

This is a transcription of an episode of The Veto Cast, a podcast of 6 episodes that explores the effects of the veto power of the UN Security Council. The Veto Cast is part of the Stop Illegitimate Vetoes campaign.



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**Episode 5: Core Concerns** - released September 3<sup>rd</sup> 2015

Narrator, Laila Mendy: Welcome to The Veto Cast, a podcast of six episodes that explores the effects of the veto power of the United Nations Security Council. The Veto Cast is part of the Stop Illegitimate Vetoes campaign that is committed to changing the way the Security Council veto is used.

Over the course of The Veto Cast, we have focused on the illegitimate use of the veto power by the permanent five members of the Security Council. But what makes a veto illegitimate? And how should the veto function? To understand the nature of an illegitimate veto, we must first understand why the veto power was created, and why there are five permanent seats on the Security Council. This can be explained by looking at why the UN was founded.

The United Nations was founded on the 24th of October 1945. An earlier attempt at founding an organisation for international collaboration, the League of Nations, had failed. It had been unable to prevent the outbreak of the Second World War. The main reason for this failure was concluded to be a lack of involvement from the major powers. Decisions made were obsolete, because it did not have a large enough political influence. With lessons learned, one of the key thoughts when founding the new organisation, the United Nations, was to make sure all the major powers were included. The P5 members' own security was one of the most important topics at the time, with the Second World War fresh in their minds.

The veto was introduced in this context. The main purpose of the veto was to assure that no decisions went against the major powers' own sovereignty or national security. It was also a demand for the involvement of several of the permanent members.

The voting procedures of the Security Council are mandated through the 27th article of the UN Charter. The veto is a term for a negatively cast vote on certain issues from one of the P5, although it is not explicitly called a veto. For a resolution to be passed on the Security Council, it has to have at least nine positive votes of the Council's possible 15. An abstention, or an absent vote, is not considered a negative one. The veto comes into play when one of the P5 casts a negative vote on an important issue. When this occurs, the resolution cannot be passed, even if it gets the nine positive votes.

A veto can be considered legitimate if it is put to its intended use: to safeguard a P5 member's own sovereignty or national security, and is within the guidelines of the UN as stated in the UN Charter. A veto becomes illegitimate when it is used for other purposes, such as safeguarding hot topic political issues or security interests for allies. There are examples of this over the course of the UN's history. The veto privilege of the P5 members was not intended to be a political instrument to dictate what aims the UN should pursue. When a veto is used in that manner, and goes against the guidelines of the UN Charter, it should be considered an illegitimate veto.

One of the more recent examples of a misuse of the veto came in the wake of the Crimean crisis in 2014. The handling of this issue in the Security Council demonstrates the questionable use of the veto that goes beyond the core concerns of the P5. The Crimean Peninsula, or Crimea in short, has a long and complicated history with Russia. Crimea became a part of the Russian empire in the beginning of the 19th century, and later a part of the USSR. When the USSR collapsed, and Ukraine became independent in 1991, Crimea became an autonomous republic within the Ukrainian republic.

Elena Namli, professor of ethics at the faculty of theology, and one of three research directors at UCRS, the Uppsala Centre for Russian and Eurasian Studies, at Uppsala University:

Elena Namli: What is crucial in legal perspective is of course, and in the perspective of international law, that the Russian Federation after the collapse of the Soviet

Union recognised the borders, and since that Crimea is a part of the Ukraine nation-state.

Narrator: Since independence from the Soviets, Ukraine has had a rocky road towards a stable political climate. Like many former USSR states, it has been haunted by corruption, mismanagement in the public sector, and a lack of economic growth. This climate has led to large protests against the government over the years, the Orange Revolution of 2004 being one of the more notable.

Since 2004, Ukraine has sought to establish a closer relationship to the European Union through political reform. One of these reforms was a treaty between the EU and Ukraine, drafted in 2012. It was called the “Ukraine-European Union Association Agreement,” and it was thought it would establish a political and economic association between the two parties. The president of Ukraine was Viktor Yanukovich, who had been accused of voter fraud in 2004, but later, in 2010, won the presidency. The treaty with the EU was not signed by Yanukovich. He instead signed a treaty and a multi-billion-dollar loan agreement with the Russian Federation. This sparked civil unrest in Kiev and in other parts of Ukraine, as it was seen that Yanukovich guarded Russian interests, rather than that of Ukraine. The protests eventually led to revolution, and Yanukovich was ousted from the presidency. An interim government was set up, and constitutional changes were made.

The Russian Federation did not accept this interim government as a legitimate power. Their focus fell on Crimea, with its large population of Russians. On the 27th of February in 2014, masked Russian troops without insignias took control over the Supreme Council of Crimea. A pro-Russian government was put in power, and on the 16th of March, a referendum regarding Crimea’s status was held. The referendum asked whether the people of Crimea wanted to join Russia as a federal subject, or restore the Crimean constitution to its form in 1992. The referendum resulted in overwhelming support for the option to join Russia. Since the 18th of March, Russia has effectively administered over the Republic of Crimea, as well as the local government of Sevastopol, as two federal subjects.

The referendum was heavily criticised by the international community, as it left out any option of status quo. The Crimean constitution of 1992 delegated power to the Crimean government. It was given full sovereign powers, rendering the government free to make international commitments. Both options of the referendum could therefore be seen as a way of separating Crimea from Ukraine. The referendum also took place during military occupation from Russian forces, which may have had some influence on the voting pattern.

We go back to Elena Namli.

Elena: There are of course several motives, as it often is in international politics. We have to think that the majority of the population on Crimea is Russian, more than half of the population is Russian, and we have two great minorities: Ukrainians and Crimean Tatars. The official motive for the annexation, or what in Russian terminology is officially called the incorporation of Crimea, well, back to Mother Russia, in March 2014 is the will of the people. And we remember that in March there was organised a referendum on Crimea, when the vast majority of those who participated in this referendum voted for incorporation in the Russian Federation. Now, recently president Putin admitted that this referendum was very heavily organised by the Russian Federation, and then what the Kremlin stated several times is that this will of the people in Crimea was interpreted in terms of people being worried for the development in Kiev. What Russia has described, and still describes, as an unconstitutional take-over in Kiev.

Narrator: Edward Geochek is a Ukrainian civilian.

Edward Geochek: Many people, which I asked before this conflict, a lot of people, they did not want to associate themselves with Ukraine. They did not want to speak Ukrainian, and of course I understand – their parents, their grandparents, perhaps they did not speak Ukrainian, so that I understand. Their view on that... Yeah, a lot of people, they think, they have, so to say, this defined pro-Russian view, that it is Western Ukraine that is invading and torturing Eastern Ukrainian civilians. But surprisingly, my big surprise, there are a lot of people that do not have this point of view, that read other sources of media. They can think, and not only trust what they

are told on Russian TV. Trusting only Ukrainian TV, I do not think it is also 100% reliable source, because there is, I really experience that there is this information war. People do not trust any source. It is sort of chaotic. But as I said, there are people, so to speak, pro-Russian and not pro-Russian.

It also depends a lot on age, like older age, when they were growing up in Soviet Union times, in their mind it is hard, it is almost impossible for them to change point of view and start questioning leaders, start questioning the regimes, and they just want to have their pension and they just want to live normal lives. I try to keep on Skype with them from time to time, maybe once two weeks, once every week, and quite often in May, and even now, they say that... Yeah, we were talking on Skype, and suddenly my cousin says "Oh Edward, wait a second, I think, yeah I hear shooting, I hear shootings." So that is how they live. And there was a lot of burglary and stores were robbed, people going freely on streets with weapons, and, from what I feel, people, those civilians that live in Mariupol, they do not know... People do not have the complete source of information, they do not know who the people are, if they are radical from Western Ukraine, whether they are pro-Russian hired people, or whether they are just local nationalist groups. You know, some people go with this AK Kalashnikov weapon, and you are not likely to ask them which party they represent.

Narrator: Before the referendum took place, the United States sponsored a resolution to the Security Council. The resolution urged for respecting Ukraine's sovereignty and its territory. It also called the referendum invalid. 13 members of the Security Council voted in favour of the resolution. China abstained. Russia voted against, thereby activating the veto. When debating the resolution, the Russian ambassador, Vitaly Churkin, described the referendum as an extraordinary measure expressing the Crimean people's right to self-determination. It was made necessary by what he said was an illegal coup carried out by radicals in Ukraine.

Elena Namli again.

Elena: From the beginning of the escalation of the situation, almost all experts spoke on the military importance of Crimea for Russia. We are talking about the harbour of Sevastopol, of course. And Russia has actually no alternatives on the Black Sea

which can be compared with Sevastopol. And the new government in Kiev, which Russia for several reasons could not rely on, or at least said it could not rely on, I guess it is a very important reason, but then it could be also the case that the image of president Putin and the Russian government, it was very important to frame itself as a strong power, because for a long period of time, and even before the war in Georgia, but absolutely during the period of the war in Georgia, Russia has repeatedly said that it demands respect for what Russia, similar to the USA, calls national interests, and warned for what in Russian terminology is entitled as “crossing the red line.” And Ukraine was absolutely at the red line that Russia marked several times.

In these days I would say that in media it is mostly presented as a confrontation between Russia and the USA, and Russia is framed as an actor who is trying to counteract the American ambition to be the leading power in the global situation. For example, we do not see Samantha Power so often on Swedish television, but we watch her almost every day on Russian television. I guess it is something about her way of speaking in the United Nations forum. And of course, this is important for domestic politics, and domestic framing of Russian international politics, that Russia is not as strong as president Putin and Kremlin would like it to be in the experiences of the Russian population. It is of course, it is at least my interpretation, but I cannot, I do not dare say that this is the reason, but I would say it is plausible to suggest that it could be this way, that it is very often about domestic politics.

Narrator: We go back to Edward Geochek.

Edward: Russians, Ukrainians, and Belarussians, from what I read, from the history that we were taught, the history which my parents were taught in Soviet Union times, their history is common, and it is the same people, they are coming from 9th century Kiev and Rus, and that is where it all started. So we have the common roots, common ethnos, and then history was evolving through centuries, but eventually, until the First World War, Ukraine as an independent state did not exist. It was in the people’s minds, of course a Ukrainian ethnos existed, but not an independent state. It was separated between the Russian empire and the Austrian-Hungarian Empire. After the First World War, when the empires collapsed, Ukraine appeared on the

map, and then it became part of the Soviet Union. Eastern Ukraine belonged to Russia for quite a long time, and Crimea since the 1800s belonged to Russia as well. Western Ukraine, however, belong to the Austrian-Hungarian empire, and then, between the First World War and the Second World War, Western Ukraine belonged to Poland.

From 1939 until now, the Ukraine is in its shape of 1939, with the difference of Crimea. Crimea was exchanged, I think it was the Taganrog region that was exchanged to Crimea. 1939, and then in 1953 that happened, and then since 1953 the shape of Ukraine did not change on the map. It was not an independent state, it was a state within, it was a socialist republic, like many other countries. There were 17 countries in the Soviet Union, until 1991. In 1991, after the collapse of the Soviet Union, Ukraine gained its independence and we had our own territory, we had our own sovereignty, we had a right to decide which way to go.

That is a brief historical background, but I think it is important to know that ethnically, Russians and Ukrainians have the same roots. Well, not considering, not all the Russians, and again not all the Ukrainians, but the roots of Russia and Ukraine, they are the same. Of course, tensions between Ukrainian nationalists and Russian, and even going to Eastern Ukraine, where people did not want to speak Ukrainian. A lot of people did not even know Ukrainian, but all people of my age they can speak Ukrainian, it is not like they do it every day, but it is the official language of the country. As I understand, and as it was presented in Russian media, the conflict started due to repressions from Western Ukraine towards East, repression regarding language and national identity. If Eastern Ukraine has a strong spirit of being able to identify themselves as Russians, then I think Russia has to be a part in solving this conflict.

If you ask me one and a half year ago, when the conflict, the revolution started, no one would think of that. No one would think that things can happen inside Ukraine, but the integrity, the sovereignty of Ukraine, no one has doubted it. Well, after Crimea we doubted it, but you ask me then, after the Crimean annexation, I would not say that it can continue, the conflict in Eastern Ukraine. Well, now it is in Eastern Ukraine, so now I... But now at least, if you ask me now, whether I believe that the conflict will

grow, I would say “I do not know”, I would not say “definitely not”, I would say “I do not know.” That is what I experienced during the whole last year. It was a year of big, unfortunate surprises for me.

I think that, well, we are more than 40 million people, with a strong background, with a big potential of having a good economy, having a good army. We are a brave people, but what I think it lacks are good discussions in all media, where they would represent all the points of view, not only banning, but discussing and not just saying what is right and what is wrong – let the people decide which side is.

Also, that is what I think is most important, people need to believe in its government, people need to believe in the future of Ukraine, so the politicians have to be 100% clean. There should not be any corruption, and I cannot say how they can treat their own citizens, which have chosen them with the hope of solving things and the hope of a good life, how they can just neglect all their minds of millions of people, and being corrupt. Of course I understand that there is a strong shift in the system, that I understand, that it is very hard to change things fast, and the results can be completely unexpected. Showing the people that you are not lying to them, not deluding them, not just having the vision, but showing the people that they are doing things for Ukraine and the Ukrainian people, that is very important, and discussing. Those two things, I think they are essential in solving the conflict.

Because there is a conflict inside Ukraine, not only supported by our neighbours, but there is a conflict inside Ukraine, and that has to be solved. Of course, people want peace, and people want to live the lives that they deserve, the lives that they work for every day. But then again, living here in Sweden and coming to Ukraine, I can clearly say that it is two different worlds, in people’s minds.

Narrator: The veto from the Russian delegate is a clear example of an illegitimate veto. Even if you take the Russian ambassador’s official reasons into account, the defence of the veto was clearly guided by interests beyond Russia’s own sovereignty and national security. The purposes for their negative vote very evidently created an illegitimate veto.



You have listened to The Veto Cast, a podcast of six episodes that explores the effects of the veto power of the United Nations Security Council. The Veto Cast is part of the Stop Illegitimate Vetoes campaign, which is committed to changing the way the Security Council's veto is used. The Veto Cast is a co-production by the Stop Illegitimate Vetoes organisation, and Uppsala Student Radio 98.9. Project manager for Veto Cast was Joanna Hellström. Production and audio editing by Simon Sander. Scripts by Alexander Fredman. Interviews by Joanna Hellström and Filip Ahlborn. This production was narrated by Laila Mendy. Our thanks to Daniel Kjellén and Hanna Wernerson, and the rest of the team behind the Stop Illegitimate Vetoes campaign.

Hanna Wernerson: It is our world, and the global challenges are of everyone's concern. For peace and prosperity, we need an efficient UN.

Daniel Kjellén: For more information, visit our webpage at [www.stopillegitimatevetoes.org](http://www.stopillegitimatevetoes.org), and our Facebook page.

Hanna: Let's stop illegitimate vetoes.