Is R2P FAILING HUMANITARIAN INTERVENTION?
NORM STAGNATION AND THE (DE) CONSTRUCTION OF R2P

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The diminished responsiveness of the international community to major humanitarian crises as chronicled in the preceding chapter represents something of a paradox. This paradox is particularly acute when one takes into account that humanitarian intervention's declining appeal has occurred contemporaneously with the introduction of a concept (the 'Responsibility to Protect', or R2P) specifically intended to *enhance* the capacity and willingness of the international community to respond decisively and with appropriate means to such events (Applegarth and Block, 2010). In point of fact, the much-hailed endorsement of R2P by the UN Security Council in April 2006 has had minimal impact on the responsiveness of the international community to humanitarian crisis. Since that time, out of well over 500 UNSC resolutions, the language and/or logic of R2P has been formally referenced on 31 occasions in 9 discrete crisis events (see Table 1). In point of fact, only three of these resolutions actually invoked R2P in conjunction with a recommendation for third-party military intervention on humanitarian grounds: UNSCR 1973 (Libya, March 2011), UNSCR 1975 (Cote d'Ivoire, March 2011), and UNSCR 2100 (Mali, April 2013). This relative paucity of R2P implementation begs the question of why intervention in response to humanitarian crisis has remained in short supply even as the concept of R2P has purportedly attained the status of a norm within international society. To answer this question, one

needs to start by carefully examining the emergence of R2P itself, with a particular eye to claims regarding its purported attainment of normative status.

Table 1. Country Specific UNSC Resolutions Invoking R2P, 2006-present

Country	Resolution(s)	Date(s)
Central African Republic	2121; 2127; 2134; 2149; 2196; 2217; 2262	10 Oct 2013; 5 Dec 2013; 28 Jan 2014; 10 Apr 2014; 22 Jan 2015; 28 Apr 2015; 27 Jan 2016
Côte d'Ivoire	1975	30 Mar 2011
Libya	1970; 1973; 2016; 2040	26 Feb 2011; 17 Mar 2011; 27 Oct 2011; 12 Mar 2012
Mali	2085; 2100; 2227	20 Dec 2012; 25 Apr 2013; 29 June 2015
Middle East (Yemen)	2014	21 Oct 2011
Somalia	2093	6 Mar 2013
Sudan (Darfur)	1706; 2228	31 Aug 2006; 29 June 2015
Sudan/South Sudan	1996; 2109; 2155; 2187; 2206; 2223; 2241; 2252	8 July 2011; 11 July 2013; 27 May 2014; 25 Nov 2014; 3 Mar 2015; 28 May 2015; 9 Oct 2015; 15 Dec 2015
Syria	2139; 2165; 2254; 2258	22 Feb 2014; 14 July 2014; 18 Dec 2015; 22 Dec 2015

THE ORIGINS AND EVOLUTION OF R2P

To the extent it represented a political and quasi-legal endorsement by the United Nations Security Council, the passage of UNSC Resolution 1674 on 28 April 2006 was hailed as a watershed moment by the architects and proponents of the Responsibility to Protect (Evans, 2009). Like the endorsement of the practice of gender mainstreaming in UNSCR 1320 (2000), as a thematic resolution UNSCR 1674 articulated clear support for infusing R2P considerations into

all subsequent Security Council deliberations and decisions. In so doing, UNSCR 1674 aligned the position of the UNSC with R2P on one crucial matter: that the international community has a clear obligation to act to alleviate human suffering experienced by civilians in conflict zones. Accordingly, UNSCR 1674 was viewed by some not only as one in a series of prominent developments in the evolution of R2P, but as a potentially significant challenge to the Westphalian paradigm itself – a breakthrough in the diffusion of the norm of 'sovereignty as responsibility' within international society (Evans, 2009) embodying 'today's ambitious normative international landscape' (Serrano, 2011: 425-426).

Notwithstanding the potential significance of UNSCR 1674 on the international political landscape relative to humanitarian intervention, understanding the contemporary impact (or lack thereof) of R2P on the provision of humanitarian intervention requires an appreciation of its origin story (Sarkin, 2009). In general terms, one can discern the nascent origins of R2P amidst the decades-old debate over the merits of third-party intervention for humanitarian purposes, as well as in the broader conversation concerning the place of human rights promotion and humanitarian assistance in the practice of international politics (Finnemore, 2003; Walzer, 1977). Yet R2P's real genesis can be located in the convergent strains of triumphalism and catastrophe that marked the aftermath of the Cold War - and in particular the effort to redefine the scope, objectives, and provision of peace and security operations during that calamitous period.

UN Peace Operations after the Cold War

Confronting the mounting tide of favorable sentiment towards the prospects of realizing an 'assertive multilateralism' with the demise of Cold War bipolarity was the reality of a series of intense, complex, and dynamic security and humanitarian challenges largely emanating from a proliferation of intra-state conflicts. One of the first significant doctrinal responses to the post-Cold War 'new security environment' was the promulgation of *An Agenda for Peace* by then Secretary General Boutros Boutros-Ghali in June 1992. The *Agenda for Peace* report was a

landmark document for a variety of reasons, not the least of which being that it represented an attempt to redefine UN peace and security operations in accordance with an activist agenda. The vision of the document was one in which longstanding constraints of consent and impartiality, themselves by-products of a strict adherence to state sovereignty, would be jettisoned amidst the embrace of a more assertive and ambitious approach: namely, 'peace enforcement.' Boutros-Ghali viewed such an arrangement, defined by relaxed or even suspended concerns with obtaining consent and maintaining impartiality, as well as more coercive rules of engagement, as a moral imperative. Such changes were indicative of a 'UN with teeth', with peace enforcement affording the organization a mechanism by which it could act more effectively to deliver on its peace and security mandate by *creating* the conditions of peace in where they did not entail.

The most immediate challenges to implementing the novel concept of peace enforcement following its introduction in the *Agenda for Peace* were hardly novel at all: namely, constraints on available and appropriate resources within the UN organization, and a lack of political will on the part of key member-states. These problems, themselves rooted in a perpetual statism mitigating against an activist UN, were exposed by a series of high-profile security and humanitarian crises in the early to mid-1990s in which the UN as well as key member-states proved unable and/or unwilling to effectively deliver on the promise of peace enforcement. For their part, while operations in Somalia (UNOSOM I and II), Bosnia and Herzegovina (UNPROFOR), and Rwanda (UNAMIR) all revealed different facets of the problematic nature of peace enforcement, each resided on a common continuum. Having received a peace enforcement mandate in Somalia, UNOSOM II failed to significantly alter the lawlessness and chaos of a stateless society. Subsequently, when authorization for peace enforcement was needed in Bosnia, it was never fully granted, resulting in the disastrous safe areas policy. Twice bitten, the UN Security Council refused to commit a meaningful military presence to Rwanda, thereby indirectly facilitating genocide.

Forced to confront the legacy of these failed operations and their humanitarian and security consequences, Boutros-Ghali responded with the *Supplement to an Agenda for Peace* in January 1995. The *Supplement* took great pains to downplay peace enforcement, acknowledging the hazards of undertaking such expansive operations given the UN's insufficient capacity. As a result, the term 'peace enforcement' was almost completely absent in the document, meriting only a single mention as one among 'many instruments for controlling and resolving conflicts between and within states' (Boutros-Ghali, 1995). Not surprisingly, UN-led or authorized operations launched in the aftermath of the *Supplement* reflected this sharp about-face. The retrenchment that defined post-*Supplement* UN operations was both quantitative and qualitative; whereas in 1993 over 70,000 military personnel were deployed under UN auspices in peace operations, by 1996 this figure had dwindled to fewer than 20,000 (Bellamy, Williams, and Griffin, 2004). Furthermore, between 1995 and 1999 only four new UN operations were commissioned by the Security Council: UNSMIH and UNTMIH (both in Haiti); UNOMSIL (Sierra Leone), and MINUGUA (Guatemala). Each of these operations was granted a narrow mandate (focused largely on humanitarian relief) and an accordingly modest number of personnel.

If the goal of the *Supplement to an Agenda for Peace* was to limit the scope, objectives, and even provision of UN peace operations, events conspired against that objective. For one thing, many of the humanitarian crises deemed appropriate for limited UN action in the latter part of the 1990's were themselves manifestations of complex and profound intra-state conflicts of the type originally envisioned by Boutros-Ghali as necessitating more expansive commitments from the international community. This was especially evident in four more expansive operations authorized by the UNSC in 1999 (UNTAET, in East Timor; MONUC, in the Democratic Republic of the Congo; UNAMSIL, in Sierra Leone; and UNMIK, in Kosovo). The individual and collective size of the force authorizations (which more than doubled the total number of active UN peacekeepers), as well as the fact that they were all commissioned within the span of a year to

respond to intra-state conflicts in societies with deep and profound social, economic, cultural, and/or ethnic divides, served notice that yet another reversal of course for UN peace operations was at hand.

This second about-face was fully codified in an independent review of peacekeeping operations conducted in conjunction with the UN's Millennium Summit and authorized by a new Secretary-General (and former head of DPKO) Kofi Annan in 2000. Stressing that peace operations were the 'yardstick with which the [UN] Organization is judged', the 'Brahimi Report' (so named for its chair, the prominent Algerian diplomat and UN official Lakhdar Brahimi) begain by baldly asserting that 'over the last decade, the United Nations has repeatedly failed to meet the challenge, and [it] can do no better today' (Brahimi, 2000: paragraph 1). In taking responsibility for this evident failure, the panel asserted the need for the UN and its member-states to revisit the possibilities inherent in more expansive peace enforcement-style operations, detailing a number of recommendations for such a revised and robust approach. And, while conceding the necessity for discrimination in undertaking new operations, the Brahimi Report identified the top priority for action with respect to improving the provision of a more robust form of peace operations to be that of insufficient institutional capacity.

Recognizing the roots of the UN's capacity problems in the structural realities of its status as a member-state organization, the Brahimi Report sought to galvanize member-states to act more quickly and decisively in responding with appropriate force. In this way, the distinguishing feature of the Report was its direct call for the international community to transcend the foremost obstacle to a more expansive and responsive role in the peace and security arena for the UN: namely, continual and strict adherence to a Westphalian conception of state sovereignty. Indeed, in the view of the Brahimi panel, such adherence not only contributed indirectly to the capacity shortfalls of the DPKO and other UN agencies involved in the provision of peace and security, but

more directly in shaping the deliberative agenda of the UN itself with respect to when, whether, and how to respond to security and humanitarian crises.

A vestigial adherence to notions of sovereign consent and impartiality were especially problematic in this regard; in the language of the report itself, 'no failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990's than its reluctance to distinguish victim from aggressor and act accordingly' (Brahimi, 2000). Even more pointedly, the Brahimi Report characterized the equal treatment of all parties to a conflict as not only something likely to inhibit the effectiveness of UN peace operations, but in some cases tantamount to 'complicity with evil' (*ibid*.). Whether in terms of the necessary criteria for authorization or the extent of the tasks required by such operations, the Report stressed that that a strict adherence to impartiality is counter-productive, and that consent can and should be manufactured when necessary. As such, the overriding legacy of the Brahimi Report was its insistence that traditional considerations of consent, impartiality, and self-defense following from the reification of state sovereignty should not be allowed to inhibit an appropriate response to ongoing conflicts and their humanitarian implications.

'Sovereignty as Responsibility' and the ICISS

The preceding summary of the pendulum swing concerning the appropriate scope, objectives, and provision of UN peace operations throughout the 1990's and beyond reveals a tension borne of ambiguity in the relationship between state sovereignty and third-party intervention. This ambiguity and tension at the heart of deliberations concerning intervention of all types – and in particular humanitarian intervention – throughout the post-Cold War period is, in the view of some observers, indicative of the growing pains associated with emergence of a post-Westphalian system (Bellamy, Williams, and Griffin, 2004). In this light we can see R2P, and its direct conceptual antecedent 'sovereignty as responsibility' (Deng, Kimaro, Lyons, Rothchild, and Zartman, 1996; Deng and Cohen, 1998), as a concerted effort to eliminate this ambiguity and

associated conceptual tension through highlighting the responsibilities attendant in state sovereignty.

The discrete idea of sovereignty as responsibility as first articulated by longtime Sudanese and UN diplomat Francis Deng was itself a direct by-product of the security and humanitarian challenges extant in weak and failing states and/or prolonged intra-state and regional conflicts; e.g., the very same scenarios at the heart of contemporaneous deliberations over how to re-fashion peace operations. Out of a concern with the dynamics and implications of issues such as internal population displacement and of situations such as the Sudanese civil war, Deng, Roberta Cohen, and their colleagues were drawn to the need to reframe state sovereignty as a condition that entails if, and only if, the agents of the state are willing and able to carry out attendant obligations to their citizens.[1]

The key takeaway of 'sovereignty as responsibility' in terms of intervention, and in particular humanitarian intervention, is that state sovereignty can and should no longer be viewed as a legal and political bulwark against external interference. Rather, state sovereignty is contingent on the ability and willingness of the state to fulfill its obligations to the governed. Relying heavily on the notion of the social contract at the heart of liberal theory, 'sovereignty as responsibility' concedes that the condition of sovereignty does confer rights to its holders -- including and especially the 'right' to non-interference as stipulated in the UN Charter, and elsewhere – but only in direct relation and proportion to the ability and willingness of the holder of those rights (i.e., states and their agents) to deliver on the responsibility to govern effectively, fairly, and judiciously and in ways that afford and provide for the well-being of citizens.

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[1] Some scholars, such as Glanville (2014), make a persuasive case for this as a return to an earlier conceptualization of sovereignty rather than a contemporary refashioning.

If 'sovereignty as responsibility' was the ideational forebear to R2P, the International Commission on Intervention and State Sovereignty was its midwife. Intellectually speaking, the relationship between the two was seamless, with the Commission's mandate and efforts rightly understood as a direct extension of the intellectual and policy labors of Deng and Cohen, as well as related efforts embodied in the Pugwash Study Group meetings and the 2000 Constitutive Act of the African Union (Cohen and Deng, 1998; Bellamy, 2009). At the same time, the ICISS explicitly drew from and reflected emergent arguments favoring the recalibration of security policy around the concept of 'human security' and the well-being of the individual (Booth, 1991; Paris, 2001; Hampson, 2002; Slaughter, 2005). In light of these precursors, as well as contemporaneous shifts on the question of intervention in the UK and U.S. in the run-up to NATO's Operation Allied Force in Kosovo, the release of the ICISS report *The Responsibility to Protect* in December 2001 was characterized by some as representing the 'prevailing international state of mind' (Lewis, quoted in Weiss, 2012: 103).

In this sense the work of the ICISS was both synthetic as well as generative, building on preceding insights as a means to the end of fashioning a new concept and doctrine that would transcend the limiting and self-defeating debate of the 1990s concerning security provision and intervention. Indeed, it was the expressed goal of the ICISS to subvert the conventions of that debate (one understood as sovereignty *versus* intervention) and the paralyzing arguments for and against a 'right to intervene.' Rather, the ICISS sought to reconcile state sovereignty and intervention through heightened emphasis on the obligation of the entire international community to ensure the well-being and security of the human person. In this vein, then-UN Secretary-General Kofi Annan (who had effectively commissioned the ICISS initiative as a part of the 2000 Millennium Summit) hailed the report as heralding a '…new equation, with human life, human dignity, and human rights raised above the entrenched concept of state sovereignty' (Annan, quoted in Luck, 2008: 7).

In seeking to appeal to notions of legal obligation expressed in the UN Charter and other international conventions, one of the chief motivations of the ICISS was to re-frame the provision of human security, response to humanitarian crisis, and the prevention of mass atrocities through employing the discourse of collective responsibility. From the point of view of its architects, recalibrating the focus on the international community toward the point of view of those individuals rendered insecure, as well as situating the fraught and politically charged concept of humanitarian intervention within a larger continuum of humanitarian 'engagement', were crucial strategic components of the R2P approach (Cohen and Deng, 1998; CCFPD, 2001). As articulated in the ICISS report, for the purposes of implementation the Responsibility to Protect had three dimensions: the *responsibility to prevent*, the *responsibility to react*, and the *responsibility to rebuild.*

From the ICISS perspective, prevention was the priority objective; as such, it remains a litmus test of sorts in terms of demonstrating the efficacy of the entire premise of R2P (Bellamy, *et al.* 2011; Luck, 2011). However, as a precursor of numerous challenges to come, the Commission offered little by way of operationalizing the concept of prevention or offering any concrete provisions for preventative actions. The second articulated dimension (reaction) referred to the long-standing and long vexing challenge of using third-party intervention when and where appropriate to respond to situations characterized by a large-scale loss of life or other mass atrocities deliberately caused by the actions of states, or following from state inaction.[2] Lastly, the third dimension of R2P articulated in the ICISS report (the responsibility to rebuild) was in essence offering an expanded conception of responsibility that underscored the obligation to rebuild

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[2] As an important corollary to this principle, the ICISS Report did introduce an explicit and specific set of guiding principles or criteria for advancing the determination of whether and when to intervene with military force in response to such events. These criteria — right authority, just cause, proportionality of means, right intention, last resort, and reasonable prospects of success—were steeped in just war theory and logic (Hehir, 2012).

post-conflict societies and institutions in a manner which would facilitate political and economic development, a return to (or introduction of) the rule of law, and general stability and security.

As with respect to the first (prevention) dimension of R2P, the rebuilding component reflected something of an aspirational goal. In part this was due to the fact that both prevention and rebuilding clearly lacked the level of specificity associated with the reaction component. This specificity was, in turn, primarily a function of the overlap and similarity between the reaction dimension of R2P and long-standing debates over peace operations and especially humanitarian intervention. Yet while the relationship between R2P and humanitarian intervention is significant both conceptually and in policy terms, it would be erroneous and counterproductive to conflate the two. For one thing, the aforementioned dimensions of prevention and rebuilding have little direct bearing on the practice of humanitarian intervention, which is wholly reactive. Even in the 'responsibility to react' domain, R2P was explicitly linked to existing international law through the efforts of the ICISS to restrict R2P's domain to the 'core crimes' of the Rome Statute (plus ethnic cleansing), as well as to expressly reaffirm the sole authority of the Security Council to authorize intervention. These were purposive moves expressly intended by the ICISS to distinguish and distance R2P from the highly elastic and highly contentious practice of humanitarian intervention – and, by extension, to attempt to insulate R2P from the highly politicized debates associated with that practice.

2005 World Summit and the 'Three Pillars'

Upon its introduction, the logic and scope of R2P were lauded by receptive academic and political audiences. Chief among these was the Secretary-General's High Level Panel on Threats, Challenges, and Change, convened in November 2003. The main determination of that panel, disseminated by the UN General Assembly in December 2004, was an explicit endorsement of R2P on the basis of its recognition of '…a collective international responsibility, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and

other large-scale killing, ethnic cleansing and serious violations of humanitarian law which sovereign governments have proved powerless or unwilling to prevent.' (UNGA, A/59/565) In seeking to support and facilitate the implementation of R2P, the Panel proposed a set of basic criteria for authorization of the use of force by the UN Security Council. Mirroring the earlier deliberations of the ICISS in this regard, the Panel drew from the norms and logic of just war theory in highlighting, among other things, considerations of just cause, last resort, and proportionality of response (Hehir, 2012).

The Panel's strong support for R2P presaged an even more significant development: the formal endorsement of R2P by the UN General Assembly in Paragraphs 138 and 139 of the Outcome Document of the 2005 World Summit (officially, the High-level Plenary Meeting of the 60th Session of the UN General Assembly), convened 14-16 September 2005. The language of paragraphs 138 and 139 of that document (A/RES/60/1), underscoring the international community's shared collective responsibility to protect civilians from genocide, war crimes, ethnic cleansing, and crimes against humanity and to prevent such crimes using all appropriate means, undoubtedly represented a major breakthrough for R2P. The fact that each of these crimes have established roots in international humanitarian law reflected (in a manner not dissimilar to that surrounding the formation of the International Criminal Court) the intention of proponents to clarify and specify R2P's focus – in the process rendering it 'narrow but deep', with an eye toward ease of implementation (Serrano, 2011; Sharma, 2010).

Attaining the endorsement of the General Assembly unsurprisingly necessitated some rather extensive diplomacy. The most significant issue at the heart of the brokered compromise that produced UNGA endorsement of R2P in the World Summit Outcomes document was the perceived need for clarification of the relationship between state sovereignty and intervention. Echoing the terms of the 'intervention debate' which the ICISS had hoped to circumvent, much of the prevailing opposition to R2P in the General Assembly emanated from a place of deep

concern over its potential to erode the non-intervention principle as expressed in Article 2(7) of the UN Charter (cite). Accordingly, a range of supporters including (but not limited to) ICISS representatives, various civil society groups, and Secretary-General Annan undertook extensive efforts to promote R2P. These efforts were primarily aimed at assuring crucial states including (but not limited to) China, Russia, and India of R2P's high threshold for armed intervention, as well as the commitment to forego humanitarian action if it could only be 'undertaken at the cost of undermining the stability of the state-based international order' (Government of Canada, undated).[3]

Undoubtedly the most important by-product of these negotiations was the tripartite logic of the 'three pillars.' Initially articulated in the 2005 Outcome Document, and later specified in greater detail in the Secretary-General's 2009 Report on Implementing the Responsibility to Protect (A/63/677), the three pillars sought to clarify the conceptual and practical relationship between R2P and state sovereignty. The primary purpose of doing so was enhancing R2P's political appeal — and by extension its potential for implementation — by denoting that:

1. The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
2. The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
3. The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations. (A/RES/60/1, para 138-139)

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[3] This conciliatory tack relative to the relationship between R2P and state sovereignty favored by some of the doctrine's proponents remains very much alive and well. For instance, Serrano (2011) has characterized R2P as an 'ally' of sovereignty and a 'bolsterer' of state capacity, interpreting the chief outcomes of the 2009 General Assembly debate and resolution as well as the 2010 'interactive dialogue' as underscoring that complementarity.

Clearly the articulation of the tripartite logic of the three pillars was politically motivated, and perhaps excessively so – such that the original intention and vision of the ICISS was 'watered down' in the view of some of R2P's strongest supporters (cites).   Yet the major point of contention here is not with the motivations behind the concessions that were made at the 2005 World Summit, or for that matter a year later in the Security Council deliberations leading up to the passage of UNSCR 1674. The expressed support for R2P articulated in the Outcomes document is considered by many to represent a watershed moment, both symbolically and in providing a practical legal and policy blueprint for the international community going forward (Serrano, 2011; Bellamy, 2009; Schulz, 2009). The development and eventual passage of UNSCR 1674 on the protection of civilians in armed conflict (which explicitly referenced and reaffirmed the R2P provisions promoted by the World Summit) a year later further attests to the importance of the inclusion of R2P within the Outcome Document.

The introduction of the 'three pillars' certainly represented something of a gambit. Equally admissible to all three dimensions (prevention, reaction, rebuilding) of R2P, it unabashedly underscored the preeminence of the state and state sovereignty. By introducing a logical progression whereby the potential for external intervention in the affairs of a sovereign state would entail if (and only if) that state fails to carry forth on its responsibilities even with the 'encouragement' and 'assistance' of the international community, the 'three pillars' proved to be a major concession to proponents of a strict adherence to state sovereignty, one (again) borne of a desire to render R2P more feasible and admissible from an implementation standpoint. The clearest manifestation of this lies in the legal indeterminacy and political contestation that has engulfed R2P over the decade since its endorsement by the UN.

THE LEGAL AND POLITICAL STATUS OF R2P

Legal ambiguity

R2P's ambiguous, even contentious relationship to the most central and enduring concept in international law – state sovereignty, and the related principle of non-interference – puts it in a disadvantageous position, legally speaking. The rootedness of sovereignty and non-interference in international treaty law (the closest thing there is to 'hard law' in international law) stands in stark contrast to the lack of any similar legal grounding for R2P in international treaties and conventions. Perhaps the strongest argument for any such grounding with respect to R2P points to its endorsement through UN Security Council resolution 1674, although UNSC resolutions are generally considered quasi-legal instruments at best (cites). Indeed, as a concept note developed by the President of the UN General Assembly in 2009 recognized, none of the five main documents articulating, developing, endorsing, and outlining implementation plans for R2P – in turn the High Level Panel's "Report on Threats, Challenges and Change", the Secretary-General's Report "In Larger Freedom", the Outcome Document of the World Summit 2005, UN Security Council Resolution 1674, and the Secretary-General's Report on "Implementing the Responsibility to Protect" – can be considered a source of binding international law in accordance with those listed in Article 38 of the Statue of the International Court of Justice.

From a legal standpoint, the more frequent and compelling argument advanced by its proponents is that R2P represents an emerging legal norm of customary law (Payandeh, 2009). As is true of customary law in general, such an argument rests on the presumption that an evidentiary pattern of compliance on the part of recognized and accepted legal personalities (in international law primarily, though not solely, states) on the basis of *opinio juris* is increasingly evident. In the case of R2P, this argument runs into trouble on a number of accounts. The first and most direct problem is that the concept and premise of R2P was only formally established in 2001, and only officially recognized as a practice by relevant international legal institutions in

2005 and 2006. Such a short window of time necessarily works against even the (relatively weak) contention of R2P as an *emerging* legal norm, in that it is unlikely to have faced (and overcome) a sufficient number and diversity of test cases necessary to justify such a claim.

The temporal problem fuels a second, related one – namely, that the short time period of R2P's formal existence in turn raises the bar for compliance, maximizing the discrete importance of the relatively few test cases to which it has been applied. This is not a problem unique to R2P, but rather one which underscores the deliberate pace of change evident in most established legal systems (cite). In recognition of this, R2P tends to be represented (explicitly or implicitly) by its proponents as *de lege ferenda* (literally, 'with a view to future law'). Still another problem stems from the recognition that a close appraisal of the deeper conceptual and even philosophical underpinnings of R2P works against characterizations of it as 'emergent.' As noted above, R2P's architects did explicitly affix it to existing (and in some cases long-standing) international legal conventions as a means to the end of underscoring a set of preexisting collective responsibilities which R2P sought to uphold and fulfill (Welsh and Banda, 2010). Such a foundation, drawing from established instruments such the UN Charter, the Genocide Convention, the Geneva Conventions and the Rome Statute, proves to be a double-edged sword of sorts. While it does situate R2P in close proximity to existing domains of international jurisprudence, it also undercuts assertions of R2P as emergent legal norm.

In the end, R2P is certainly not devoid of legal weight and substance. Indeed, as noted here, it represents a continuation and extension of the very same normative and legal framework that has promulgated most if not all of the efforts to direct international legal jurisprudence toward the alleviation of human suffering, particularly in relation to violent political conflicts. In this way, R2P stands as the latest (and possibly greatest) attempt at reconciling some of the more fundamental inconsistencies and contradictions evident within international law. These inconsistencies and contradictions are front-and-center even in universal legal instruments such as

the UN Charter, as evinced in the tension between the non-interference clause (Article 2[7]) on the one hand and Chapter VII (granting the UNSC the right to determine the existence of any threat to peace and act accordingly, up to and including through coercive means) or Chapter IX, Art. 55-56 (affording all UN members the right and duty to take both joint and separate action, in concert with the UN, to uphold universal respect for and observance of human rights) on the other.

Political contestation

If compliance with the concept of R2P by relevant parties would logically reflect *de facto* acceptance of its emergent legal force and weight, then the same logic would lead one to conclude that the prevailing level of political discord concerning R2P mitigates against any such claim. In essence, the argument for R2P as an emerging legal norm is undercut by the degree of contestation enveloping it. The implications of the contentious politics following from, and ushered in by, the consensus-oriented strategy embodied in the 'three pillars' approach are legion. In point of fact, Chandler (2004) effectively foretold of such problems in his assertion that the unproblematic acceptance of and reliance on the assumptions and values of the 'liberal peace' made R2P unlikely to attract broad-based international support. Contemporaneously, Berkman and Holt (2006) contended that the watered-down consensus agreement emerging from the Summit reflected a general lack of political traction and normative appeal - a perspective shared by Sarkin (2009) and Byers (2005), among others.

Subsequent critiques of R2P in the wake of its endorsement grew both more nuanced and, in some cases, more strident. Chesterman (2009) concluded that R2P doctrine that emerged from the Summit and UNSCR 1674 was lacking in legal force and weight – thereby representing an important rhetorical expression of political intent concerning the approach to humanitarian intervention, but nothing more. Porter (2007) extended this critique further, asserting that even as a rhetorical instrument R2P was inadequate and devoid of substance. Given the extent to which the compromises producing the 2005 World Summit Outcomes Document and UNSCR 1674

reified Security Council authority relative to R2P implementation, Hehir (2010) was left to conclude that the absence of any meaningful UN Security Council reform renders R2P a 'dead letter.' Even steadfast supporters of R2P such as Gareth Evans were forced to concede the point that the bold move to gain the endorsement of R2P by the UN fomented rather than forestalled political contestation (Evans, 2006). While his view of this contentious dynamic was rather more sanguine – he saw the debates between and among states as largely concerned with the (manageable) details of implementing R2P, which he believed to be something nearly universally accepted on principle by states—this concession is telling nonetheless (*ibid*.).[4]

What are the specific parameters of the contention between and among states over R2P in the decade since its endorsement by the UN? As discussed above, the extent to which the 'three pillars' shunted R2P back into the circular and paralyzing debate over intervention and state sovereignty had much to do with the debates that enveloped R2P even at its inception. Indeed, well in advance of its codification by the ICISS, the articulation of R2P's underlying principle of sovereignty as responsibility by UN Special Representative Francis Deng was characterized by China as a 'distortion' and 'tarnishing' of the principle of human rights and, more broadly, an attempt to legitimize continuing interference by the West in the affairs of post-colonial states and societies. This point of view was hardly limited to the PRC (Bellamy, 2009; UN Commission on Human Rights, 1993). Subsequent analyses of state-level support for R2P have found that states have adopted an 'a la carte' approach; accepting those aspects of the R2P doctrine they find appealing or non-threatening and ignoring or quietly resisting those they find challenging (Capie, 2012).

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[4] In Evans' optimistic rendering, such discord will naturally recede over time, as the need to build effective capacity and to engender necessary political will concerning the implementation of R2P will gradually be realized as a function of the increasing visibility of, and by extension concern with, mass atrocities amongst statespersons (Evans, 2011).

Contemporaneous with the formal introduction of R2P through the ICISS report in 2001, three prominent and enduring challenges associated with powerful states came into view. Perhaps the most contentious (and multi-faceted) of these concerned the place of R2P relative to the Security Council. This challenge stemmed largely from objections to the assertions of R2P proponents (including, but not limited to, Secretary-General Annan) that formulation of the doctrine would galvanize the international community and foster the development of the institutional capacity necessary for the UN to more fully and effectively deliver on its mandate to maintain international peace and security within a rapidly changing international system in which security challenges tended to emerge primarily in conjunction with intra-state conflict and humanitarian disasters. This perceived deficiency, identified and problematized in the 2000 Brahimi Report, was directly challenged by states such as China and India (and to an extent by the Schroeder government in Germany) on the grounds that the Security Council itself was a proper and sufficient institutional forum for determining the parameters of the UN's delivery of this custodial obligation (Claude, 1963).

This critique was underscored by claims advanced by Russia (among others) that the Security Council's appropriateness in this respect was derived largely from the fact that it, unlike R2P, enjoyed formal status and universal recognition as a result of its situation in the UN Charter, and therefore stood as the sole legitimate source for authorizing humanitarian intervention. Without a doubt, NATO's skirting of the UN Security Council in executing its 'humanitarian' intervention in Kosovo in 1999, followed by the Machiavellian manipulations of the UN by the US in the run-up to its invasion of Iraq in 2003, served as powerful reinforcements of the view - expressed by Hu Jintao at the 2005 World Summit – that R2P represented an act of 'encroachment' on state sovereignty and a direct threat to the spirit of the UN Charter (Bellamy, 2009).

A second and related challenge concerned the issue of political will. This perspective—associated largely with the Non-Aligned Movement (NAM) and in particular India, and to a lesser extent by states such as the UK and France which otherwise supported R2P in the abstract — argued that the main obstacle to delivery of the UN's peace and security mandate in the post-Cold War era was not one of institutional incapacity, but rather of insufficient political will. In this view, the aversion of the international community to act on the responsibility now mandated by R2P was a problem which no professed doctrine could surmount.[5] This line of reasoning further held that another exhortation to act in the form of R2P - no matter how well formulated or articulated - would attenuate in one of two circumstances, neither desirable. R2P ran the risk either of amounting to another in a series of empty hortatory declarations or, conversely, of providing a veritable 'intervener's charter' which would provide the needed political and legal cover for a state possessing the will to intervene to do so in the pursuit of self-interested objectives.

A third and no less compelling objection to the R2P doctrine as it entered into view in the wake of the ICISS report came in the form of expressed opposition to establishing clear decision-making criteria for the purposes of implementing R2P. Not surprisingly, this resistance was especially strong with respect to the reaction dimension of R2P, in light of its proximity to the persistent debates over state sovereignty and non-interference. The most prominent source of this criticism, which first arose in response to French Foreign Minister Hubert Védrine's proposed 'code of conduct' for the UNSC (designed to eliminate obstructionist uses of the veto on matters not vital to the security of the P-5 member-states) as well as to the ICISS articulation of a set of principles for military intervention largely modeled on just war theory, was undoubtedly the United States.

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[5] Of course, the irony of this perspective was that this was a point of which many of the advocates of R2P were well aware; indeed, many assessments of the ICISS have concluded that one of the more prominent objectives guiding the Commission was that their efforts (following Brahimi) be devoted to engendering political will rather than spawning further institutionalization.

The refusal of the U.S. to allow itself (or by extension the Security Council) to be 'hemmed in' by either such restrictions on the use of the veto or the use of military force led the Bush Administration to reject the notion of both a 'code of conduct' as well as guiding criteria for humanitarian military intervention outright in May 2002. This position was underscored in the outright rejection of the ICISS report and any possible UN declarations or resolutions arising from it by the Bush Administration in 2004 (Welsh, 2004; Macfarlane, *et al.*, 2004).

U.S. opposition to R2P subsequently softened in response to a variety of factors. These included, but were hardly limited to, the Bush Administration's efforts to elicit a forceful response to arrest the apparent genocide being perpetrated in Darfur by the Sudanese regime of Omar al-Bashir, as well as Canadian-led efforts to broker consensus at the 2005 World Summit, which resulted in abandonment of any notion of a P-5 'code of conduct' (Wheeler, 2005). As the U.S. moved towards a less hostile view of R2P, however, it never budged from two fundamental positions relative to R2P: one, opposition to extending the exclusive right to authorize intervention under the guise of R2P to the Security Council, and two, opposition to explicitly tying deliberations over, and the provision of, humanitarian military intervention to the aforementioned criteria. These crucial points of contention served as the lynchpins of US Ambassador John Bolton's obstructionism at the 2005 World Summit, and remain key underpinnings of the ambiguous U.S. position on R2P to the present.

R2P: NEW NORM, OR DEAD LETTER?

The preceding chronicle of R2P's emergence and evolution, as well as the legal and political contestation surrounding it, suggests that the most accurate characterization of R2P in its present form is as a political device. As such, the primary objective of R2P is the cultivation of a normative consensus within international society relative to the promotion of existing but highly contested legal responsibilities embedded within or naturally following from numerous international treaties and conventions (Hehir, 2010). By extension, then, the prospects for

effective application and expansion of the R2P doctrine seem to turn largely on the degree to which prominent states embrace or oppose the doctrine and its underlying norms. This claim is bolstered by the dogged persistence of concerns expressed by prominent states such as the U.S., China, Russia, and India (among others) over the doctrine's diminution of state sovereignty. It is also evident in the extent to which strong supporters of R2P – including, but not limited to, the UN Secretariat, DPKO, and a host of states and NGOs – have consistently sought to package and frame R2P to mollify or even circumvent these concerns in order to gain support from those states with the power and influence needed to act as norm entrepreneurs (cite).

So it is that proponents of R2P can and do lament a lukewarm reception from powerful and influential states and a resulting emergence of 'R2P-lite' (Weiss, 2012; Macfarlane, Thielking, and Weiss, 2004), all while critics can and do point to cooptation by those same actors to justify unwarranted military intervention (Roberts, 2006; Chandler, 2004). Curiously, both perspectives accept the premise that a relatively narrow cross-section of powerful states remain the fulcrum on which the implementation of a doctrine originally intended as a means of circumventing the paralysis surrounding debates over humanitarian intervention turns.

None of this necessarily undercuts the increasingly significant role and impact of norms, rules, and ideas as constituent aspects of the international system (Wendt, 1999; Finnemore, 1996; Onuf, 1989). Yet it does suggest that the potential to affect change in global political processes through the genesis and diffusion of new (favorable) social norms is an endeavor which is itself contingent on states and the international institutions they populate. Though not to diminish the impact of social norms, the emergence and evolution of R2P suggests that the contemporary international system more closely resembles Bull's solidarist conception of an international society of states (1977) than it does a cosmopolitan global social order (Kaldor, 2003; Falk, 1995) – thus rendering states *the* pivotal actors in the process of intersubjective meaning-making.

From Elevation…to Stagnation?

The recognition by both proponents and detractors that prominent states have occupied and continue to occupy a paramount role in determining the fortunes of R2P's implementation stands in profound contradiction to the original ambitions of R2P's architects. At its inception R2P was a doctrine introduced for the express purpose of circumventing the polarizing and politicized debates concerning collective security provision and humanitarian intervention which had come to paralyze international political discourse throughout the 1990s (Bellamy, 2009). This is borne out in the ICISS' explicit desire for 'changing the discourse of intervention' as something that 'may constitute a great step forward', breaking through the limitations imposed by the calculations and machinations of states playing out within venues like the UN Security Council (ICISS, 2001). In seeking to appeal to notions of legal obligation expressed in the UN Charter and other international conventions, one of the chief motivations of the IICIS was to re-frame deliberations over, and decisions concerning, the provision of human security, response to humanitarian crisis, and the prevention of mass atrocities through invoking the concept and related discourse of collective responsibility. This was clearly an ontological and discursive move intended to pare away humanitarian intervention and response from the clutches of *realpolitik*.

From the point of view of its architects, recalibrating the focus on the international community toward the point of view of those individuals rendered insecure, as well as situating the fraught and politically charged concept of humanitarian intervention within a larger continuum of humanitarian 'engagement', were crucial strategic components of the R2P approach (Cohen and Deng, 1998; CCFPD, 2001). In light of this, the articulation of the 'three pillars' could be viewed through an optimistic lens as the culmination of this strategy, or alternatively from a pessimistic standpoint as its ultimate downfall. Either way, it is undeniable is that the logic of the three pillars reflected the presumption on the part of the proponents of R2P at the time of the World Summit that the answer to the persistent state-centric calculations and machinations dominating both the

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debate over and decisions concerning humanitarian intervention was to be found in 'elevating' the issue to the level of mutually shared obligation (Bellamy and Williams, 2011). Indeed, it was this persistent statism that was widely viewed as the central animus both *obstructing* a concerted and forceful response when the need for the provision of humanitarian engagement was widely accepted (as in the Rwandan genocide) as well as *stimulating* such a response when the need for the provision of humanitarian engagement was far from clear-cut, as in Kosovo (Hehir, 2012). Whether with respect to the former scenario, characterized as the problem of 'inhumanitarian non-intervention' (Hehir, 2012: 32), or the latter, roundly criticized as a precursor to (and example of) neo-imperial overreach (Bain, 2006; Fearon and Laitin, 2004), R2P and the discourse of conditional sovereignty and collective responsibility was considered by advocates to represent the best path forward to reconciling the conceptual and political tensions surrounding questions of state sovereignty and humanitarian intervention (Evans, 2004; Slaughter, 2005; Thakur, 2006).

Also undeniable is that the stakes of this 'elevating' strategy were high. The real issue with respect to the introduction of the 'three pillars' on the road to securing UN endorsement of R2P in 2005 and 2006 is not the inevitable (and likely necessary) diplomatic concessions that unfolded in lockstep with the effort to attain UN endorsement of R2P. Rather, the more significant problem, which would continue to dog R2P for years to follow, was the flimsy logic as well as the discursive gymnastics on which the three pillars themselves rested. The argument that R2P should be understood as a bulwark rather than a challenge to state sovereignty is one which the Secretary-General's office continues to advance, even as R2P has come under increasing scrutiny and faced mounting opposition precisely as a function of that rather dubious argument. The flimsiness of this claim was never more evident than as articulated in the Secretary-General's 2009 report: '…the responsibility to protect seeks to strengthen sovereignty, not weaken it. It seeks to help States to succeed, not just to react when they fail.' Yet if anything there has been a 'doubling down' of

sorts through reaffirmations of the equal importance of all three pillars, such as in the 2012

report from the Secretary-General on R2P: '…Without all three, the concept would be

incomplete. All three pillars must be implemented in a manner fully consistent with the purposes,

principles, and provisions of the Charter' (A/66/874–S/2012/578).

Rather than proceeding in such a way as to acknowledge between state sovereignty and

R2P, the introduction of the three pillars sought to 'sell' the dubious claim that external intervention

in the internal affairs of a sovereign state and the preservation of state sovereignty need not be

understood as inconsistent or at odds, but are in fact entirely compatible. This logical slight-of-

hand, supported most notably by the UN Secretariat, was elicited out of a desire to

circumnavigate the 'intervention debate' of the 1990s. The unintentional outcome of this

diplomatic gambit, however, was the ironic consignment of R2P to what is now over a decade of

entanglement within that very same suffocating and circular debate. In light of this, the salience

of the question introduced at the beginning of this chapter – regarding the paradoxical decline of

humanitarian intervention since the supposed emergence of R2P as a norm – is only heightened.

R2P and the Norm Life-Cycle

Animated by this paradox, the central concern of this book is critically interrogating the

claim that R2P has attained the status of a norm in international society. This interrogation will be

oriented around a theoretical (re)appraisal of the dynamics of the norm life-cycle (Finnemore and

Sikkink, 1998) in relation to R2P. This objective will be accomplished through application and

critical reformulation of the norm life cycle model and its three component stages (emergence,

cascade, and internalization) relative to the presumed norm of R2P (see Figure 1). In light of this,

the overarching argument advanced here is that R2P has fallen short of attaining the status of a

social norm in international society, having stagnated rather than fully diffusing after reaching the

'tipping point.'

The chief implication of the dynamic of stagnation within international society as advanced here is the non-attainment of norm internalization. More specifically, the investigation that follows will center on the impact of R2P on prevailing attitudes and discourses concerning humanitarian military intervention as well as the (under)provision of same. If stagnation in the norm diffusion process is revealed through this analysis, we would be left to conclude that the norm life cycle with respect to R2P is currently in a state of dynamic equilibrium (e.g., a 'steady state') – thereby undermining the evolutionary trajectory typically associated with the norm life-cycle.

Figure 1. (Revised) norm life cycle model
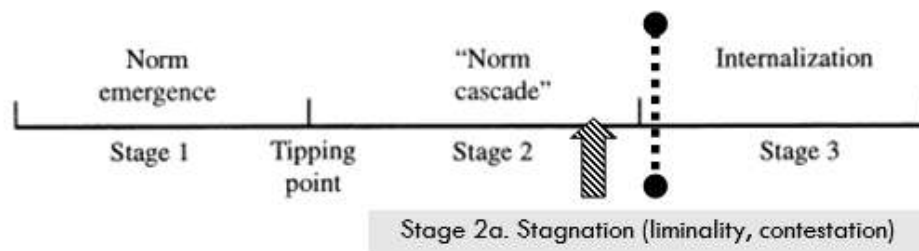
To its proponents, R2P is a welcome and long-overdue attempt to re-fashion a normative and legal order around the promotion of human security, one which specifically emphasizes building the reactive capacity necessary to respond to humanitarian crises. Yet the failure of this objective to be realized – as reflected in the under-provision of humanitarian intervention relative to the persistence and intensity of humanitarian crisis – would stand as a stark indictment of R2P from a normative standpoint. By adopting a needed interpretive and reflexive approach (Gledhill, 2013) to the genesis and development of R2P proposed here, the broader objective of the research is to move beyond the polarizing and often stultifying debate concerning R2P in the quest for a fuller and more thorough understanding of the track record of R2P as an emergent norm –

and by extension, to objectively gauge its prospects to (re)shape attitudes and behavior towards humanitarian intervention going forward.

Pursuing this examination of the normative status of R2P through critical reformulation of the norm life cycle model requires systematic examination of the stages of that model in relation to the (alleged) norm shift concerning R2P and humanitarian action. The application of the (revised) norm life cycle model to the case of R2P and humanitarian military intervention will be carried out through the development of three case studies of humanitarian military interventions in crises of a military-political nature. These case studies, which follow in the three chapters immediately following this one, will provide the opportunity to chronicle discrete events in the larger trajectory of humanitarian military intervention and R2P. Such structured focused comparison (George & McKeown, 1985) will allow for assessment of the political, social, normative, and discursive context surrounding humanitarian crisis and humanitarian military intervention at crucial junctures in the emergence and evolution (and ultimately, stagnation) of R2P as a norm.

Specifically, each of the case studies will feature three components: first, a qualitative assessment of the origins and dynamics of the humanitarian crisis; second, an empirical analysis of the precipitant conditions of the crisis; and third, a critical discourse analysis of deliberations concerning whether, when, and/or how to respond to the crisis by the P-5 states (U.S., Russia, UK, France, China) and key actors within the UN (Secretariat, DPKO, DPA, UNHCR). The common thread running through each of the case studies and their three component parts will be an express focus on and evaluation of the presence, absence, and relative strength of R2P considerations – whether manifest in the precipitant conditions of the crisis, in deliberations concerning response to the crisis, and in any major response or responses that were undertaken. The chief criteria employed for selecting each of the case studies are: 1. the occurrence of a documented incidence of humanitarian crisis, in conjunction with established definitional criteria; 2. humanitarian military intervention by third party actors as a response to said crisis was supplied or widely and seriously considered; 3.

representative temporal distribution or 'spread' over the lifespan of R2P. Based on these criteria, the three case studies to be featured here are Kosovo (1998-1999), Libya (2011-2012), and Syria (2011-present).

These three case studies are useful not only for their contribution to our understanding of each of these particular humanitarian crises and actual/potential humanitarian military interventions, but also because of their general sequential correspondence with each of the phases of the (revised) norm life cycle model (emergence, cascade, stagnation). In this latter aspect they mirror, and consequently allow for broader reflection on, the norm life cycle model itself. The crucial point of orientation for each case study will be R2P as a nascent norm: the presence of conditions in the crisis reflective of R2P considerations, the evidence (or lack thereof) of R2P considerations in the discourse surrounding the actual or potential intervention, and the satisfaction (or not) of R2P considerations in the major response(s) of the international community to the crisis. Orienting the analysis in this way for each of the three case studies will allow for broader investigation of the emergence and evolution of the R2P norm, and whether and to what extent the normative trajectory of R2P matches up with the suppositions of the norm life cycle model.

The intentional efforts of R2P's proponents to render it a new norm allowing for the circumvention of the paralytic humanitarian intervention debate and, more broadly, the extension and provision of human security, is incontrovertible (Serrano, 2011). Indeed, the efforts of a significant number of norm entrepreneurs to elevate humanitarian engagement to the status of an obligation and broaden it to include the prevention of mass atrocities and the rebuilding of societies shattered by conflict - thereby transforming prevailing conceptions of state sovereignty - support precisely this characterization (Bailey, 2008). Yet every bit as incontrovertible is the reality that – as the persistent absence of extensive and concerted collective responses to humanitarian crises reveals – R2P has yet to cascade throughout international society and be internalized by actors (states) within that society. The defining conditions of that dynamic, in which an increasing number of states

adopt a new norm as a result of international and transnational socialization, have yet to be

realized with respect to R2P (Capie, 2012).

So what happened to R2P in its journey along the trajectory of the norm life-cycle? The

proposition to be examined here is that, upon reaching the 'tipping point' in the model, R2P

stagnated rather than diffused. As defined by Finnemore and Sikkink (1998), the tipping point

represents a threshold or gateway for a new norm to cascade through the system, become

internalized by agents, and eventually and accordingly redefine social behavior. For a new norm to

pass this threshold requires it to satisfy two conditions: one, that it attract a 'critical mass' of support

from a sufficient number of states in the system (they posit one-third); and two, that it be embraced

by an issue-specific subset of 'critical states', or those states without whom achievement of the

substantive goals attendant in the norm-shift would be compromised (*ibid.*). As they envision it:

> what happens at the tipping point is that enough states and enough critical states
> endorse the new norm to redefine appropriate behavior for the identity called 'state'
> or some relevant subset of states (Finnemore and Sikkink, 1998: 902)

In light of this conceptualization of the 'tipping point', R2P's endorsement by the UN General

Assembly (2005) as well as the UN Security Council (2006) would seem to satisfy both conditions.

However, from the standpoint of the norm life-cycle model, this poses a quandary: if R2P reached

the 'tipping point', we should expect to see an extensive diffusion and internalization as it matures

into a norm. So too would we expect to see evident and widespread transformation in behaviors of

concern – here, humanitarian intervention - by constituent members of international society – here,

powerful states and the UN.

Rather, as the preceding discussion indicates, R2P remains in a state of limbo or interregnum,

with the ideas undergirding it remaining the subject of intense contestation (Betti, 2012). This

contestation and its (negative) ramifications for the implementation of R2P are in turn indicative of

stagnation in the norm life-cycle somewhere between the emergence and cascade stages. If, as the

originators of the norm life-cycle model themselves claim, 'new norms never enter a normative

vacuum but instead emerge in a highly contested normative space where they must compete with other norms and perceptions of interest' (Finnemore and Sikkink, 1998: 897), a better understanding of that contested normative space, and the dynamics that may explain the inability of R2P to attain the status of a behavior-directing norm, seems imperative.

SOURCES CITED

Bailey, Jennifer L. 2008. "Arrested Development: The Fight to End Commercial Whaling as a Case of Failed Norm Change," *European Journal of International Relations* 14(2): 289-318.

Bain, William. 2006. "In Praise of Folly: International Administration and the Corruption of Humanity," *International Affairs* 82 (3): 525–538.

Bellamy, Alex J. and Paul D. Williams. 2011. "The New Politics of Protection? Cote d'Ivoire, Libya, and the Responsibility to Protect," *International Affairs* 87: 825-850.

Bellamy, Alex J. (with Carolina Hernandez, Pierre Lizee, and Rizal Sukma). 2011. "Responsibility to Protect: Delivering on the Promise," *Pacific Forum CSIS Issues and Insights*, vol. 11, no. 7. July 2011.

Bellamy, Alex J. 2009. *Responsibility to Protect: The Global Effort to End Mass Atrocities*. Malden, MA: Polity Press.

Berkman, Tobias and Victoria K. Holt. 2006. *The Impossible Mandate? Military Preparedness, The Responsibility to Protect, and Modern Peace Operations*. Washington, D.C.: The Henry L. Stimson Center.

Betti, Andrea. 2012. *Legitimate and Contested: How States Respond to International Norms*. Doctoral dissertation, submitted to University of Trento, School of International Studies.

Bicchieri, Christina, Jeffrey, Richard, and Brian Skyrms (eds.). 1997. *The Dynamics of Norms*. Cambridge: Cambridge University Press.

Booth, Ken. 1991. "Security and Emancipation," *Review of International Studies* 17(4): 313-326.

Byers, Michael. 2005. "High Ground Lost on UN's Responsibility to Protect" *Winnipeg Free Press,* 18 Sept 2005.

Capie, David. 2012. "The Responsibility to Protect Norm in Southeast Asia: Framing, Resistance, and the Localization Myth," *The Pacific Review* 25(1): 75-93.

Chandler, David. 2004. "The Responsibility to Protect? Imposing the 'Liberal Peace'", *International Peacekeeping* 11(1): 59-81.

Chesterman, Simon. 2009. Book Review: *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*, (G. Evans). *Cambridge Review of International Affairs* 29: 541-543.

Claude, Inis L. 1963. *Swords into Ploughshares: The Problems and Progress of International Organization*. New York: McGraw Hill.

Cohen, Roberta and Francis M. Deng. 1998. *Masses in Flight: The Global Crisis of Internal Displacement*. Washington, D.C. : Brookings Institution Press.

Evans, Gareth. 2011. "The Responsibility to Protect: The First Decade," *Global Responsibility to Protect* 3: 387-399.

Evans, Gareth. 2009. "The Responsibility to Protect: From an Idea to an International Norm," in R.H. Cooper and J.V. Kohler (eds.), *Responsibility to Protect: The Global Moral Compact for the 21st Century,* (pp.15-30). Basingstoke/New York: Palgrave Macmillan.

Evans, Gareth. 2008. *The Responsibility to Protect: Ending Mass Atrocities Once and for All.* Washington, D.C>: Brookings University Press.

Evans, Gareth. 2006. "Crimes against Humanity: Overcoming Global Indifference," *Journal of Genocide Research* 8: 325-339.

Evans, Gareth. 2004. "The Responsibility to Protect: Rethinking Humanitarian Intervention," *American Society of International Law* 98: 78-89.

Falk, Richard. 1995. *On Humane Governance: Toward a New Global Politics*. Cambridge: Polity.

Fearon, James D. and David D. Laitin. 2004. "Neotrusteeship and the Problem of Weak States," *International Security* 28(4): 5-43.

Finnemore, Martha and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change," *International Organization 52*(4): 887-917.

Finnemore, Martha. 1996. *National Interests and International Society*. Cornell University Press.

Glanville, Luke. 2014. *Sovereignty and the Responsibility to Protect: A New History*. University of Chicago Press.

Government of Canada. Undated. "Non-Paper on The Responsibility to Protect and the Evolution of the United Nations Peace and Security Mandate: Submission to the UN High-Level Panel on Threats, Challenges and Change."

Hampson, Fen Osler. 2002. *Madness in the Multitude: Human Security and World Disorder*. Oxford University Press.

Harrison, Ewan. 2004. "State Socialization, International Norm Dynamics, and the Liberal Peace," *International Politics* 41: 521-542.

Hehir. Aidan. 2012. *The Responsibility to Protect: Rhetoric, Reality, and the Future of Humanitarian Intervention*. Basingstoke/New York: Palgrave Macmillan.

Hehir, Aidan. 2010. "The Responsibility to Protect: Sound and Fury Signifying Nothing?" *International Relations* 24(2): 218-239.

Hoffmann, Matthew J. 2002. "Entrepreneurs and the Emergence and Evolution of Social Norms," in Proceedings of Agent-Based Simulation 3 Conference, edited by Christoph Urban. Ghent, Belgium: SCS-Europe (2002): 32-37.

International Commission on Intervention and State Sovereignty (ICISS). 2001. *The Responsibility to Protect*. Ottawa: International Development Research Centre.

Kaldor, Mary. 2003. *Global Civil Society: An Answer to War*. Cambridge: Polity.
Krook, Mona L. and Jacqui True. 2012. "Rethinking the Life Cycles of International Norms: The United Nations and the Global Promotion of Gender Equality," *European Journal of International Relations* 18(1): 103-127.

Luck, Edward C. 2008. "Introduction: The Responsible Sovereign and the Responsibility to Protect," in *Annual Review of United Nations Affairs 2006/2007*. New York: Oxford University Press, vol. 1: pp. xxxiii-xliv.

Macfarlane, Neil, Thielking, Carolin J., and Thomas Weiss. 2004. "The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention?," *Third World Quarterly* 25(5): 977-992.

McKeown, Ryder. 2009. "Norm Regress: US Revisionism and the Slow Death of the Torture Norm," *International Relations* 23(1): 5-25.

Onuf, Nicholas. 1989. *World of Our Making: Rules and Rule in Social Theory and International Relations*. University of South Carolina Press.

Panke, Diana and Ulrich Petersohn. 2012. "Why International Norms Disappear Sometimes," *European Journal of International Relations* 18(4): 719-742.

Paris, Roland. 2001. "Human Security: Paradigm Shift or Hot Air?" *International Security* 26(2): 87-102.

Payandeh, Mehrdad. 2009. "With Great Powers Comes Great Responsibility? The Concept of the Responsibility to Protect Within the Process of International Lawmaking," *Yale Journal of International Law* 35 no. 2 (Fall 2009): 471.

Payne, Rodger A. 2001. "Persuasion, Frames and Norm Construction," *European Journal of International Relations*, 7(1): 37-62.

Porter, Jessica. 2008. "The Responsibility to Protect: A Normative Analysis." Masters diss., University of Western Australia, Department of Political Science and International Relations.

Roberts, Adam. 2006. "The United Nations and Humanitarian Intervention," in J. Welsh (ed.), *Humanitarian Intervention and International Relations*. Oxford: Oxford University Press.

Sarkin, Jeremy. 2009. "Why the Responsibility to Protect (R2P) as a Doctrine or (Emerging) Norm to Prevent Genocide and Other Massive Human Rights Violations is on the Decline: The Role of Principles, Pragmatism, and the Shifting Patterns of International Relations." *Politorbis* 47 (2): 51-64.

Schulz, William. 2009. "Spread Wide the Word: Organizing the Grassroots to End Atrocity Crimes," in R.H. Cooper and J.V. Kohler (eds.), *Responsibility to Protect: The Global Moral Compact for the 21st Century*, (pp. 145-160). Basingstoke/New York: Palgrave Macmillan.

Serrano, Mónica. 2011. "The Responsibility to Protect and its Critics: Explaining the Consensus," *Global Responsibility to Protect* 3: 425-437.

Sharma, Serena K. 2010. "Toward a Global Responsibility to Protect: Setbacks on the Path to Implementation." *Global Governance* 16: 121-138.

Slaughter, Anne-Marie. 2005. "Security, Solidarity, and Sovereignty: The Grand Themes of UN Reform," *The American Journal of International Law* 99: 619-631.

Thakur, Ramesh. 2006. *The United Nations, Peace, and Security: From Collective Security to the Responsibility to Protect*. Cambridge: Cambridge University Press.

Sniderman, Paul M. and Sean M. Theriault 2004. The Structure of Political Argument and the Logic of Issue Framing," In Willem Saris and Paul M. Sniderman (*eds.*), *Studies in Public Opinion*, pp. 133-165. Princeton: Princeton University Press.

Ullmann-Margalit, Edna. 1977. *The Emergence of Norms*. Oxford: The Clarendon Press.

UN Commission on Human Rights. 1993. "Responses of Governments and Agencies to the Report of the UN Special Representative for Internally Displaced Persons." E/CN.4/1993/SR40.

Weiss, Thomas G. 2012. *Humanitarian Intervention: Ideas in Action (2nd ed.)*. London: Polity.

Welsh, Jennifer M. and Maria Banda. 2010. "International Law and the Responsibility to Protect: Clarifying or Expanding States' Responsibilities?" *Global Responsibility to Protect* 2 (2010): 230

Welsh, Jennifer M. (ed.). 2004. *Humanitarian Intervention and International Relations*. Oxford: Oxford University Press.

Wendt, Alexander. 1999. *Social Theory of International Politics*. Cambridge: Cambridge University Press.

Wheeler, Nicholas J. 2005. "A Victory for Common Humanity? The Responsibility to Protect after the 2005 World Summit." Paper presented to *The UN at Sixty: Celebration or Wake?* University of Toronto, 6-7 October 2005.