 1: The Number of Vetoes used by the UN Security Council P5 countries[51]**

| Period | China | US | USSR/Russia | France | UK |
|--------|-------|-----|-------------|--------|-----|
| Total | 8 | 79 | 100 | 16 | 29 |
| 2006-14 | 5 | 3 | 7 | | |
| 1996-2005 | 2 | 10 | 1 | - | - |
| 1986-95 | - | 24 | 2 | 3 | 8 |
| 1976-85 | - | 30 | 6 | 9 | 10 |
| 1966-75 | 1 | 12 | 6 | 2 | 8 |
| 1956-65 | - | - | 21 | 2 | 3 |
| 1946-55 | 1[52] | - | 57 | 0 | - |

This statistical data is even more surprising if we bear in mind that China used its veto power when no other country did so in only three situations. The first time this was in 1972, when it voted against the admission of Bangladesh into the UN in order to show its support for Pakistan. As Della Fok points out, Chinese interests were not directly at stake in this situation which is why it voted in favor of Bangladeshi membership two years later demonstrating, at the same time, a certain level of discomfort for exposing itself internationally in such a way.[53] The remaining two times that China opted to use its veto power against the SC Resolutions were inspired by its interest with regard to Taiwan. Accordingly, given the Guatemalan support for the Taiwan and the Macedonian decision to establish diplomatic relations with this disputed region, China voted against the 1997 Resolution to send peacekeeping mission to assist Guatemala's peace process and the 1999 Resolution which sought to extend the UN observers' mandate in Macedonia.[54] Although Taiwan features prominently in Chinese foreign policy some inconsistencies should not be overlooked: in the case of the UN operations in Haiti, China did not choose to use its veto power, although Haiti established diplomatic relations with Taiwan.

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[50]     Michael Fullilove, "China and the United Nations: The Stakeholder Spectrum," *Washington Quarterly* 34 (2011): 63-85.

[51]     The table was constructed on the basis of the official United Nations data available at: http://www.un.org/depts/dhl/resguide/scact_veto_en.shtml

[52]     Between 1946 and 1971, the Chinese seat on the Security Council was occupied by the Republic of China (Taiwan), which used the veto only once in order to block Mongolia's application for UN membership in 1955.

[53]     Della Fok, "The Emergence of a Superpower: China's Un Policies from 1971 to Present," *DEAN Jornal* (May, 2011).

[54]     See: The UN Security Council, Draft Resolution S/1997/18 (January 9, 1997) and Draft Resolution S/1999/201 (February 25, 1999).

The remaining five times that China used its veto power were in tandem with Russia. In 2007, the two states objected to the Resolution condemning human rights violations in Myanmar. The general belief is that in this way China wanted to protect itself from the possibility of any similar criticism. In 2008, a Resolution aimed at imposing sanctions against Zimbabwe was on the Security Council's agenda but China decided to block it, largely due to the energy deal worth $1.3 billion that it had signed with this African country.[55] The Syrian uprising, which started in 2011, was the cause of the three subsequent Chinese vetoes on Security Council Resolutions. In October 2011, it refused to agree to sanctions against the Assad regime, in February 2012 it rejected the possibility of military intervention, while in July 2012 it objected to a set of the UN non-military measures proposed as a way of sanctioning Syria for not complying with the "six-point plan".[56] These three vetoes will be discussed in more detail below.

*4.3 Between "Pluralist Push" and "Solidarist Pull"*

On March 17, 2011, the UN Security Council adopted Resolution 1973 in relation to the Libyan civil war establishing a legal basis for foreign military intervention.[57] The Resolution demanded an urgent ceasefire between warring parties and it authorized the international community, acting through regional organizations, to establish a "no-fly zone", as well as to use all the means necessary, with the exception of foreign occupation, to protect civilians. China decided to abstain from the vote on this Resolution. Given its vast economic interest in Libya and the fact that Resolution 1973 openly endorsed the R2P principle, this Chinese move caused a great deal of dismay. Many IR scholars were prompted to understand this event as a clear sign of a new era in Chinese foreign policy, consisting in abandoning of its rigid support for the sovereignty principle and its willingness to assume a more responsible international role.

According to the data available from 2011, Chinese trade with Libya amounted to $6.6 billion.[58] This trade mainly took the form of the Chinese purchase of Libyan oil, although, due to the fact that China never adhered to the sanctions against the Gaddafi regime, other businesses also flourished. According to China's Ministry of Commerce, when the Libyan conflict broke out, Chinese companies were involved in

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[55]     Fok,"The Emergence of a Superpower: China's Un Policies from 1971 to Present."
[56]     See: The UN Security Council, Draft Resolution S/2011/621 (4 October, 2011), Draft Resolution S/2012/77 (4 February, 2012) and Draft Resolution S/2012/538 (19 July, 2012).
[57]     See: The UN Security Council, Resolution S/RES/1973 (17 March, 2011).
[58]     Leslie Hook and Geoff Dyer, "Chinese Oil Interests Attacked in Libya," *Financial Times*, 24 February 2011.

projects in Libya worth more than $18 billion.[59] Moreover, some 30,000-36,000 Chinese workers were actively engaged in these projects.[60] For example, in 2008, Chinese rail companies signed a railway contract with Libya worth $1.7 billion.[61] At this point, a question can be legitimately raised: how was it possible that these high economic stakes in Libya did not prompt China to cast a veto against the Security Council Resolution on the no-fly zone? Why did it indirectly allow for NATO's actions in support of the R2P principle?

China's abstention in the case of Libya was surprising because of the content of the Security Council Resolution. However, the abstention itself, as shown earlier, was typical of China's voting strategy in general. For this reason, China surprised everybody when, contrary to its tradition, it decided to use a veto power three times in a short span of time on the Security Council Resolutions which proposed mechanisms to stop the Syrian civil war. Although China is Syria's largest export partner, when compared to Libya, its economic interests in Syria are almost negligible.[62] The data from 2009 shows that the trade between the two countries was worth nearly $2.2 billion, although this was almost entirely uni-directional. China was also actively engaged in Syria's oil industry through joint ventures with the country's national oil company.[63] These facts prompt the following question: if China's stakes in Syria were significantly lower than those it had in many other countries, especially when compared to Libya, how was it possible that China decided to use veto power three times in a short period of time against the Security Council Resolutions aimed at bringing the Syrian conflict to a halt? Should these Chinese decisions be taken as a sign of a more assertive foreign policy?

The arguments supporting the official explanations that China offered for its abstention in the case of Libya and its vetoes in the case of Syria are remarkably similar.[64] In all the four documents explaining its decisions, a strict compliance with the UN Charter was demanded, indicating that China still held that the principles of sovereignty, territorial integrity and non-interference were extremely important.

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[59]　"The Libyan Dilemma: A Rising Power Starts to Knock against the Limits of Its Hallowed "Non-Interference"," *The* Economist, 10 September 2011.

[60]　"China and Libya: Update on Workers," *China in Africa: The Real Story*, 15 March 2011.

[61]　Leslie Hook and Geoff Dyer, "Chinese Oil Interests Attacked in Libya," *Financial* Times, 24 February 2011.

[62]　Nicolas Wong, "China's Veto on Syria: What Interests Are at Play?," *Open Democracy*, 25 July 2012.

[63]　"Factbox - Syria's Energy Sector," Reuters, 5 September 2011.

[64]　See: Li Baodong, "Explanation of Vote after Vote on Security Council Draft Resolution on Syria," (4 February 2012); Li Baodong, "Explanation of Vote after Security Council Resolution on Libya,"( 17 March 2011 ); The UN Security Council 6627th Meeting, "Security Council Fails to Adopt Draft Resoluton Condemning Syria's Crack on Anti-Government Protestors, Owing to Veto by Russian Federation and China "(October 4, 2011).

Nonetheless, the fact that China abstained on the Libyan Resolution meant that it was ready to compromise on these principles in order to obtain gains elsewhere. In line with the theoretical considerations advanced in this article, it can be argued that in spite of the robust economic interests it had in Libya, China allowed for the intervention because it was under strong "solidarist" pressure in the Security Council.[65] The fact that the Security Council had already endorsed a particular version of the "responsibility to protect" principle through its 2006 Resolution and had unanimously adopted the Resolution 1970 recognizing and condemning the seriousness of the situation in Libya, precluded China from compromising its international prestige by legitimizing inaction in the face of mass atrocities.[66] With regards to this point, it is interesting to observe that in the Security Council's Open Debates on Libya, China dropped the "consent of the host state" from the conditions under which intervention can be legitimate.[67] The strong moral character of the legitimacy claim behind the R2P principle thus provoked China to go against its traditional foreign policy approach as it feared international shaming and isolation, as this would compromise its overall standing within the international community. In other words, China approached the emerging R2P norm in a calculated and strategic way.

However, as NATO's intervention in Libya was interpreted as an action aimed at regime change under the guise of protecting civilians rather than as a fully-fledged humanitarian intervention, China realized that by abstaining it gained little and, potentially, lost a lot. The discourse that prevailed in the aftermath of the intervention in Libya was that its abstention contributed to the further development of the R2P, and that it thus opened the door to the misuse of the principle by Western powers. By compromising on the non-interference principle, China also lost valuable "points" with the developing countries without compensating for this elsewhere. Its approach to Syrian civil unrest was the direct result of the "bad" calculation it made in the case of Libya, as well as its attempt to control the damage as much as possible.

As already shown, the explanation that China put forward in order to justify its vetoes on the Syrian Resolutions can be interpreted as part of its longstanding tradition to strictly adhere to the concept of non-interference. However, a further and important part of Chinese international behavior is to lie low with regard to issues that do not concern its national interest directly. In the case of the UN Security Council Resolutions on Syria, China had clear indications that Russia was ready to use its veto power, so there was no need for it to attract attention in this way. For this reason it can be argued that China chose to veto the three Resolutions

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[65]     Holland, "Chinese Attitudes to International Law: China, the Security Council, Sovereignty, and Intervention," 35-37.
[66]     Ibid., 36.
[67]     Ibid., 36.

on Syria not only to reassert its support for the non-interference principle, but also to prove a different point. Namely, that Libya was an exception that should not be taken as a ground upon which the new norm of international politics was to be constituted, and that there was a long way for the "responsibility to protect" principle to go before it was to become a fully-fledged international norm.

Knowing that China has plenty of potential to play a more assertive international role, scholars observe its behavior closely. Each "inconsistent" move that China makes tends to be labeled as the turning point after which the country will start behaving either as a more "responsible" or as a more "assertive" international power. The analyses of Chinese behavior with respect to the situation in Libya and Syria, on the other hand, demonstrate that these inconsistencies and contradictions are the result of the country's attempt to play simultaneously on a wide number of fields. Both material and non-material interests come into play in this regard. China is cautious not to make too many enemies, both on the part of Western powers and on the part of developing states. The case of Syria is, however, an odd case for making a statement in international arena since, due to its severity, it has inevitably exposed Beijing to the criticism that it sides with dictators and encourages violent crackdowns. Nevertheless, this is perhaps the cost that China is now willing to pay in order to contain any further development of the "responsibility to protect" principle. These are also the tradeoffs of a particular kind of strategic approach to foreign policy which combines material interests with the pressures of international norms, both of those which are already established and of those which are gradually emerging.

## 5. Conclusion

The IR constructivist scholarship has contributed significantly to our understanding of the relationship between international norms and the behavior of international actors. However, a large amount of this scholarship has focused on the established and fully-fledged norms which have already been internalized and inter-subjectively shared among actors. This article, in contrast, has attempted to examine the influence that emerging norms bring to bear on the behavior of states. Its main assertion is that emerging norms should not be considered as legitimate in any way. Instead, they should be understood in terms of the legitimacy claims that sustain them and should prompt states to consider compliance due to a fear of international shaming, exclusion or some other loss. The focus of this article has been on the R2P principle, which is why the moral argument upon which this principle's legitimacy claim is constituted has been taken as a main reason behind its ability to influence state behavior. However, it is clear that not all emerging norms are based on morally charged legitimacy claims. Some, such as economic norms, might draw on rationality claims, while some, such as environmental norms, might even combine ethics and rationality. For this reason, approaching emerging norms

through the concept of legitimacy claims opens up a noteworthy space for further research and promises to yield many interesting results.

The article focused empirically on China's approach to the R2P by examining its recent voting strategies in the UN Security Council, namely its abstention on the Resolution tackling the Libyan crisis and three subsequent vetoes in relation to the Syrian uprising. By examining a number of official documents, it found a strong indication of the fact that China's abstention in the case of Libya, which meant going against its strong economic interest in this country, was the result of the pressure exerted by the compelling moral argument behind the R2P. However, this implicit recognition of the R2P did not result in any tangible gains for China. On the contrary, from China's point of view, it might have set a dangerous precedent for recomposing the international normative landscape. For this reason, by casting three vetoes in a row on the Syrian Resolutions it entered a process of "damage control" aimed at conveying the message that R2P is not yet a fully-fledged, legitimate international norm. Although this issue requires further investigation in order for the claim about China's motives and behavior to be planted on stronger empirical ground, scholarly perspectives should also closely monitor the development of China's position on the recent Crimea crisis, taking into account the non-interference/intervention principles.

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