China and the Responsibility to Protect (R2P): Towards a More Active Norm-Shaping Role?

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Introduction

It is now more than a decade since the responsibility to protect (R2P) was unanimously endorsed by states at the 2005 World Summit. Yet there remains significant contestation over both the content and implementation of the norm. States continue to hold diverging interpretations of the meaning and scope of the concept, while attempts to operationalise R2P’s more coercive elements have often been resisted.

As a rising power and a veto-holding permanent member of the United Nations Security Council (UNSC), China’s perspective on R2P is critical to the norm’s future development and implementation. Although Beijing has consistently maintained its overall support for R2P at a rhetorical level, its ongoing attachment to a strict interpretation of state sovereignty and non-intervention means that China has been uncomfortable with the coercive, non-consensual elements of the international responsibility to protect. This has led China to block UNSC proposals for sanctions against Myanmar (2007), Zimbabwe (2008), and most recently, Syria on four occasions. However, China did support the imposition of sanctions against Libya and abstain on resolution 1973 authorising the use of force against the Gaddafi regime, suggesting there is some flexibility in its position towards coercive pillar III measures. Since Libya, China has also supported a range of consensual pillar II actions and sought to contribute more significantly to peace operations in Africa.

This paper considers two main questions. First, how has China engaged with R2P and influenced the concept’s normative trajectory? Second, is a distinct Chinese perspective and practice of R2P emerging? The paper draws primarily on official Chinese discourse and practice at the UN level since 2005, both in thematic discussions of R2P (and the related norm of Protection of Civilians (POC)) and responses to country-specific crises. It also examines the semi-official Chinese concept of “Responsible Protection” (RP), as a possible experiment in norm entrepreneurship. While the primary focus is on empirical evidence obtained from discourse and practice, the paper seeks to contextualise China’s behaviour within a critical constructivist framework which recognises that.

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norms often remain contested even after institutionalisation and that implementation experiences can shape the content and strength of such norms.

The paper advances two main arguments. First, a decade of official Chinese discourse reveals a large degree of continuity in terms of the perspectives expressed towards R2P. Most significantly, this indicates consistent support for R2P but clear efforts to frame the concept in a manner that aligns with China’s own normative preferences and interests. This has meant a strong emphasis on pillars I and II, while downplaying the potential for coercive, non-consensual action which could undermine the centrality of the state. The second main argument is that recent Chinese practice suggests a possible shift in strategy from norm resistance to a more proactive norm-shaping role in relation to R2P. Resistance – by blocking the implementation of coercive pillar III measures - remains an essential element of Beijing’s approach but there are signs that this is now being supplemented by more concerted Chinese efforts to entrench the consensual state-assistance components of R2P which Beijing supports. This is reflected in more visible engagement in normative discourse – via the R2P concept’s conservative interpretation of the international community’s protection role - and more practically, in enhanced Chinese contributions to peace operations in Africa and diplomatic efforts to resolve protection crises. Whether or not these practical initiatives are motivated by, or intended to directly influence, R2P, one of their effects is to embed consensual state assistance and peaceful measures as the dominant means through which the international community exercises its responsibility to protect. Post-Libya UNSC practice involving pillars I and II illustrates this development, suggesting that these aspects of R2P are being strengthened at the expense of the coercive pillar III dimension.

The paper proceeds in three parts. The first briefly outlines the concept of R2P and highlights how its complex, indeterminate nature creates significant scope for ongoing contestation and resistance after institutionalisation. The second part examines the main phases in China’s engagement with R2P and highlights the key themes that are found in Beijing’s official discourse. The third part focuses on recent indications of a possible shift towards China adopting a more proactive norm-shaping role.

**R2P as a complex and contested norm**

While R2P is most often treated as a single norm, it is in fact more accurate to describe it as a bundle of norms. Drawn from paragraphs 138 and 139 of the 2005 World Summit Outcome Document, R2P contains three separate normative prescriptions, conceptualised as “pillars” in the UN Secretary
General’s 2009 Report. The first pillar refers to the responsibility of states to protect their populations from the four mass atrocity crimes (genocide, crimes against humanity, war crimes and ethnic cleansing). Pillar two stipulates that the international community should assist states in fulfilling their responsibility to protect. This can involve helping to build state capacity to protect but also assisting states that are “under stress before conflicts and crises break out”. The critical characteristic of pillar II is that international action is based upon host state consent. The third and final pillar encompasses the international community’s general responsibility to employ peaceful protection measures plus a commitment to consider taking “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” where a state is “manifestly failing” to protect its populations. The latter dimension covers the possibility of coercive, non-consensual action, including the use of military force. There is no automatic duty to employ a prescribed set of measures, but rather a commitment to consider possible responses that are available through existing institutional mechanisms.

Recent critical constructivist accounts of norm development and diffusion increasingly recognise that norms may remain contested and dynamic even after being formally endorsed or institutionalised by states. For instance, conceptual ambiguity or complexity may continue to provide opportunities for different actors to advance different interpretations of a norm. In R2P’s case, its complex and indeterminate structure creates opportunities for states to adopt and promote diverging interpretations of the concept. Despite R2P’s unanimous endorsement at the 2005 World Summit, states continue to interpret its scope and content in different ways. In particular, emphasis can be placed on one or more of its normative prescriptions at the expense of others. As will be illustrated in part two, states such as China have typically framed R2P in a manner that stresses the pillar I and pillar II dimensions, while downplaying the scope for coercive pillar III measures. On the other hand, the UK and France continue to view R2P in more robust terms that reflect its origins as an offshoot of humanitarian intervention.

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3 *World Summit Outcome Document*, para 139.
4 Ibid.
6 Krook and True, ‘Rethinking the life cycles’, 117.
Contestation also arises in attempts to implement R2P. This can include preliminary disagreement over whether a situation should be viewed through an R2P lens or not, as illustrated by different characterisations of the final stages of the conflict in Sri Lanka in 2009. Some states saw R2P as relevant to the situation while others framed the violence as a legitimate government response to longstanding security threats from the Tamil Tigers. Where R2P is accepted as an appropriate framework for considering international action, contestation may centre on whether the international community’s responsibility has been triggered or whether a state should be granted more time to address its own responsibility to protect. Finally, states may disagree over appropriate protection responses that the Security Council is seeking to enforce. Syria provides the most dramatic example of this latter type of contestation over R2P’s implementation.

Actual and attempted implementation of a new norm can shape the content and strength of a norm in a number of ways. First, implementation experiences that are viewed as legitimate and produce desirable outcomes for relevant actors can strengthen the standing of a new norm by creating “precedents” that entrench or embed a new norm within international practice. Building up a number of relevant precedents through repeated implementation can lead to rapid consolidation of a norm. On the other hand, multiple failures to implement a norm can undermine its strength and legitimacy and prevent it from maturing. This produces what Bloomfield calls “stalled” progress or “arrested development”. For this reason, blocking the implementation of a norm in particular situations can be a tactic that “norm antipreneurs” adopt to prevent the consolidation of a new norm. A third possible effect is that a norm is implemented but produces an undesirable result which leads to a reassessment of the validity of that norm. In such circumstances, relevant actors may re-evaluate their support for the norm or re-frame its content or scope in a manner that aligns with their own interests and normative preferences.

The key point arising from these three scenarios is that while norms are typically conceived as shaping practice, it is important to recognise that the opposite process may also occur: that is, practice can also shape norms. This consideration is relevant in part three, when we examine how

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10 Bloomfield, ‘Resisting the Responsibility to Protect’, 34.
11 Ibid, 28.
recent Chinese practice of R2P may be affecting the strength of R2P’s various normative prescriptions.

**China’s engagement with R2P**

China’s engagement with R2P can be divided into three main phases. The first covers the period from the original 2001 International Commission on Intervention and State Sovereignty (ICISS) report on R2P until the 2005 World Summit. The second phase spans the 2005 World Summit through to the outbreak of the Libyan crisis in early 2011. The third covers the period from the Libyan intervention to the present time.

China’s initial reaction to the original ICISS notion of R2P was largely negative. Beijing was strongly opposed to the suggestion that non-consensual military action might be taken without UN Security Council authorisation. Fearing that such a concept was open to abuse, China insisted that responses to humanitarian crises must “strictly conform to the UN Charter” and that “it falls on the Security Council to make the decision”. China was not alone in resisting these elements of the original R2P concept; other Security Council members also opposed aspects of the ICISS proposal. Ultimately, this resistance led to significant modifications to R2P, enabling China and other states to endorse the more modest concept that was presented in the 2005 World Summit Outcome Document.

Having accepted R2P in 2005, the next phase of China’s engagement with the concept was characterised by cautious support for a conservative interpretation of R2P. This meant Beijing framed R2P primarily in terms of its preventive and state assistance elements – those aspects of the concept that could be reconciled with China’s traditional emphasis on state sovereignty and non-intervention. While China expressed rhetorical support for R2P, this was coupled with a strategy of “norm containment” which involved resistance to attempts to implement R2P’s coercive, non-consensual elements in the UN Security Council. China abstained on resolution 1706 on Darfur (the first country-specific UNSC resolution to mention R2P) and vetoed proposals to apply sanctions.

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against Myanmar (2007) and Zimbabwe (2008). This strategy continued until 2011 when the Libyan crisis broke out.

At first glance, the rapid, decisive international response to the Libyan crisis seemed to signal the beginning of a new era of international cooperation on civilian protection. China’s support for resolution 1970 and abstention on resolution 1973 authorising the use of force against the Gaddafi regime came as a surprise to many observers, as it appeared to represent a sharp break from Beijing’s traditional practice of resisting the operationalisation of coercive pillar III measures. However, closer examination of Chinese discourse indicated that Beijing’s decision not to veto resolution 1973 was the product of an unusual convergence of circumstances – including the presence of relevant regional organisations supporting international intervention, the clarity of the threat to civilians, and the rapid fragmentation of the Gaddafi regime. These factors, rather than a sudden normative embrace of pillar III, were the main drivers of China’s position on Libya.

Since the Libyan intervention Beijing has expressed renewed concerns about the possibility of R2P being used as a pretext for regime change. Although it is difficult to determine precisely how much direct influence the Libyan experience has had on China’s position towards the Syrian crisis, it is clear from the four double vetoes cast by Russia and China that both states are determined not to allow coercive measures to be imposed on the Assad regime. At the same time is important to note that Beijing has been prepared to support a number of UNSC resolutions on Syria, including those relating to the UN Observer Mission, the destruction of Syria’s chemical weapons supplies, humanitarian aid access plans and a roadmap for peace talks. However, with the exception of the relatively weak humanitarian aid access resolutions – which were not agreed to by the Syrian government – the other resolutions that China supported were all based on host state consent and are, therefore, consistent with Beijing’s longstanding acceptance of pillar II assistance measures.

Interestingly, in the post-Libya period there is strong evidence of increasing Chinese support for consensual pillar II measures with respect to other protection crises. Beijing has supported UNSC resolutions that have referenced R2P in relation to situations in Yemen, Mali, South Sudan,

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Democratic Republic of Congo, Central African Republic and Liberia.\(^\text{17}\) This indicates that the controversy surrounding coercive pillar III measures has not undermined support for R2P’s other dimensions. Fears that the Libyan experience might lead to “broader normative contamination” have not been realised.\(^\text{18}\) In fact, as part three illustrates, R2P’s pillar I and II elements are becoming more firmly entrenched in international practice.

Having outlined the three main phases in China’s engagement with R2P it is useful to briefly highlight the key themes that feature in China’s official discourse on R2P.\(^\text{19}\) Examining statements made in both thematic discussion of R2P (and POC) and country-specific debates on civilian protection reveals a significant degree of continuity and consistency in terms of the perspectives expressed by Beijing since the World Summit Outcome version of R2P was endorsed in 2005. There are five principal themes. The first is Beijing’s insistence that R2P applies only to the four specified mass atrocity crimes and must not be expanded or interpreted more broadly to include other situations. This reflects China’s concern that some states may seek to widen the scope of R2P’s application and implement it in a broader range of circumstances. The second key point that appears in Chinese statements is a clear emphasis on the primary responsibility of the state. In stressing the primacy of pillar I, Beijing is seeking to reinforce the centrality of the state and downplay the international community’s residual responsibility to protect.

As far as the international responsibility is concerned, the third key feature of Beijing’s official discourse is an emphasis on framing the international protection role as one of “assistance” and “support” to build state capacity. This reflects China’s longstanding efforts to conceptualise the international responsibility to protect in terms of pillar II notions of consent and cooperation, rather than as coercive, non-consensual pillar III measures. Closely related to this is the fourth principal theme – namely, that peaceful means of protection should be prioritised over the coercive elements of the R2P tool kit. This reflects a desire to frame international protection responses in a manner that aligns with Beijing’s continuing emphasis on non-intervention, and also conveys China’s scepticism over the efficacy of coercive measures. The fifth and final theme that often appears in official Chinese discourse is a reminder that states continue to hold diverging perspectives on R2P and that consequently, further discussion should be held at the UN level (i.e. within the General


\(^{18}\) See Justin Morris, ‘Libya and Syria: R2P and the spectre of the swinging pendulum’ (2013) 89(5) International Affairs 1265, 1282;

Assembly, as provided for in the World Summit declaration). This is often connected to an attempt to downplay the normative status of R2P by characterising it as a mere “concept”, rather than a fully-fledged “norm” or “principle” of international law. Overall, Beijing has consistently highlighted these five themes in an attempt to present an interpretation of R2P that aligns with China’s broader normative preferences and strategic culture.

**Towards a more active norm-shaping role?**

While the previous section illustrated that China’s discourse on R2P has been largely consistent over a number of years, there are some indications that Beijing is seeking to exert greater influence over the development of international norms across a range of areas. Recent official policy documents contain explicit expressions of an intention to play a more active role in shaping global norms. For example, in the October 2014 plenum on the Rule of Law, the Central Committee of the Communist Party issued a directive that China should:

Vigorously participate in the formulation of international norms … strengthen our country’s discourse power and influence in international legal affairs, use legal methods to safeguard our country’s sovereignty, security and development interests.

This was followed up by an opinion piece by Chinese Foreign Minister Wang Yi which outlined similar themes, including reference to China’s role as an “active builder” of international rules and a commitment that “[a]s China grows stronger, it will make [a] greater contribution to the maintenance and promotion of [the] international rule of law”. These statements suggest a clear intention to shape global norms and rules in a manner that aligns with China’s own normative preferences and interests.

There is also some evidence that this intention to assume more prominent leadership roles is being translated into practice. Cybersecurity in particular is an area where China has recently sought to promote its own normative framework as a foundation for the development of new global rules. It floated a state-centric model of internet sovereignty to govern cyber space, as an alternative to the

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20 For more detail see Rosemary Foot, “”Doing some things” in the Xi Jingping era: The United Nations as China’s venue of choice’ (2014) 90(5) *International Affairs* 1085.


broader, multi-stakeholder regime supported by other states. Although the Chinese initiative has not attracted widespread support yet, it is a significant illustration of Beijing’s increased activism and willingness to offer normative alternatives in specific policy areas.

In the R2P context, there are also signs of a possible shift in China’s engagement with the concept. Whereas the dominant feature of Beijing’s approach since 2005 has been an effort to constrain the implementation of coercive pillar III measures, recent behaviour suggests that this is now being supplemented by more proactive steps to promote and entrench the consensual, state-assistance aspects of R2P. This can be detected in two main developments: first, enhanced Chinese engagement in normative discourse and second, more pronounced support for, and participation in, pillar II peace operations and diplomatic efforts to resolve protection crises.

**R2P discourse: China’s “Responsible Protection” concept**

The first of these developments is illustrated by the creation of a semi-official Chinese interpretation of R2P known as “Responsible Protection” (RP). This concept was proposed in mid-2012 by Ruan Zongze from the China Institute of International Studies (CIIS), which is a think tank linked to the Chinese Ministry of Foreign Affairs. Like Brazil’s Responsibility while Protecting (RwP) initiative, RP was clearly motivated by concern that NATO exceeded its mandate for the use of force in Libya. The RP concept draws heavily on the Brazilian proposal and on aspects of just war theory included in the original ICISS R2P report. Its six elements outline decision-making criteria or guidelines for considering military action for humanitarian purposes, a monitoring mechanism to oversee any such action, and a commitment to post-intervention rebuilding. In this respect, the proposals in the Chinese initiative are not entirely original. However, the way in which the elements are framed is stricter than RwP and the ICISS report, creating very limited scope for the implementation of coercive pillar III measures. Overall, RP emphasises many of the same themes that feature in China’s official discourse, including Beijing’s clear preference for preventive, consensual means of civilian protection. In this way, it is intended to promote a more conservative interpretation of the

25 For detailed discussion of the RP concept see Andrew Garwood-Gowers, ‘China’s “Responsible Protection” Concept: Reinterpreting the Responsibility to Protect (R2P) and Military Intervention for Humanitarian Purposes’ (2016) 6(1) Asian Journal of International Law 89.
international community’s protection role that aligns with China’s view of how humanitarian crises should be addressed.

The RP proposal is explicitly framed by Ruan as an example of China “contributing its public goods to the international community”. He argues that “China must have the courage to speak out and contribute its ideas to the world even though it means China will face more difficult and complicated options”. Despite these exhortations, Beijing has not formally endorsed the RP concept. There are, however, indications that the proposal has received some official support. RP was the subject of a CIIS-hosted international conference in October 2013, which involved a number of representatives from other BRICS states and prominent R2P figures such as Gareth Evans and Ramesh Thakur. The “responsible protection” label has also been mentioned briefly in speeches by Chinese officials. For these reasons, RP is probably best classified as a semi-official concept. Although adopting and promoting RP does not appear to be an ongoing priority for China, the concept may come to be viewed as an early experiment in R2P norm entrepreneurship in which the leadership floats and tests ideas via think-tanks which are engaged to conduct “public diplomacy” on Beijing’s behalf.

R2P practice: increased participation in consent-based pillar II measures and diplomatic initiatives

As well as seeking to influence R2P’s development through its contribution to discourse, China’s practical engagement with the concept can be interpreted as an attempt to actively shape the norm through practice. Since 2005, resisting attempts to implement coercive pillar III measures has been the primary tactic for slowing the normative entrenchment of that aspect of the concept. However, recently there have been signs of more active Chinese involvement in operationalising the consensual, state assistance aspects of pillar II and the diplomatic and peaceful means available under pillar III. These developments may indicate that Beijing believes it can no longer maintain an exclusive role as a spoiler or blocker of international protection action but must also work to

27 Ruan, ‘Responsible Protection’, 8.
28 Ruan, ‘Responsible Protection’, 10.
strengthen the practical application of those aspects of R2P that align with its own normative preferences. In other words, having consistently framed its R2P discourse around pillars I and II China is now seeking to consolidate its rhetoric through practical action.

The first area which points to a possible shift in strategy is in Beijing’s support for consensual pillar II protection measures. As noted in part two, since the Libyan intervention there has been a proliferation of UNSC resolutions which expressly mention R2P.\(^{31}\) Although these references are primarily to the pillar I responsibility of states as opposed to the broader international responsibility to protect, it is significant that R2P language is now included in the texts of such resolutions almost as a matter of course.\(^{32}\) Previously, attempts to refer to R2P were often met with sustained resistance from China, Russia and other sceptic states. However, such resistance has now largely disappeared, at least in the context of international efforts to reference R2P when mandating consensual pillar II measures.\(^{33}\)

China is not only becoming far more comfortable with the inclusion of R2P language in UNSC resolutions dealing with pillar II situations; it is also increasingly prepared to participate in the peace operations that such resolutions mandate. Chinese involvement in peace operations is, of course, not a new development. Beijing has long recognised that consent-based peace operations are an aspect of international civilian protection action that aligns with its own normative preferences, and that active participation potentially offers China practical, operational and reputational benefits.\(^{34}\) However, recently there have been several high profile commitments that signal a deeper involvement in peace operations. These include the September 2015 announcement that China would establish a permanent peacekeeping force of 8,000 police personnel and increase its funding contributions.\(^{35}\) At an operational level, Beijing has also demonstrated its willingness to contribute to the more robust aspects of peace operations by deploying its first battalion of combat troops to the UN mission in South Sudan in April 2015.\(^{36}\) While enhanced Chinese involvement in this area is likely to be motivated by a range of factors, contributing to this aspect of the R2P tool kit serves China’s

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\(^{31}\) See ‘R2P References in UN Security Council Resolutions and Presidential Statements’.

\(^{32}\) For further discussion see Maggie Powers, ‘Responsibility to protect: dead, dying or thriving?’ (2015) 19(8) International Journal of Human Rights 1257.

\(^{33}\) Explicit references to the international community’s responsibility to protect are yet to find their way into the text of UN Security Council resolutions.


interests by entrenching the international community’s protection role as one of consensual, state assistance. Chinese contributions therefore help to strengthen and embed the pillar II aspect of the norm in international practice.

There are also signs of enhanced Chinese participation in a second area of R2P implementation – the use of diplomatic and other peaceful measures aimed at addressing protection crises. These types of measures are a frequently overlooked dimension of pillar III – which is often characterised as being exclusively coercive in nature – and can also be utilised in a pillar II context. Regardless of which pillar they are classified as falling under, peaceful measures are a form of protection action that China has consistently emphasised in its R2P discourse. Yet, Beijing’s stated preference for the use of diplomacy and political dialogue has not always been accompanied by a willingness to apply such means in practice. However, as Teitt argues, Beijing now “appears increasingly intent on playing a more active role in facilitating peace processes as evidence that China is not merely blocking measures, but offering alternative strategies for achieving civilian protection”.

This shift towards more concerted Chinese diplomatic efforts can be seen in recent peace initiatives aimed at resolving the Syrian crisis. These have included Beijing hosting visiting high level delegations from the Syrian government and opposition in December 2015 and January 2016 respectively. After these meetings, in late March 2016 China announced the appointment of its first special envoy to Syria. While Beijing has undertaken similar diplomatic initiatives in parts of Africa (Sudan and South Sudan) in the past, its recent involvement in Syria plus attempts to mediate in Afghanistan and between Iran and Saudi Arabia, point to a more active Chinese role in facilitating peace processes.

Although some caution is needed when interpreting these recent developments, it is possible to view deeper Chinese engagement with these forms of R2P implementation as signs of a subtle shift away from a strategy that primarily sought to prevent the application of coercive pillar III measures, towards one that aims to entrench consensual, cooperative and peaceful measures as the dominant features of international civilian protection. As I have argued elsewhere, the combined effect of accumulating further precedents involving pillar II action and resisting the application of pillar III

38 Sarah Teitt, ‘China and the Responsibility to Protect’, (2016) 6(2) Asia Pacific Centre for the Responsibility to Protect – R2P Ideas in Brief 1, 9.
coercion could be a re-balancing of R2P’s three pillar structure.\textsuperscript{41} Pillar II may be strengthened by a growing commitment to operationalising that dimension of the concept, while the coercive elements of pillar III could lose momentum as a result of ongoing resistance to their implementation.

\textbf{Conclusion}

This paper has illustrated that China has consistently sought to frame R2P in a manner that aligns with its own normative preferences and values. Beijing has been able to do so partly because R2P’s complex and indeterminate three pillar structure enables states to adopt varying interpretations of the strength and scope of its respective components. In China’s case, its official R2P discourse has highlighted the pillar I and II aspects of the norm, while downplaying the potential for coercive pillar III measures.

As well as maintaining a distinct interpretation of R2P’s content and meaning, Beijing has adopted a strategy of resisting attempts to implement the coercive, non-consensual elements of pillar III. It has been prepared to exercise its veto to block UN Security Council resolutions on a number of occasions, thereby slowing the entrenchment of the more interventionist aspects of R2P that threaten to undermine the centrality of the state. Yet, as China signals its intent to contribute more actively to global norm building across a number of issue areas, there are recent signs that Beijing’s strategy towards R2P may be shifting. While Chinese resistance to coercive pillar III implementation is likely to continue, it appears that there is now a greater willingness to support and participate in consensual pillar II action via peace operations, and also to explore diplomatic and other peaceful means of protection. These developments have the potential to strengthen the cooperative and consensual aspects of the international responsibility to protect at the expense of the more coercive, interventionist elements, illustrating not only that norms shape practice but also that practice can shape norms.

\textsuperscript{41} Garwood-Gowers, ‘R2P Ten Years After the World Summit’, 325-6.