

The **Responsibility** **to** **Protect**

Between the 2001 ICISS report and
the 2011 intervention in Libya

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Abstract (EN)

This paper attempts to explain the emergence and evolution of the Responsibility to Protect (RtoP) norm between the 2001 ICISS report and the 2011 military intervention in the Libyan Arab Jamahiriya. Neorealist International Relations theory cannot explain why states at the 2005 UN World Summit unanimously adopted a principle which fundamentally violates the Westphalian conception of sovereignty. By conceptualizing sovereignty as a shared collection of norms which are socially constructed in time and space, constructivism offers a fruitful theoretical perspective for analysing the emergence and evolution of international norms, such as RtoP. Following Krook and True (2010) this paper adopts a discursive approach to norms as a set of articulations by political actors which together constitute an internationally shared standard of appropriate behaviour for states in the international system. Using the method of Critical Frame Analysis, research was conducted on nine key policy documents from RtoP's life cycle. The results find that a crucial tandem of norm entrepreneurs succeeded in putting RtoP in the international political agenda; that the articles adopted at the 2005 UN World Summit were vague enough to be accepted by the majority of states in the system, while they at the same time became subject of debate between those same states; and that the 'application' of RtoP in UN Security Council resolution 1973 spurred renewed and intensified debate over the norms' substantive content.

Samenvatting (NL)

Dit paper poogt een verklaring te geven voor het ontstaan en evolueren van de Verantwoordelijkheid tot Bescherming (VtB) norm vanaf het in 2001 gepubliceerde ICISS rapport en de militaire interventie in Libië in 2011. Neorealistische theorieën binnen Internationale Betrekkingen kunnen niet verklaren waarom staten tijdens de VN Wereldtop in 2005 unaniem een principe aannamen dat fundamenteel strijdig is met de Westfaalse conceptie van soevereiniteit. Het constructivisme biedt, door soevereiniteit te conceptualiseren als een gedeelde verzameling van normen welke sociaal zijn geconstrueerd in tijd en ruimte, een vruchtbaar theoretisch perspectief om het ontstaan en de evolutie van internationale normen, - zoals de VtB, - te analyseren. Dit paper gaat, in navolging van Krook en True (2010), uit van een discursieve benadering van normen als lopende ontwikkelingen, waarin normen worden beschouwd als een set van articulaties door politieke actoren, welke samen een internationale gedeelde opvatting van juist gedrag vormen. Door het gebruik van kritische analyse van frames is onderzoek uitgevoerd op negen cruciale beleidsdocumenten betreffende VtB. Geconcludeerd kan worden dat een cruciale tandem van norm entrepreneurs er in is geslaagd de VtB op de internationale politieke agenda te plaatsen; dat de principes die in 2005 zijn aangenomen voldoende vaag zijn geformuleerd om gelijktijdig door de meerderheid van staten te worden erkend én door diezelfde staten worden bediscussieerd; en dat de 'toepassing' van VtB in VN Veiligheidsraadresolutie 1973 leidde tot een hernieuwd en geïntensiveerd debat over VtB substantiële inhoud.

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Foreword & Acknowledgements

The subject matter of this thesis was chosen in cooperation with my thesis supervisor in the spring of 2013. At the time the start of both the revolution in Libya and the conflict in Syria were exactly two years ago. While Libya had since virtually disappeared from most of the international media horizon, Syria's presence in the international virtual spotlight was intensified as the first reports on the use of illegal chemical weapons were published. While Libya was far from peaceful and prospering, the organized armed violence had virtually stopped, at a toll of 10.000 to 15.000 human lives. By contrast, the conflict in Syria had been increasingly escalated, with an estimated 70.000 lives lost after two years of violence. Today, after another year of devastating violence, the most optimistic estimates report at least double that number, with about half of the population of Syria in- or externally displaced, without any foreseeable end to the conflict in sight.

During another class, I had already explored the intractable dynamics and details of the conflict in Syria in the form of a policy brief. I realized that the scale and complexity of the conflict, the high number and diffusive nature of all the actors involved and the sheer amount of material available about the conflict would make it very difficult to write a concise, constructive thesis about it without getting lost in the stream of events, sources and interpretations.

I decided instead to take the Responsibility to Protect (RtoP), the concept so much talked about in relation to Libya, and so little in relation to Syria, as a subject for my thesis. The debate in the media about RtoP was, and is, very black and white, especially when discussed in relation to particular crises. The goal of my research was then very straightforward: write a nuanced account of the emergence and evolution of RtoP, which would do justice to its contingencies and complexities, while keeping a hold of what makes the norm potentially so important – the tension between national sovereignty and human rights. I feel that with applying a discursive approach to norms as processes to the issue, and using Critical Frame Analysis as a method, this has been achieved satisfactorily.

Part of this thesis has been written during an internship at the Europe department of the Netherlands Ministry of Foreign Affairs, in the Hague. Even though all in all it has been a mixed experience, I am grateful that I postponed finishing this thesis until afterwards, because it gave me the chance to discuss the subject matter with a great number of people professionally involved with international affairs. I am particularly grateful to dr. Abiodun Williams and mr. Bartjan Wegter, who were so kind to share their particular expertise with me in two interviews.¹ I also want to thank my supervisor prof. dr. Bertjan Verbeek, who has been very helpful in guiding me through the process of writing (and re-writing) this thesis. Finally, I want to thank my fellow students for proofreading this thesis, the valuable questions they raised and the 'thesis talks' we had in long breaks with lots of coffee.

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¹ Dr. Williams served as Director of Strategic Planning at the Executive office of the UN Secretary General from 2001 to 2007, and is currently Director of the Hague Institute for Global Justice. Mr. Bartjan Wegter served as Deputy Head of the Political Affairs section at the Netherlands representation to the UN from 2006 to 2010, and was responsible for the Dutch standpoint on RtoP in the UN General Assembly.

Global Norms in Practice: The Responsibility to Protect from the 2001 ICISS report to the 2011 military intervention in Libya

Chapter one; Introduction

In September 2005 at the United Nations (UN) World Summit in New York, the General Assembly (UNGA) unanimously adopted the principle of 'Responsibility to Protect' (RtoP). On March 17th 2011 the UN Security Council (UNSC) adopted resolution number 1973, which demanded an immediate ceasefire of all hostilities in the civil conflict in Libya and authorized the international community to impose a no-fly zone to enforce this ceasefire. It authorized all UN member states "...to take all necessary measures... to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding an occupation force". On March 19th, implementation of resolution 1973 commenced as French fighter jets bombed military vehicles belonging to the Ghadaffi regime that were advancing on the rebel stronghold of Benghazi. On March 31st the North Atlantic Treaty Organization (NATO) assumed command of all operations relating to enforcement of the no-fly zone, which ultimately and actively helped foster regime change in Libya. On October 31st the UN effectively ended NATO's mandate for military action on the basis of resolution 1973.

The military intervention in Libya, as enforcement of the no-fly zone, was the first time that the UNSC explicitly authorized the use of military force against the will of an acting domestic government with reference to RtoP principle. UN Secretary-General Ban Ki-moon declared "The Security Council today has taken an historic decision. Resolution 1973 affirms, clearly and unequivocally, the international community's determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their government".² How can one account for these sequential developments? To explain the military intervention in Libya in terms of the RtoP principle leads to questioning of what RtoP *is* and of *how* it acquired the meaning given to it in resolution 1973. In this thesis the RtoP principle is analysed as an emerging or evolving international *norm*, in the sense of an internationally shared standard of appropriate behaviour for actors with a given identity (Katzenstein 1996b, 5; Finnemore 1996a, 22; and Klotz 1995b). Furthermore, the evolution of RtoP as an international norm is contrasted with the collection of norms that constitute sovereignty, therein engaging with the broader debate about the tension between popular sovereignty and human rights enforcement (Glanville, 2011; Piiparinen, 2012).

1.1 The Responsibility to Protect

'Responsibility to Protect' (RtoP) was first coined as a term in a 2001 report by the International Commission on Intervention and State Sovereignty (ICISS). The ICISS was charged by the Canadian government with conceptualizing humanitarian intervention in the light of the crises in Rwanda, Bosnia and Kosovo and the challenge, subsequently articulated by UN Secretary-General Kofi Annan, to resolve the tension between national sovereignty and individual human rights. In brief, the commission's recommendations entailed that when sovereign states are unwilling or unable to protect their citizens from grave harm, the principle of non-interference should yield to the responsibility to protect. These responsibilities, including prevention, non-violent means of intervention, military action and post-conflict rebuilding then fall to the international community (Bellamy, 2008: 620 - 621). The direct impact from the report is seen in the 2002 constitutive act of the African Union (AU), which reads in article 4(H) that the AU affirms "The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity".

² Ban Ki-moon, "Statement by the Secretary-General on Libya", New York City, New York, March 17, 2011.

The ICISS report is widely perceived as the crucial building block in the RtoP principle. However, the paragraphs on RtoP that were ultimately adopted at the UN world summit in 2005 differ substantially from the concept as it was laid out in 2001. From the 2005 UN World Summit Outcome document;

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

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

These two paragraphs are the only official articulation at the level of the UN of what RtoP is. All reflections of, discussions about- and resolutions referring to RtoP have these articulations as their point of reference. In this articulation there are no proposed criteria to guide decision making about the circumstances that would qualify for 'collective action'. Moreover, the full power to authorize state actions is left in the hands of the UNSC. This has led the majority of commentators to conclude that the actual principle which was adopted by the UN General Assembly is a 'watered down version' of the ICISS report (Badescu and Bergholm, 2009: 123 – 124). However, other experts note that the basic principle is still upheld that responsibility for the protection of citizens from genocide, war crimes, ethnic cleansing and crimes against humanity lies both with the national authorities in question and, - in case these 'manifestly fail' to do so, - with the wider international community. Bellamy here observed that it is not the nature of the responsibility, but the definition of the most appropriate means of enforcement that has changed (Bellamy, 2008: 624). It is precisely in these different and opposing interpretations of RtoP that the principle becomes an interesting subject of political inquiry. If the origins and precise content of a principle become contested, then the principle itself has become in its essence political. As an inquiry: *How* did the RtoP principle acquire a certain (shared, differentiated or opposed) meaning for certain actors with a given identity? Or in other words: how did RtoP acquire meaning as an international *norm* between the coining of the term in 2001 and the military intervention in Libya in 2011?

1.2 RtoP in International Relations Theory

The unanimous commitment to the principle of RtoP by all states present at the 2005 UN World Summit is puzzling to the dominant strand in International Relations (IR) theorizing, neorealism. Scholars doing research within the neorealist paradigm conduct their inquiry on the basis of the assumption that unitary sovereign states interact with each other in an international system that is characterized by the absence of any higher authority. This systemic condition of anarchy is the opposite of hierarchy, which is only found within sovereign

states. Whenever states do enter into an agreement with each other, the resulting treaty, convention, rule, or international organization will just be a reflection of their relative material power positions. Whenever the balance of power between the states in the system changes, the respective treaty, convention, rule or international organization will have to adapt to the new reality, or else it will be marginalized (Waltz, 1979: chapter 3 – 6). Just the mere fact that the principle of RtoP was adopted unanimously, by states across the whole balance of power structure including the major powers, cannot be explained by pure neorealist reasoning.

A related and even more severe problem for neorealist theorizing in comprehending RtoP is that the principle fundamentally violates the institution of national sovereignty, more specifically the non-intervention principle. Stephen Krasner writes of what he terms 'Westphalian Sovereignty' that it rests on the basic rule that states should refrain from intervening in the internal affairs of other states. Although sovereignty has in practice been repeatedly violated over the course of the last 350 years, it has never been fundamentally contested as an institution. Sovereignty has in political science commonly been defined in terms of the traditional principles of a state's territoriality, authority over its population, its monopoly on violence and the principle of non-intervention (Krasner, 1999: 17, 20 - 25). By unanimously stipulating that "...we [all UN member states] are prepared to take collective action [to protect populations from war crimes, ethnic cleansing and crimes against humanity] in case national authorities manifestly fail to do so..." the states effectively declare that under the stipulated circumstances, their sovereignty and their right to non-intervention yield to the responsibility to protect. States that collectively approve of this cease of sovereignty in the name of an abstract principle pose a severe problem for any neorealist account of international politics.

RtoP thus challenges Neorealist IR theory by both the unanimous character of its 2005 adoption and the voluntary limitations inflicted upon national sovereignty. The constructivist solution to this challenge would be to consider the role ideas, identities, rules and norms have in shaping outcomes in IR. Contra neorealist theorizing, constructivists argue that the structure of international politics is made up of '*ideas, almost all the way down*' (Wendt, 1999). For constructivists, state behaviour is based on internationally shared ideas about how international politics does and should look like. Constructivist research recognizes state sovereignty itself as a collection of shared norms. As such, constructivism is ideally suited to analyse the effects RtoP as a norm has on sovereignty. Instead of viewing the emergence and evolution of RtoP as an anomaly or as an insignificant development (as neorealism does), constructivism is able to analyse the interaction between both concept as norms.

Martha Finnemore and Kathryn Sikkink are among the pioneers of research on norms in IR, and established an authoritative framework for conceptualizing the emergence and evolution of international norms (Finnemore and Sikkink, 1998). Their Norm Life Cycle framework presents a detailed theory about how international norms emerge, evolve and finally are internalized by state actors. RtoP is an interesting case of an international norm because of its recent appearance, its potential far-reaching implications and its alleged capacity to influence events in international politics. By applying a discursive variant of Norm Cycle Theory to RtoP this thesis attempts to explain the emergence and evolution of the norm between 2001 and the 2011 intervention in Libya, and thus solve the puzzle left unresolved by neorealism. Furthermore, by contrasting the emergence of RtoP with the collection of norms that make up sovereignty, this thesis attempts to situate the evolution of RtoP within the broader debate about whether sovereignty is undergoing a fundamental transformation, away from the Westphalia model.

The research question adopted in this thesis is formulated as follows;

To what extent can discursive Norm Cycle Theory explain the emergence and evolution of the Responsibility to Protect norm between the 2001 ICISS report and the intervention in Libya in 2011?

1.3 The relevance of RtoP

This inquiry is scientifically relevant because it contributes to the academic debate about RtoP. Some scholars, often political proponents of RtoP, argue that the evolution of RtoP as a norm marks the most significant alteration of sovereignty since the peace of Westphalia in 1648 (Thakur, 2011). On the other end of the spectrum we find academics who are sceptical of RtoP, and who argue that it “cannot be considered to be a ‘new’ or ‘emerging’ norm because the vast majority of states simply does not want to be legally bound to save strangers in remote regions of the world” (Reinold, 2010: 77 – 78). What claims do these authors make about what constitutes a norm? According to what arguments do they interpret RtoP to be an influential emerging norm, or not? By applying discursive Norm Cycle Theory to RtoP this thesis attempts to shed new light on these issues.

In a broader theoretical sense, the research is relevant because it engages with the rationalist – constructivist debate about how to theorize change within the international political system. Rationalist accounts of international politics, which conceptualize the structure of the international system as being based on a material balance of power constellation, are notoriously bad at explaining change. The seminal example here is the failure of rationalism in predicting and explaining the end of the Cold War. Constructivists theorize the macro-level structure of international politics as consisting of the international distribution of ideas. For these theories, shared ideas, expectations, and beliefs about standards of appropriate behaviour give the world structure, order and stability (Wendt, 1999). If ideas make up the actual structure of the international system, then normative change is the key to explaining change in the system. For this reason, Finnemore and Sikkink claim that shifts in norms are to the constructivist theorist what changes in the balance of power are to the neorealist (1998: 894). Because of the recent emergence and the possible far-reaching implications of RtoP, its status as a norm is a crucial case for conceptualizing normative change.

Finally, the research is socially relevant because it deals with the tension between national sovereignty and respect for human rights, a significant and recurring topic in the realm of international politics. Atrocities in the developing world often cause heated debates in national political and policy circles of the developed world. Military intervention has severe effects on the country concerned, which have to be set against the costs of sustained atrocities. Intervention often carries overtones of neo-colonialism or neo-imperialism. That intervention in any sovereign state, however small, is a matter of concern for great power politics is seen from the heated debate over stretching of the mandate provided by UNSC resolution 1973 (‘mission creep’). In the end, intervention is a distinctly political subject. Interventionists often claim testimony to the greatest 20th century horrors to legitimize their political stance. To quote from Kofi Annan’s famous Millennium Report: ‘If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violations of human rights that offend every precept of our common humanity?’. The main point of this enquiry is that any answer to this question, as much as it is ethical, legal, moral or pragmatic, is inherently *political*.

1.4 Thesis Structure

This paper, submitted as a thesis to obtain the title of Master of Political Science at Radboud University Nijmegen, consists of six chapters. In this first chapter RtoP is introduced as a topic, its academic and social relevance is listed and the research question is formulated. In the next chapter constructivist research on norms is discussed, with a focus on classic Norm Cycle Theory and its various alternatives. In chapter three theoretical and concrete hypotheses are constructed, important concepts are operationalised, and it is explained how Critical Frame Analysis is employed to track the origins and evolution of RtoP. Chapter four is about the empirical analysis, which consists of both a narrative and a analytical half. Chapter five then constructs answers to the hypothesis on the basis of the analysis. Finally, empirical and theoretical conclusions are drawn up in chapter six.

Chapter two; Theoretical Framework

Norm cycle theory is but one exponent of the renewed interest in the ideational and normative aspects of IR. This renewed interest has manifested itself since the 1990s as the 'Ideational turn' (March and Olsen 1998) or the 'Constructivist Turn' (Checkel, 1998). Broadly termed constructivism since then, this body of research has sought to account for how interest, identities and preferences of actors within IR come to be construed. Constructivists have consciously distanced themselves from rationalist theories which view ideational constructs as given outcomes, such as neo-realism and neo-liberalism (Ruggie, 1998). First, constructivism entails the claim that the material structures of international politics only acquire meaning via the social context through which they are interpreted. This echoes Wendt's statement that the structure of international politics is made up of ideas, almost all the way down. Second, it follows that the social ontology of IR comes about through interaction between actors in the international system. Social interaction establishes the mutually constitutive relations between political agents and the structure of the system through which intersubjective understandings about international politics are generated. Constructivism thus challenges the methodological individualism inherent to rationalism by posing a social theory of international relations, based on collective intentionality (Checkel, 1998; Wendt, 1999). An interest in how ideas and norms influence the social construction of interests and preferences of actors within IR is therefore inherent to the constructivist research endeavour.

2.1 The Norm Life Cycle

The seminal publication about research on norms in IR is "*International Norm Dynamics and Political Change*" by Finnemore and Sikkink. In this article they argue why international norms are an important subject of study, and lay out a detailed framework of how to operationalize norm research. The article explicates 1) how to account for the origins of international norms; 2) the processes by which norms influence state behaviour; and 3) which norms will matter under which conditions. Before elaborating on the actual framework, it is important to distinguish between norms and institutions, and between domestic and international norms. A *norm* per definition isolates a single shared standard of appropriate behaviour, whereas *institutions* refer to a collection of behavioural rules and practices that interact to produce a given social fact. A clear example of a norm would be the taboo on the use of chemical weapons in regular warfare (Price, 1995), whereas sovereignty is a prime instance of an institution (Spruyt, 1994; Krasner, 1999). A *domestic* norm originates as a standard of behaviour regulation interaction between states and their citizens. An *international* norm originates as a standard of behaviour regulation the interactions between different states in the international system. An example of the former would be the early stages of women's suffrage (Dubois, 1994). An example of the latter can be found in the rule not to assassinate leaders of foreign governments (Fischer, 2006). Finnemore and Sikkink specify that their framework is applicable to both domestic and international norms (1998: 891 – 893).

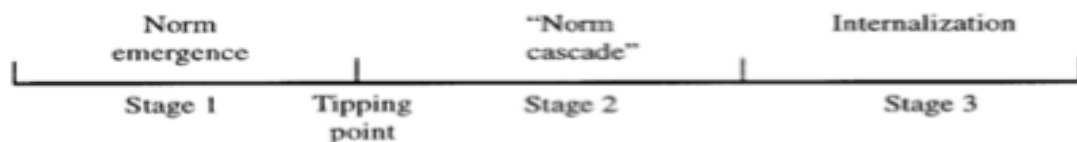


Figure 1; *The Norm Life Cycle* (Finnemore & Sikkink, 1998: 896).

2.1.1 Norm Emergence

The origins of international norms are accounted for by the first stage of the Norm Life Cycle, "norm emergence". The defining characteristic of this phase of the cycle is persuasion by norm entrepreneurs.

Working from an organizational platform, these entrepreneurs try to convince a critical mass of states to become norm leaders, in order for the norm to reach a tipping point. *Norm entrepreneurs* are agents who actively build norms based on strong notions of what constitutes appropriate or desirable behaviour. Norm entrepreneurs are crucial for norm emergence because they are the ones calling attention to certain issues, or even create new issues by engaging in a process of reinterpretation and renaming of existing issues – also known as framing. *Framing* is necessary because a new norm does not emerge in a normative vacuum, but has to compete with other existing norms and interpretations. Norm entrepreneurs are mainly motivated by empathy, altruism and ideational commitment. *Persuasion* is the process by which norm entrepreneurs try to alter the utility calculations of states by imbuing the new normative commitment on the states standard of what is seen as appropriate behaviour. The persuasiveness of a new norm is for a large part tied to how well it fits the existing normative framework. The *organizational platform* is the organization, or network of organizations from which the norm entrepreneur(s) operate. It can be a non-governmental organization (NGO) such as the International Committee on the Red Cross, a transnational actor network (TAN) such as the Helsinki Watch Groups, or an established International Organization (IO) such as the World Bank, International Labour Organization or the UN. All organizational platforms share their strategic use of expertise and information to change the behaviour of states. Furthermore, organizational platforms often form the crucial link in the provision of information to target audiences, in particular media and decision makers. *Norm leaders* are all the states that are early adopters of the new norm, and actively promote their adoption by other states in the system. When the *tipping point*, or critical mass of states that adopted the norm is reached, we can establish that a norm has emerged and is now able to cascade through the international system. Finnemore and Sikkink theorize that one third of all states in the system is can be considered as the minimum for reaching the tipping point. It then also matters how powerful and prominent the adopting states are, and whether certain crucial states are among them. It is generally agreed upon that a new norm has to be institutionalized in specific sets of international rules and organizations before it is likely to reach a meaningful tipping point.

2.1.2 Norm Cascade

The evolution of international norms is accounted for by the second stage of the Norm Life Cycle, “norm cascade”. The defining characteristic of this phase of the cycle is socialization of other states to become norm followers. Up to the tipping point, normative change mainly comes about by significant domestic movements supporting such change. After the tipping point, it is mainly horizontal pressure from states, TAN’s and IO’s that drives normative change. Through strategic use of legitimation, conformity and esteem as motivational factors, norm leaders try to put pressure on their peer states to adopt the new norm. *Socialization* in international politics consists of diplomatic praise or censure, either bilateral or multilateral, which is reinforced by material sanctions and incentives. States are sensitive to socialization during the norm cascade because it affects their identity in relation to the international community. At the tipping point, enough (critical) states endorse the new norm to redefine what constitutes appropriate behaviour for the entity called “state”. As such, the cumulative effect of socialization is comparable to “peer pressure”. *Legitimation* refers both to the state being seen as a legitimate actor in international relations, and to the state being perceived as legitimate by its own citizens. The former is necessary for a state to effectively exercise its diplomatic relations with other states, and so ensure its position within the system. The latter is important to keep up its domestic authority, and thus its capacity to mobilize its national resources. *Conformity* entails that a state adopts a norm because it wants to show that it belongs to a certain social group of states. *Esteem* relates to both legitimation and conformity, in that state leaders comply with norms because they want other to think positively of them.

2.1.3 Norm Internalization

At the ultimate end of a norm cascade, norms will be so widely accepted that they are internalized by actors, and therefore come to institute the new standard of appropriate behaviour. In this situation, a norm will constitute a part of the existing normative framework, against which all actions and new norms will be

evaluated. Most actors most of the time do not recognize the norm as such, which ensures that conformity with it will take an almost automatic character. With this, the Norm Life Cycle has come full circle. The normative framework of international politics has changed, and all future emerging norms have to contend with this new normative status quo.

	<i>Stage 1</i> <i>Norm emergence</i>	<i>Stage 2</i> <i>Norm cascade</i>	<i>Stage 3</i> <i>Internalization</i>
<i>Actors</i>	Norm entrepreneurs with organizational platforms	States, international organizations, networks	Law, professions, bureaucracy
<i>Motives</i>	Altruism, empathy, ideational, commitment	Legitimacy, reputation, esteem	Conformity
<i>Dominant mechanisms</i>	Persuasion	Socialization, institutionalization, demonstration	Habit, institutionalization

Table 1; Stages of Norm Life Cycle (Finnemore & Sikkink, 1998: 898).

2.2 Application of Norm Cycle Theory

As for domestic norms, Norm Cycle Theory has primarily been applied to norms that somehow relate to human rights. This is hardly surprising given the prominence of rights based discourse that governs the literature on relations between the modern state and its citizens. This for example entails suffrage rights, more specifically those of women (Finnemore and Sikkink, 1998); liberal democratic rights more generally (Thomas, 2001); labour standards (Payne, 2001); prohibitions against slavery (Kaufman and Pape, 1999); and condemnations of apartheid (Klotz, 1995).

With international norms, research applying Norm Cycle Theory has for a large part focussed on security issues. This includes for example the building of cooperative security (Adler, 2008); humanitarian intervention (Finnemore, 1996); crisis evacuation (Carpenter, 2003; *ibid*, 2007); and restricting certain modes of warfare such as the use of chemical weapons, nuclear weapons and anti-personal landmines (Price, 1995; Katzenstein et al., 1996; Price, 1997). Furthermore, research has also been conducted on issues such as election monitoring (Kelley, 2008) and the hunting of endangered species (Hirata, 2004). In general, the abovementioned research has been relatively uncritical about Norm Cycle Theory as such. Although authors disagree with specific details, the body of the theory is applied as explicated by Finnemore and Sikkink.

Some authors, such as Thomas and Carpenter, loosely use the framework of Norm Cycle Theory to qualify their arguments and findings, without actually testing the theory. Others, such as Adler, Price and Capie do conduct theory-testing research, but do not test Norm Cycle Theory as a whole. In their work, processes of framing, grafting, persuasion and diffusion have been found to operate in various cases, and states have been classified as norm entrepreneurs, norm leaders and norm followers respectively. The most exhaustive test of Norm Cycle Theory as such can be found in the work of Judith Kelley. In researching the interplay of various causal mechanisms underlying the rise of election monitoring, Kelley also tests how these fit in with Norm Cycle Theory. It is her contention that 'the evolution and spread of norms, as with many other social processes, are complex combinations of normative, instrumental, and other constraints and causes of action' (Kelley, 2008: 221). It is her finding that, although an abstraction of the interplay of mechanisms at hand, Norm Cycle Theory does in fact describe correctly how an international norm emerges and evolves (2008: 223).

Finally, Sandholtz and Stiles, while still working within Norm Cycle Theory, have challenged the dichotomy between domestic and international norms that is present in Finnemore and Sikkink. They state that it is not so much the distinction between the domestic and the international that is relevant for theorizing about norms, since domestic norms can be important for interstate relations, and international norms can have important repercussions for citizens of a particular state. Instead, they propose that it is useful to think in terms of a dichotomy between those norms that constitute individual sovereign states as the constituent units of international society, and those norms that are tied to individual human rights and liberties. It is theorized that the latter, the rights and freedoms of individuals, cause a fundamental tension with the former, the rights and freedoms of states. This tension would be the main driver behind most norm cycles, and thus be the cause of most significant normative changes in world politics (Sandholtz and Stiles 2009). They thus replace the domestic / international dichotomy with a sovereign state / individual rights dichotomy.

2.3 Criticism: Norms as processes

Although Norm Cycle Theory and its multiple applications have produced some sound research on the role of the normative in empirical international politics, it also received a lot of criticism. This thesis treats the bulk of the various criticisms as variations on a fundamental disagreement with the rigid character of the norm life cycle. Whereas the *processes* of emergence, persuasion, diffusion and internalization are seen by NCT as dynamic, norm content is assumed to be rather unchangeable throughout the entire cycle. The one and only way for the normative framework to change, is for a new, modified norm to start the cycle all over again. Criticisms, in the form of localization-, contestation- and disputation- theses, all argue against the idea that a norm emerges, is diffused and finally internalized in isolation, without any controversy over what that norm exactly means. The main point then is that the assumption that the *content* of a norm remains static throughout the norm life cycle is false. This thesis thus argues that the localization-, contestation- and disputation- strands within criticism of Norm Cycle Theory are all attempts to adapt the theory to the inherent dynamic character of norm content.

Amitav Acharya proposes a Norm Cycle framework in which the content of the norm can be altered in the cascade fase, when it is being diffused. He states that global norms are actively reconstructed by local actors (through discourse, framing, grafting and cultural selection) in a process of *localization* to make the norm 'fit' in with pre-existing beliefs and values. A norm can either be wholesomely accepted, localized or rejected by local populations (Archarya, 2004; Capie, 2008; Capie, 2012). The localization concept thus acknowledges that norm content is subject to change when it is in the process of diffusion, although it does not leave room for dynamic content in the emergence and internalization phase.

Kees van Kersbergen and Bertjan Verbeek argue that the static depiction of norm content is most problematic for the phase of internalization. They state that the adoption or internalization of a norm is often not the end, but the beginning of a renewed political fight over its precise meaning. This is more likely in instances where the definition and meaning of a norm are contested, vague and/or elusive. In this reading, adoption or internalization can be both a cause of a political struggle over redefinition of its content, as well as a source of compliance with the norm. As this struggle takes place after the phase of internalization, it could potentially be started all over again, without any new norm being necessary for achieving normative change (Van Kersbergen and Verbeek, 2007). The *contestation* concept thus acknowledges that norm content can be subject to change at both the moment of adoption and internalization. It thereby expands on the localization strand of criticism, but still allows for a static view of norms before and after periods of contestation are settled.

Sandholtz takes this line of reasoning one step further still, in proposing a framework in which all normative change is to occur via contestation, disputes, and the eventual alteration of existing norms. In a sense this still

amounts to a cyclic theory of normative change, but with the crucial difference that all possible forms and content of a certain norm are already present in existing normative structures, and do not as such ‘emerge’. Norm change occurs when the tension between certain norms and actual practice, or between two different bodies of norms triggers a dispute. This tension is inherent to normative structures, since these structures are always incomplete and contradictory, and therefore prone to disputes. A dispute is usually triggered by specific events which reveal the gaps and contradictions inherent to the structure, and provides actors with a window of opportunity to advance arguments for a certain interpretation of certain norms. After a dispute is settled, certain norms and the framework in which they relate to each other have changed, and the stage is set for new tensions to trigger disputes (Sandholtz, 2008; Sandholtz and Stiles, 2009). The *disputation* concept, although it still distinguishes between periods of normative stability and normative change, thus at least recognizes that all norm content is essentially disputed. A norm is an essentially contested concept.

2.4 Discursive Norm Cycle Theory

The above criticisms (localization-, contestation- and disputation) are complementary in their emphasis on the dynamic process of defining and redefining norm content. Krook and True take the whole range of criticism to its logical conclusion, in stating that all norm content is in principle dynamic - right from the moment of norm emergence onwards. In this way, norms are seen as work-in-progress instead of as more or less fixed entities. Their argument is that only a completely dynamic conception of norms as processes can give adequate analytical leverage in accounting for rapid norm emergence and diffusion, when at the same time norms seldom achieve substantial compliance in the first stages of their life cycle (Krook and True, 2010: 108). They assume that norms are often adopted precisely because their content is vague, and as such can be interpreted differently by the various actors involved in their adoption and implementation. Furthermore, Krook and True theorize that norms are subject to continuous attempts to reconstitute their meanings, even when the norm in question is already exerting influence on patterns of social behaviour. This thesis fully adopts the adaption of NCT to a dynamic conception of norms as processes, and applies it to the emergence and evolution of RtoP.

As a consequence of this adoption to the dynamism of norm content, this research locates norms as having primarily a discursive ontology (Piiparinen, 2012). The discursive ontology of a norm is here contrasted with both (1) a legalistic and (2) a causal ontology. A *legalistic ontology* is adopted by scholars that operationalize norms with regard to whether or not they are adopted and subsequently institutionalized in domestic juridical systems and international legal treaties. In the case of RtoP, Theresa Reinold is a prime example of this when she states that “...RtoP cannot be regarded as a ‘new norm’ or ‘emerging norm’ because the vast majority of states simply does not want to be legally bound to save strangers in remote regions of the world” (Reinold, 2010: 55). A *causal ontology* entails that the existence of a norm equals the amount of influence the norm exerts on events in international politics. For example, both Noha Shawki and Ramesh Thakur find that RtoP has advanced from the emerging to the cascading phase of the norm cycle. They base this on the argument that in the cases of Kenya, Sudan, Libya and Cote d’Ivoire RtoP can make a practical difference in world affairs by altering the course of events (Shawki, 2011; Thakur, 2011). A causal ontology thus operationalizes norms on the basis of their ability to influence and trigger events in international politics. Working with either a causal or a legalistic ontology is very limited, in sense that these approaches equate ‘normative’ with either empirics and legal rules respectively. This thesis argues that the third possibility, the operationalisation of norms on the basis of a discursive ontology, is more fruitful in accounting for the emergence and significance of new norms, such as RtoP.

A *discursive ontology* means that scholars account for the processes by which various actors continuously shape and reshape norm content through the *discourse* by which that very content is established. ‘A discourse is a cohesive ensemble of ideas, concepts, and categorizations about a specific object that frame that object in a certain way and, therefore, delimit the possibilities for action in relation to it’ (Epstein, 2008: 2). Discourses do not directly exercise power in the classic sense, in that they possess the capacity to make states or other

actors perform certain actions which they otherwise would not have intended to perform. Instead, discourses are a potential source of productive power, in that they hold the capacity to produce shared meanings of the political world, and produce and reproduce one's identity in relation to others (Barnett and Duvall, 2005: 3). The productive power of international norms would lie not in the ability to prescribe binding rules, or to exert direct effect in international politics, but in the fact that an international norm gives a certain meaning to what ought to be done in particular circumstances. When actors define themselves in relation to other actors with reference to adherence to an international norm, this norm then not only gives meaning to what ought to be, but also to what constitutes that specific actor. A discursive ontology is thus able to account for the power relations that underlie speech acts, discursive content and dominant discourses. The operationalisation of norms on the basis of a discursive ontology is *constructivist* because it engages with the construction of a social reality that constitutes actors and their actions. It is *critical* in the sense that it engages with the role of power in determining what can and cannot be said, and who can and cannot speak (Price and Reus-Smit, 1998). This thesis then locates a discursive approach to norms as processes within critical constructivist IR theory.

In sum, a discursive approach to norms as processes thus calls for research on how norms are discursively constituted through discourse. This thesis applies this discursive approach to a relatively new norm, the Responsibility to Protect, which can potentially have a significant influence on international politics. The major supposition underlying the use of discursive Norm Cycle Theory in this thesis is that the content of the norm in question is not static, but dynamic. This means that actors are engaged in a continuous process of shaping and re-shaping norm content through the discourse they articulate. Further, it means that a norm can exercise influence while it is itself still evolving. Finally, it means that the emergence and evolution of the norm does not necessarily follow the direction 'prescribed' by classic norm cycle theory, but that the evolution of the norm's content can also stagnate or be reversed. Evolution through dynamism thus deserves our scholarly attention, but what then drives these dynamic processes?

2. 5 Internal and External Dynamism

Following Krook and True, this thesis categorizes the assumption of dynamic content in the discursive approach in a twofold manner. Dynamism in a norm life cycle arises from both internal and external sources, which then mutually reinforce each other. Internal dynamism emerges from the competing meanings of the norm itself, which come about through all possible different articulations of the norm by various actors. Conflicts over meaning-, deepening-, misinterpreting-, contestation- and reversing of the norm are all potential causes and consequences of internal dynamism. The most important process behind internal dynamism is the *framing* of a norm in a certain manner, which can be to a higher or lesser degree strategic. Frames may be initiated by all kinds of actors, at all levels and at all stages of the norm life cycle. The most important example of (re-)framing in the case of RtoP is allegedly the moment when with the publication of the ICISS report humanitarian intervention and national sovereignty were 'fused' in the term the Responsibility to Protect. The contention is then that framing as a process is a prime source of dynamism, and is thus also a prime mover behind the continuous evolution of norm content.

External dynamism, on the other hand, is generated by the broader 'normative universe' of norms-in-process, to which the norm in question can be aligned in a particular manner. This process of alignment, commonly labelled as *grafting* in the literature, entails that actors in articulating a norm must per definition draw explicit connections between a new norm and prior normative frameworks (Price, 1998; Acharya, 2004; Carpenter 2007; Krook and True, 2010). Grafting is thus inherent to the processes of articulation and framing, and is as such the second important aspect of the continuing contestation over the meaning of norm content. The most important instances of grafting in the case of RtoP are allegedly the alignment of RtoP with individual human rights, non-intervention and territorial integrity, respectively. The contention is then that grafting as a process is a prime source of dynamism, and is thus also a prime mover behind continuous evolution of norm content.

In sum, the discursive approach to norms as processes used in this thesis operates on the assumption that the content of the norm in question is not static, but dynamic. Continuous processes of framing and grafting are inherent to the emergence and evolution of the new norm. All kinds of actors, occupying different roles, are able to articulate different versions of the norm through their discursive practices. Like classical Norm Cycle Theory, the discursive approach is able to identify the evolution of new norms in terms of emergence, diffusion and internalization, and allows for the identification of norm entrepreneurs, norm leaders and norm followers. In contrast, or addition to classical Norm Cycle Theory, the discursive approach is able to account for alterations in norm content during all phases of the life cycle, as well as for these alterations to take place simultaneously with institutionalization or the exercise of causal effects. The discursive approach thus allows for rigorous, yet flexible tracking of the emergence and evolution of a new norm. In the next section, theoretical hypotheses with regard to the evolution of norms in general will be drawn up.

2.6 Theoretical Hypotheses (TH)

Based on an application of a discursive approach to norms as processes, three theoretical hypotheses with regard to the emergence and evolution of norms have been formulated. Their order loosely relates to the three classic phases of the norm life cycle. The first hypothesis is in line with the predictions made by Norm Cycle Theory as originally articulated by Finnemore and Sikkink (1998), but the latter two clearly differentiate from that ‘static’ model. Furthermore, the second hypothesis engages with a substantial number of accounts based on a legalistic ontology of norms, and the third engages with the body of research working with a causal ontology. This division should allow for sufficient analytical leverage to mark the differences between both the discursive approach to norms as processes and traditional NCT, and between the discursive approach and norm research conducted on the basis of a legalistic- or causal ontology.

<i>Discursive approach to norms as processes →</i>	In line with classic NCT	Against Legalistic Ontology	Against Causal Ontology
Norm Emergence Phase	Hypothesis 1; Norm entrepreneurs		
Norm Cascade Phase		Hypothesis 2; Institutionalization	
Norm Internalization Phase			Hypothesis 3; Causal Effects

Table 2; the way in which the theoretical hypothesis derived from discursive approach to norms as processes relate to (differ from) both traditional NCT and research working with a legalistic or causal ontology.

2.6.1 Theoretical Hypothesis 1; Norm Entrepreneurs

In their original article about the norm life cycle, Finnemore and Sikkink (1998) strongly emphasize the role of norm entrepreneurs in the emerging phase of a new norm. Norm entrepreneurs are defined as agents who actively build norms on strong notions of what constitutes appropriate or desirable behaviour. Norm entrepreneurs either call international attention to certain new issues or problems, or even create new issues through the reinterpreting and reframing of existing issues. The main goal of the norm entrepreneurs is to persuade certain states to become early adopters of the norm they advocate, in order to turn these states into norm leaders which then in turn can persuade fellow states to adopt the norm as well. Persuading states is done through putting the norm on the international agenda (negotiations between states) and through advancing arguments in favour of the norm. Usually, norm entrepreneurs work from a clearly defined organizational platform, from which they coordinate their activities.

T.H.1: Norm entrepreneurs deliberately attempt to put a specific norm onto the international agenda, in order to persuade states to become norm leaders.

2.6.2 Theoretical Hypothesis 2; Institutionalisation

Van Kersbergen and Verbeek state that the current literature on norms pays insufficient attention to the possibility that norms are adopted, precisely because they mean different things to different actors (2007: 218). Sandholtz adds that often, the lack of precision at the moment of adoption gives rise to subsequent disputes over the definition of its content (2008). Krook and True agree with both of the above, and go on to theorize that the ambiguities that enable a norm's adoption and diffusion also lead to shifts and modifications in its content over time (2010: 109). This means that after the 'official' struggle over how to define a norm in formal rules and agreements is over, the struggle over the meaning of norm content continues through different discursive articulations of the norm by various actors.

T.H.2: The vaguer the norm is at the moment of adoption, i.e. when it is institutionalised in formal rules and agreements, the more likely it is that the norm will simultaneously diffuse through the international system and be subject to further shifts and modifications.

2.6.3 Theoretical Hypothesis 3; Causal Effects

Sandholtz and Stiles state that neither adoption nor compliance are sufficient to 'fix' the meaning of a norm, and make actors internalize it. They state that after adoption, and while the norm is being complied with, a renewed fight over its meaning is likely to occur. Like in international law, this renewed dispute comes about through internal contradictions that are inherent to all normative frameworks. Usually, such internal contradiction is triggered by a major, or 'trigger' event, such as when a norm is seen to have important causal effect on international politics. Major political upheaval, significant technological change and armed conflict are all among the events that are likely to trigger a new dispute over an existing norm (Sandholtz and Stiles 2008).

T.H.3: When causal effects are attributed to a newly emerged or diffused norm, this is likely to spur renewed debate about how the norms' substantive content relates to practical affairs in international politics.

In the next chapter, this thesis will show how a discursive approach to norms as processes can be applied to RtoP. It is argued that RtoP, due to its relative recent appearance, its connections to both national sovereignty and human rights, and its potential far-reaching implications for world politics make it a very relevant case study. After that, it is explained in which manner this thesis operationalizes the concepts present in Norm Cycle Theory, which then leads to three concrete hypotheses regarding the evolution of the RtoP norm between 2001 and 2011. Further, Critical Frame Analysis (CFA) as a method for analysing norms is presented as fitting in well with a discursive approach to norms, and suitable to the case of RtoP. Finally, the sources that are used to investigate the evolution of RtoP are analysed in terms of relevance and reliability.

Chapter three: Case selection, Methodology & Operationalization

3.1 Case selection: RtoP as a norm in International Relations

Constructivist scholars have been preoccupied with the study of norms, precisely because they attribute such an important role to norms in explaining outcomes in international politics. In contrast to rationalist IR scholars, who define all outcomes in international politics in terms of the material distribution of power resources, constructivist look at the ideational structures that give meaning to the material by constituting the social world of international politics (Ruggie 1998). The norms that so far have attracted most attention are those relating to individual human rights, and specifically their alleged ability to bring about change in state behavior (Risse, Ropp and Sikkink 1999; Moravcsik, 2000; Thomas, 2001). Meanwhile, the norms that together constitute the institution of national sovereignty, of which non-intervention is arguably the most important, have been relatively neglected by constructivist scholars. Jens Bartelson's holistic study of the social construction of sovereignty is a positive exception here (Bartelson, 1995). By theoretically making the norm of non-intervention subservient to-, or conditional upon, the effective protection of human rights by a sovereign state, RtoP brings together both issue areas. Research on the origins and evolution of RtoP would thus form an important contribution to constructivist norm research, because it brings together the extensive body of research on human rights norms with the virtually uncharted topic of sovereignty norms.

Besides being a very important case to the rationalist-constructivist debate about the extent to which norms in general can exert influence in IR, RtoP is also a relevant case because of its *relative recent appearance* and *potential far-reaching implications*. The responsibility to protect was first fully formulated in the 2001 ICISS report, subsequently adopted at the UN general assembly in 2005, and its first 'causal' effects were seen only as recent as 2011, with the military intervention in Libya. The relative short timeframe in which RtoP emerged, evolved and was put into practice for a first time provides for a comprehensive case that is most suitable to the application of norm cycle theory. Furthermore, in case the RtoP norm would be truly internalized by the major states in the system, it would indeed signify a major break with traditional, 'Westphalian' conception of national sovereignty (Thakur, 2011). By adding, or 'injecting' respect for human rights as an additional constitutive feature to national sovereignty, it makes the legitimate exercise of collective sovereign rights conditional upon effective protection of individual human rights (Piiparinen, 2012).

Finally, RtoP forms both a crucial and a least-likely case for constructivist researchers looking into norms as potential drivers behind important events in world politics. It is a least-likely case because the practice of humanitarian intervention and the defying of national sovereignty amount to an act of war. The domain of violent conflict is seen by rationalist IR-scholars as a field where material state interests are most likely to prevail over any ideational structures or normative ideals. RtoP thus is a crucial case, because if it would be found to have emerged, evolved and been exercising influence in the field of humanitarian intervention and national sovereignty, this would very much strengthen the constructivist's claims about norms versus the rationalist contentions about them. If a norm that poses a challenge to a fundamental assumption of most rationalist IR theory, - that the world of international politics consists of national states that enjoy unbound sovereignty over their territory and population, - would be found to actually be influential, then norms in principle could also make a difference in all other less critical issue areas. RtoP, as an instance of both a least-likely and a crucial case, can then be seen as a confirmatory crucial case (Gerring, 2007: 116).

In sum, RtoP is (A) important to the rationalist – constructivist debate about the extent to which norms can exert influence in international politics, (B) relevant because of its relatively recent appearance and potential far-reaching consequences, and (C) a confirmatory crucial case, as it is both crucial and least-likely to the debate over how norms emerge and evolve. The next section will link the empirical case of RtoP to the theoretical framework of discursive Norm Cycle Theory.

3.2 Operationalization of theoretical concepts

The concepts drawn from Norm Cycle Theory, which are subsequently used in the three theoretical hypotheses (T.H.), are operationalized as follows. For more contextual information on actors, events and documents mentioned below, please see the case description in paragraph 4.1.

The **emerging phase** is defined by Finnemore and Sikkink as the period from when norm entrepreneurs start to draw attention and reframe certain policy issues, until the **tipping point** is reached. The tipping point is then defined as the endorsement of the norm (in a particular version) by approximately one third of all the states in the system. For the RtoP norm the emerging phase has started at the presentation of the 2001 ICISS report titled 'the Responsibility to Protect'. This was the first time that the alleged crucial reformulation constructed by Gareth Evans as ICISS commissioner was made public. The emerging phase ends with the inclusion of paragraphs 138 and 139 in the WSO, as all present UN member states unanimously endorsed this particular formulation of the principle of RtoP. As a political agreement, the WSO does not constitute any legal obligations that can be enforced under international law. However, this particular formulation is thus far the only explicit articulation of RtoP at the level of the UN General Assembly, and therefore holds enough authority to constitute the tipping point of the RtoP norm life cycle.

The **cascading phase** is then defined by Finnemore and Sikkink as the period between the tipping point and the moment when actors start to internalize the norm. For the RtoP norm this phase has begun with the publication of the WSO, and is still ongoing. The publication of the WSO then also constitutes the moment when RtoP starts to be **institutionalized** in formal rules and/or agreements. Witness the recent high-level working groups and bi-annual UN reports on RtoP, this process of institutionalization may not yet have ended.

At the moment of writing, the content and scope of the norm are still under debate, and different states still give differing interpretations to RtoP in relation to different security crises. Furthermore, because RtoP cannot be seen either as constituting positive international law or as an ideational construct with which compliance becomes automatic, it is argued here that RtoP has not yet reached its **Internalization Phase**. No state in the system has incorporated the norm to a degree that compliance with it acquires an automatic (non-political) character. The scope of this research is insufficient to assess whether RtoP actually can or will ever be internalized.

From the case description there appear numerous possibilities for who exactly constitutes a **norm entrepreneur**. Finnemore and Sikkink define a norm entrepreneur as actors who actively reframe existing policy issues, or construct new policy issues, in order to draw attention to these same issues. Francis Deng does not qualify, as he did not actively put his reformulation "sovereignty as responsibility" on any political agenda. Both Kofi Annan and Ban Ki-moon do qualify in their role as UN Secretary-General, because their contribution was vital in the agenda-setting process, which made discussion and endorsement by UN member states possible. Lloyd Axworthy, in actively pushing for and facilitating of the ICISS commission, must also be considered as a norm entrepreneur. ICISS itself, including its twelve members, are then seen as the vehicle through which the norm entrepreneurs were able to frame and graft the issue of which they were the most prominent advocates.

The **international agenda** is seen as encompassing all international fora in which different states from across the entire spectrum of the international system interact with each other. Pure regional international interaction, such as Africa or Europa, do not qualify. Therefore the reference to responsibilities to protect in the charter of the African Union does not qualify as come about through deliberations over the international agenda. Following this, the international agenda in the case of RtoP is limited to the United Nations, specifically to the plenary session of its General Assembly in 2005 in New York.

Axworthy, Annan and Ban worked mainly from the Canadian Ministry of Foreign Affairs (DFAIT) and the UN

Secretariat, which can therefore both be considered **organizational platforms**. As the only state which actively endorsed the principle of RtoP before it was on the UNGA agenda, Canada is considered as the sole **norm leader** in the emerging phase. The debate over what extent this state behaviour was strategic is more or less irrelevant for the research question and hypotheses at hand.

3.3 Concrete hypotheses regarding the evolution of the Responsibility to Protect (C.H)

Based on the theoretical framework, the above operationalization and the case description (see Paragraph 4.1), it is now possible to construct three concrete hypotheses (C.H.). These concrete hypotheses correspond with the theoretical hypotheses drawn up in chapter two, which were based solely on the theoretical framework. In accord with the theoretical hypotheses the order of the concrete hypotheses loosely relates to the three classic phases of the norm life cycle. The first concrete hypothesis is in line with the predictions made by Norm Cycle Theory as originally articulated by Finnemore and Sikkink (1998). In contrast, the latter two clearly differentiate from that ‘static’ model by assuming a dynamic conception of norms as processes. Furthermore, the second hypothesis engages with a substantial number of accounts based on a legalistic ontology of norms, and the third engages with the body of research working with a causal ontology. This division should allow for sufficient analytical leverage to mark the differences between both the discursive approach to norms as processes and traditional Norm Cycle Theory, and between the discursive approach and norm research conducted on the basis of a legalistic- or causal ontology.

<i>Discursive approach to norms as processes →</i>	In line with classic NCT	Against Legalistic Ontology	Against Causal Ontology
Norm Emergence Phase	Hypothesis 1; Norm entrepreneurs and the UN political agenda		
Norm Cascade Phase		Hypothesis 2; The 2005 UN World Summit – outcome document	
Norm Internalization Phase			Hypothesis 3; The 2011 NATO intervention in Libya / UNSC res. 1973

Table 3; the way in which the concrete hypothesis derived from a discursive approach to norms as processes relate to (differ from) both traditional NCT and research working with a legalistic or causal ontology.

3.3.1 Concrete Hypothesis 1; Norm Entrepreneurs

On the basis of secondary literature, it is hypothesized that Kofi Annan and Lloyd Axworthy deliberately used framing and grafting to reformulate the existing policy issue of humanitarian intervention, in order to put the issue as prominently as possible on the international political agenda. This thesis expects that the two of them have strategically reformulated the tension between human rights and national sovereignty in such a way as to attract as much political attention to the issue area as possible. This ‘pitching’ of RtoP on the UN World Summit agenda would then have the subsequent goal of persuading states to advocate the norm of RtoP at the level of the UN, or at least to comply with a certain articulation of the new norm. States advocating, or at complying with, the norm of RtoP would be in itself a significant achievement from the perspective of discursive Norm Cycle Theory, because it would mean that a number of states in the system accept the reformulation as legitimate.

C.H.1: Norm entrepreneurs, through making use of the ICISS, deliberately attempted to develop RtoP and to put it on the UN World Summit agenda.

3.3.2 Concrete Hypothesis 2; Institutionalisation

The incorporation of a certain articulation of the RtoP norm in the World Summit outcome document (WSO) in 2005 marked the first, and so far the most authoritative articulation of RtoP since its inception. It also loosely marks the tipping point in the norm life cycle, and thus the moment when the norm advances from the emerging phase to the diffusion phase. It is hypothesised that the specific articulation of the RtoP norm that was enshrined in the WSO was sufficiently vague as to both foster widespread acceptance of the new norm, as well as substantial discussion over its exact content. This allows the norm to diffuse or 'cascade' through the international system, and at the same time be fundamentally contested. In essence, this hypothesis entails that precisely the contested nature of the 2005 WSO articulation of RtoP made it possible for the norm to be accepted by the majority of states in the system in such a short time frame.

C.H.2: After RtoP was enshrined in the WSO in 2005, the norm was both accepted by the majority of states in the system, while at the same time its exact content kept being a disputed issue among those same states.

3.3.3 Theoretical Hypothesis 3; Causal Effects

Throughout the first decade of its 'existence' as an international norm, measured from the 2001 publication of the ICISS report, RtoP was seen as a rather insignificant factor in world politics (Piiparinen, 2012)³. It was only with the invocation of the RtoP norm in resolutions 1970 and 1973, which legitimized military intervention in Libya, that RtoP came to be seen as having significant causal effects on international politics. It is hypothesized that the demonstration of RtoP's potential for 'causal' influence led states to question and debate the exact scope and content of the RtoP norm. Precisely through the demonstration of potential comes increased discussion of the how and limits of that potential.

C.H.3: The intervention in Libya in 2011, legitimized with reference to RtoP, spurred states to debate the content of the norm in relation to humanitarian intervention in international politics.

3.4 Frame Analysis as a method

3.4.1 Frame Analysis, Policy Frames and Critical Frame Analysis

The discursive approach to norms as processes, as adopted from Krook and True (2010) and utilized in this thesis, requires a different methodology from the process tracing used in conventional norm cycle research. The chosen method should be sensitive to the discursive approach to norm as processes, and should entail the ability to work with a discursive ontology as set out in paragraph 2.4 of this thesis. Following Krook and True, this thesis will adopt frame analysis of policy documents, more in particular Critical Frame Analysis (CFA), as a method for analysis. CFA is then used to test the validity of the concrete hypotheses against the discursive material available in primary sources, in this case UN-level policy documents (see paragraph 3.5).

Frame analysis originated originally in social movement theory, more specifically in the work of Snow and Benford (1988). A *frame* is an interpretation scheme that structures the meaning of reality (Goffman, 1974). *Frame analysis* starts from the assumption of multiple interpretations in policy-making and seeks to address such implicit or explicit interpretations. Frame analysis does this by focusing on the representations of both the problem in question and the solutions to it, as they are constructed by socio-political actors (Verloo and Lombardo, 2007). A *policy frame* is an organizing principle that transforms fragmentary or incidental

³ See appendix A for a complete overview from all security crises in which RtoP was invoked, including the resulting effects this appeal had in international politics. As seen from the overview, the invocation of RtoP did not have any significant effects on any unfolding crises between 2000 and 2010. Table adapted from Bellamy (2010).

information into a structured and meaningful problem, in which a solution is implicitly or explicitly included (Verloo, 2005: 20). Recently, *policy frame analysis* has been applied extensively within studies on gender policies, gender mainstreaming and gendered-balanced decision making. Within this literature, CFA has been established as a particular kind of policy frame analysis based on critical constructivist ideas about discourse, speech, silencing, Self and Other (Verloo, 2005; Verloo and Lombardo, 2007; Roggebrand and Verloo, 2007; Dombos et al, 2009). Krook and True, both connected to these kinds of comparative policy studies, were the first to deploy CFA in the (sub-) discipline of International Relations. Their research on how gender norms evolve within the UN system is the first time the discursive approach to norms is coupled with policy frame analysis to research on an IR related issue. It is their 2010 landmark publication in the *European Journal of International Relations* which this thesis seeks to build on in employing CFA for analyzing the emergence and evolution of RtoP.

The challenge for CFA, and for discourse analysis more broadly, is to develop categories that enable analysis of discourses at various levels, and that allow for comparison (van Gorp, 2001). The problem for comparativist scholars is that the construction of a certain type of hierarchical coding scheme against which data can be measured is both time consuming and interfering with theory-driven research. Constructing a codebook in advance of the analysis would require an extensive preliminary analysis of positions and frames, thereby anticipating the actual analysis (Verloo, 2005: 21). The solution embedded in CFA is to replace the construction of a hierarchical set of codes, typologies or frames with an analysis of the different *dimensions* of which frames are made up. According to Verloo, these dimensions constitute 1] the diagnosis of a specific policy problem, 2] the attribution of responsibility for this problem, 3] the prognosis of a specific policy problem and 4] the call for action on the prognosis (or, put more simply; 1] what is wrong, 2] who/what is responsible for this, 3] what should be done and 4] who should do something). CFA as a method, in categorizing frames in terms of these dimensions, uses these dimensions both as a template for analysis and as an assumption underpinning that analysis. CFA thus *assumes* that in all policy frames a diagnosis, attribution of responsibility, a prognosis and a call for action are embedded, without actually testing if this is empirically true. These four main dimensions can be analyzed by reading, or coding a certain policy document through *sensitizing questions*, such as the template constructed by Verloo (2005).

Following the assessment of CFA by as applied in the Quing Project (Dombos et al, 2009), this thesis assumes that the following descriptive and normative features are present in all policy documents;

1. *Problem Oriented*: the document contains an analysis of the current socio-economic situation and describes how it differs from a desired / ideal situation.
2. *Causalistic*: the document contains an analysis of what leads to the current situation; how the problems identified can be explained; often assigning responsibility to particular actors for causing the problem
3. *Future Oriented*: The document has a vision about the desired / ideal situation with which the current situation is contrasted. This vision is formulated as objectives.
4. *Practical*: The document describes how the set objectives can be achieved: it proposes a variety of activities to pursue (ends-means logic).
5. *Delegative*: The document assigns or delegates responsibilities in terms of who should pursue what activity.
6. *Targeted*: The document described which social groups are affected by the problem, and activities proposed are also linked to specific target groups.
7. *Budget*: The document provides information on how to finance the activities proposed.
8. *Creating authority*: The document uses references to support the claims it makes. The references can include scientific studies, statistics, legislative and policy examples in other countries, expert opinions or references to binding (international) norms.

In line with the assessment of Dombos and others of CFA as it was developed by Verloo (2005), this thesis assumes all of the above features to be present in the primary sources analyzed. The sensitizing questions used in this thesis's Critical Frame Analysis of RtoP are as follows;⁴

Voice – the question of who has / should have a voice in the political debate to say what is RtoP and how the problem of mass violations of human rights could be solved. It facilitates an analysis in terms of inclusion / exclusion and power that enables the identifications of which voices (perspectives & experiences) are more regularly included or excluded from the possibility of framing policy problems and solutions in official texts.

Diagnosis – Diagnosis of the problem; what is seen as the problem?

Roles in diagnosis – (renamed from *attribution of responsibility*) Who is seen as responsible for creating the problem? What causal chain of events is seen as leading from the actor(s) to the problem? Which groups are most affected by the problem?

Prognosis – Prognosis of the problem; what is seen as the (best) solution to the problem?

Roles in prognosis – (Renamed from *Call for Action*) Who should do something to solve the problem? Who are the target groups of the actions? Which groups benefit most from the action?

In addition to the sensitizing questions, a number of contextual questions about content, discursive practice and social practice are included. These contextual questions are not formulated on the same level of analysis as the five sensitizing questions, but help the researcher focus on underlying power relations, possible distortions, biases and alternative interpretations. In longitudinal research on a limited amount of sources, it is important to include this contextual information, because it account for differences in the political temporal situations in which the texts are articulated.

3.4.2 Critical Frame Analysis and Discursive Norm Cycle Theory

The crucial question on CFA as a method in this research is how it relates to discursive Norm Cycle Theory (DNCT). In order for the former to be a useful analytical tool to the latter, CFA has to be utilized in a particular way. The main goal of classical norm cycle theory is to analyze the emergence, evolution and internalization of a *single* norm, as a unique shared standard of appropriate behaviour. On the other hand, CFA was developed as a method for comparative analysis of *multiple* and differing policy frames in different countries, policy departments or academic disciplines. CFA is thus developed to render intelligible the differences between different discursive constructs (frames), whereas classical norm cycle theory is preoccupied with analyzing the evolution of an isolated normative construct (the norm). However, theory and method can be made compatible when Norm Cycle Theory is adapted to suit a discursive approach to norms as processes.

The contention of this thesis in using the discursive variant to Norm Cycle Theory is that norms are not isolated, static 'packages' of normative ideas, but that a norm is an essentially contested concept with a discursive content that changes with different articulations over time. By operationalising the different discursive articulations by various actors over time as instances of different policy frames in which the norm in question is embedded, CFA can be adapted to DNCT. In this way CFA accounts for the similarities and differences between the chronologically sequenced articulations of the discursive norm content, and allows close tracking of the norm's emergence, evolution and internalization. Thus, in applying CFA to discursive norm cycle research the

⁴ Please see Appendix B for the full CFA template with sensitizing questions used in this thesis, adapted and modified from Verloo (2005). This template includes both the original CFA questions, as well as the complementary contextual questions about content, discursive practice and social practice.

comparativist CFA approach is adapted to the *longitudinal* character of norm evolution. A longitudinal use of CFA makes it suitable for analyzing the different articulations of a single norm over time.

In applying CFA to DNCT, the method of CFA itself is employed in a distinct way. This can on the one hand be captured in terms of the generality, intentionality and normativity of the frames in question, and on the other hand according to the type of frames researched (Dombos et al, 2009). In terms of *generality*, the frames as they are analyzed in this thesis originate from a micro level, because these frames were articulated by an individual actor at a single point in time. Norm entrepreneurs, norm leaders and norm followers are all independent actors, and as such, - even though they are dealing with inter-state relations, - this is considered as the micro-level. In terms of *intentionality*, the frames must be considered as the result of strategic deployment of certain arguments to influence decision-making. This strategic nature is best seen from the political intentions of the different articulations, inherent to the international organization used as a platform where the frames are articulated. Finally, in terms of *normativity*, the cognitive and normative aspects of the frames cannot be distinguished from each other – simply because research on norms demands a focus on the normative aspect of a frame.

With type of frames, Tamas Dombos and others differentiate between issue-, document-, and meta- frames (2009). *Issue frames* are frames that provide for relatively coherent reasoning in which issue specific prognostic elements respond to issue specific diagnostic elements. An international norm, such as RtoP, can be equated with a single issue frame. *Document frames* describe how a particular document or actor constructs the issue at hand. Document frames may overlap with issue frames (a single issue frame is used in a document coherently), but mostly there are more interlinked issue frames present within one document frame. *Meta-frames* are overarching frames of a higher level of generality that stretch over different policy issues and can be operationalized as the normative aspects of issue frames. The contention is that meta-frames only come about by a certain implicit consensus on the meaning of a coherent group of issue frames, present in the vast majority of document frames present. This thesis equates the existence of meta-frames with reaching the internalization phase of the norm life cycle. Since new norms seldom reach the phase where statist actors internalize the commitments inherent to it, meta-frames will not be considered here. In this thesis, analysis is done on a single issue frame, - the RtoP norm, - per analyzed document. Even though there might be more overlapping and interlinked issue frames present in a single document frame, or an issue frame might be scattered over several documents, this thesis focusses on a single issue frame in a single document. The single issue frame concerned per document thus constitutes the *unit of observation* in this research (Gerring, 2004).

In sum, by adapting norm cycle theory to the discursive approach CFA becomes a viable research methodology. By equating a policy frame with a unique discursive articulation of the norm, the essential comparativist method of CFA is adapted to a longitudinal one suitable to DNCT. CFA here operates on a micro level of individual actors articulating the norm, in an essentially strategic manner, in a way in which the analytical focus lays on the normative aspect of the articulations. The analysis is to be conducted on a single issue frame within a single policy document, and does not engage with any meta-frames. The discursive approach to norms as processes is thus optimally complemented with CFA as method, and ideally suited to track and analyse the emergence and evolution of an international norm. The next paragraph will explain how CFA is used to test the concrete hypotheses with regard to RtoP on the basis of the primary sources selected. With this, the triangle Theory – Method – Content is sufficiently explicated to commence with the actual analysis in chapter four.

3.4.3 Critical Frame Analysis and RtoP

In the analysis CFA will be applied to nine distinct policy documents. All documents are authorized by a certain department of the UN or, in the case of ICISS, a commission approved and consulted by the UN. The three concrete hypotheses will be tested against the results of CFA on these policy documents. In the rest of this paragraph, it will be explained how the relation between the concrete hypotheses and the policy documents is structured for analysis. For contextual information on the speech, reports and resolutions, please see the case description in paragraph 4.1.

- ① Boutros-Ghali, B. (1992). *An agenda for peace: preventive diplomacy, peacemaking, and peace-keeping: report of the Secretary-General pursuant to the statement adopted by the summit meeting of the Security Council on 31 January 1992*. New York: United Nations.

The first policy document is the O-measurement. This is here operationalised as the last major statement by the UN Secretary-General in which the tension between national sovereignty and human rights is still addressed with the notions of 'humanitarian intervention' and 'peace building'. Any reference to rights of people to be protected is absent from the document, so Boutros-Ghali can truly be spoken of as thinking in the 'old' paradigm of interventionism. See also paragraph 4.1.3 on Boutros-Ghali and the first post-Cold war years.

3.4.3.1 Concrete Hypothesis 1; Norm Entrepreneurs

C.H 1: Norm entrepreneurs, through making use of the ICISS, deliberately attempted to develop RtoP and to put it on the UN World Summit agenda.

- ② Annan, K. A. (1999), *Secretary-General presents annual report to the General Assembly*. SG/SM/7136 – GA 9596. New York: United Nations, Dept. of Public Information.
- ③ Evans, G. J., & Sahnoun, M. (2001). *The responsibility to protect - report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre.
- ④ Annan, K. (2004). *A more secure world, our shared responsibility: report of the High-level Panel on Threats, Challenges, and Change*. New York: United Nations.
- ⑤ Annan, K. (2005). *In larger freedom towards development, security and human rights for all : report of the Secretary-General*. New York: United Nations.

The first hypothesis about norm entrepreneurship is tested against the millennium speech by Annan, the 2001 'Responsibility to Protect' report by the International Commission on Intervention and State Sovereignty (ICISS), the 2004 report by the High Level Panel on threats, challenges and change (HLP) and Annan's 2005 *In Larger Freedom* (ILF) report. Together, these four documents constitute a comprehensive reflection of the most important activities of Annan and Axworthy as norm entrepreneurs. By analysing these documents it should become clear how Annan and Axworthy have cooperated to develop a reformulation of the tension between national sovereignty and human rights that was different from 'humanitarian intervention'. The main questions are *how* exactly they did just that, and to what extent their actions were intentional; questions that a CFA of these four documents should be able to answer. See also paragraphs 4.1.4 and 4.1.5 on norm entrepreneurship.

3.4.3.2 Concrete Hypothesis 2; Institutionalisation

C.H.2: After RtoP was enshrined in the WSO in 2005, the norm was both accepted by the majority of states in the system, while at the same time its exact content kept being a disputed issue among those same states.

⑥ United Nations General Assembly (2005), *Resolution 60/1. 2005 World Summit Outcome*. New York: United Nations.

⑦ Ban, K.M. (2009), *Implementing the responsibility to protect: Report of the Secretary-General*. New

The second hypothesis about institutionalisation is tested against the 2005 World Summit Outcome Document (WSO), the 2009 report by Ban Ki-Moon and the 2009 UNGA resolution on RtoP. The WSO represents the point when virtually all states in the system approved the inscription of RtoP in an international political agreement, the Outcome Document of their plenary meeting in the UN General Assembly. This moment when RtoP was institutionalised in a formal, - although not legally binding, - agreement is marked as the tipping point in the norm life cycle where the diffusion (or cascading) phase of the norm commences. Both the report by Ban and the UNGA resolution can be analysed as responding, or at least relating to, the articulation of RtoP in the WSO. The hypothesis is confirmed when a CFA of these latter two documents reveals both a commitment to the RtoP principle as laid out in the WSO, as well as continuous disagreement about its precise content and meaning. If this is the case, then the 'vagueness' of the 2005 WSO articulation of the norm is sufficiently proven.

3.4.3.3 Theoretical Hypothesis 3; Causal Effects

C.H.3: The intervention in Libya in 2011, legitimized with reference to RtoP, caused states to further debate the exact scope and content of RtoP.

⑧ United Nations Security Council (2011), *Resolution S/RES/1973*. New York: United Nations.

⑨ Ban K.M. (2012), *Responsibility to Protect - Timely and Decisive Response: Report of the Secretary-General*. New York: United Nations.

The final hypothesis about causal effects and continuous debate over norm content is tested against the UNSC resolution 1973 and the 2012 report by Ban Ki-Moon. Resolution 1973 marks the moment that RtoP was invoked as legitimating a humanitarian intervention for a first time. The 2012 report by Ban is the only UN document that explicitly addresses the principle of RtoP after the intervention in Libya. Because there does not yet exist a policy document at the level of the UN in which member states discuss RtoP, the report by Ban provides for the only source out of which discussion about the content of RtoP can be deduced. If a CFA of the 2012 Ban report yields evidence about such discord, the hypothesis can (with due caution) be confirmed.

Chapter four; empirical analysis

The empirical chapter is divided in two parts; a descriptive and an analytical half. First, the case of RtoP will be described from a general interpretative point of view, based on both primary sources and secondary literature. In doing this, the tension between national sovereignty, human rights and humanitarian intervention is narrated from the peace of Westphalia onwards. The emphasis however lies on the Post-Cold war period, with even more specific attention given to the period after the publication of the 2001 ICISS report. Second, the ten policy documents selected in the operationalisation (see paragraph 3.4.3) are subjected to Critical Frame Analysis (CFA). Per document, only the conclusions of CFA will be depicted here. For the full analyses, please see Appendix C.

The descriptive and analytical parts must be seen as complementary and interdependent halves of a single coherent analysis. All interpretations of CFA depend on prior contextual knowledge about the document in question, and all descriptive information ultimately derives from interpretations of various primary sources. In this sense, the labels 'descriptive' and 'analytical' are a bit misleading, as the case description is part of the actual analysis, and the analysis hinges on a particular description of the empirical sources. The interaction and interdependence between the descriptive and analytical parts of the analysis will become even clearer in the conclusions drawn from the both of them in chapters five and six.

4.1 Case description: from Peace Enforcement to the Responsibility to Protect

In doing research on RtoP, scholars have to engage with the content of, and the alleged tension between norms that constitute the institution of national sovereignty and norms of individual human rights. In doing research, constructivist scholars in particular should be conscious of the fact that both national sovereignty and human rights are often unjustly depicted in the mainstream rationalist literature as objective and ahistorical principles. Any constructivist account of the emergence and evolution of RtoP as an international norm should therefore start with the ways in which national sovereignty, human rights and humanitarian intervention have been socially constructed over time (Reus-Smit, 2001: 526). This paragraph will subsequently lay out a general overview of how these concepts were historically constructed in relation to one another. This will then be expanded to include the practice of modern humanitarian intervention, and the emergence and diffusion of the RtoP principle from the 2001 ICISS report, up and until the 2011 intervention in Libya and its aftermath.

4.1.1 Humanitarian Intervention from Westphalia to the Second World War

Traditionally, IR scholars locate the birth of sovereignty at the peace of Westphalia in 1648. In this reading, collective rights of self-governance, non-intervention and freedom from outside interference have always been the logical corollary of Westphalian national sovereignty (see Krasner, 1999; Jackson 1999). Luke Glanville stresses that this narrative is misleading, in that both the rights and the responsibilities that make up national sovereignty have over time continuously been constructed and reconstructed. As an example, anti-slavery norms, minority rights and human rights can be understood in terms of intersubjectively mediated developments in the rights and responsibilities of sovereign statehood (Glanville, 2011: 237). Christian Reus-Smit goes one step further in claiming that national sovereignty and human rights should not be seen as two separate bodies of interacting norms, but as two 'normative elements' of a single, distinctly modern discourse about legitimate statehood and rightful state action (Reus-Smit, 2001: 520).

It is further recognized that the practice of humanitarian intervention is older than the 1990's, and even predates the 20th century. Since 1820s, when Western powers intervened unilaterally in the Greek war of independence to defend fellow Christians from the Islamic Ottoman Empire, three factors have evolved considerably. First, the scope of who counts as human has widened from only European Christians, to the whole of humanity. Second, interventions can in contemporary times only count as humanitarian if they are conducted multilaterally, as to preclude the pursuance of narrow national interests by means of intervention. Finally, legitimate goals have altered from protecting certain faction within a state, to inclusive agreements that treat all citizens of a state as moral equals (Finnemore, 2003: 55). Thus, norms of national sovereignty, human rights and humanitarian intervention long predate RtoP, and have been constructed and reconstructed in interaction with each other over the last two centuries.

4.1.2 The bipolar world of the Cold War and ideological deadlock

With the onset of the Cold War, the nature of humanitarian intervention changed significantly. In contrast to the 18th century balance of power and the 19th century concert of Europe, the Cold War was characterized by two opposing spheres of influences. The bipolar material distribution of capabilities was almost perfectly aligned with the ideological struggle between two different socio-political systems that were mutually exclusive. The capitalist Liberal Democratic block, centred on the United States, opposed any extension of the influence of the Communist Soviet bloc centred on the Soviet Union and vice versa. Intervention in a third state was seen as legitimate only when its aim was to keep a state tied to one's own block, and thus to prevent it from 'slipping' into the other camp. Due to the ideological deadlock, both blocks tolerated high degrees of authoritarianism and repression in third states that were aligned with them, as long as they remained loyal to their respective cause. Humanitarian issues, such as human rights abuses, were subservient to ideological or geostrategic issues (Finnemore, 2003: 124 – 129).

Even though in the aftermath of the horrors of the Second World War most states signed up to the Universal Declaration of Human Rights (1948) and the Genocide Convention (1951), considerations of repression or human rights violations rarely surfaced in international affairs. Violent American interventions in Latin America, and the aggressive Soviet reactions to the revolutions in Hungary (1956) and Prague (1968), form testimony to the neglect of human rights. Even after adoption of the Helsinki accords in 1975, which renewed commitment of the major states to *internationally* upholding human rights, did no humanitarian interventions occur (Moyn, 2010). Only with the end of the Cold War and the collapse of the Soviet-Union did a new window of opportunity arise to address humanitarian issues through military intervention. UN Secretary General Boutros Boutros Ghali recognized this new state of affairs in 1992 by stating that "In the course of the past few years the immense ideological barrier that for decades gave rise to distrust and hostility has collapsed", and that this "Time of opportunity, [...] affords new possibilities [...], to meet successfully threats to common security" (UN, 1992: A/47/277).

4.1.3 Boutros-Boutros Ghali and Peace enforcement

The end of the Cold War and the collapse of the Soviet Union formed the prelude to the 1990s as the 'decade of humanitarian intervention' (Kaldor, 2006). In 1991, a US-led coalition, authorized by the UN Security Council, intervened militarily to counter Saddam Hussein's occupation of Kuwait. UNSC resolution 688, which established a No-Fly zone in order to protect the Kurdish and Shi'ite populations in Northern Iraq, referred to the governmental crackdown on minority populations as a "threat to international peace". This allowed the Security Council to exercise enforcement measures under Chapter VII of the UN Charter, and thus avoid the necessity to legitimize the intervention in terms of human rights enforcement or meeting humanitarian demands (Sandholtz and Stiles, 2008). By framing humanitarian intervention in terms of countering a threat to international peace, the UN emphasized the right of states to intervene militarily in another state, in order to uphold their own security or that of other states in the system.

This emphasis on the rights of states to intervene, legitimized by invoking the stability of the international order, was reaffirmed by the UN Secretary General Boutros Boutros-Ghali in January 1992. In the first ever UN Security Council heads of state summit, Boutros-Ghali articulated 'An Agenda for Peace'; a fourfold approach to international security, consisting of preventive diplomacy, peace-making, peacekeeping and post-conflict peace building. Under the label peace-making, which always had to be solely possible with the consent of all belligerent parties involved, the Secretary General proposed the utilization of peace-enforcement units. Such peace-enforcement units should then consist of more heavily armed forces than regular peace-keeping forces, would be authorized by the unanimous Security Council, and would be under command of the Secretary General. Goal of peace enforcement would be to, under Chapter VII of the UN Charter, to "maintain or restore international peace and security in the face of a threat to peace, breach of peace, or act of aggression" (UN, 1992: A/47/277).⁵

In the summer of 1992, the international community, including and represented by the UN Security Council, approved an intervention in Somalia to halt the ongoing civil war. As in the case of the No-Fly zone in Iraq, UNSC resolution 794 authorized the use of force to restore peace, stability, law and order to Somalia with regard to upholding international peace and security. The mission's failure, coupled with the UN inadequacy in constructing any effective response to acts of genocide in Bosnia and Rwanda, led Boutros-Ghali to retract his 1992 policy recommendations. In the 1995 Supplement to 'An Agenda for Peace', all references to peace enforcement were withdrawn from the section on peace-making.

4.1.4 Norm entrepreneurs: Deng, Annan, Canada and the ICISS

Simultaneously with the UN efforts to make use of the post-Cold War window of opportunity, other actors were also involving themselves strategically in the debates over sovereignty, human rights and humanitarian intervention. In 1991 Roberta Cohen, writing on the increasing problem of Internally Displaced People (IDP's) wrote that "Sovereignty carries with it a responsibility on the part of the governments to protect its peoples" (Cohen 1991). In 1996 the UN representative on IDP's Francis Deng, co-authoring with Cohen, more explicitly articulated this point. Their work *Sovereignty as Responsibility: Conflict Management in Africa* states that when a government manifestly fails at its responsibility to protect the people on its territory, its claim to sovereignty become void (Deng and Cohen, 1996).

Kofi Annan, as Boutros Boutros-Ghali's successor as UN Secretary General, confronted the failure of the UN and the international community to respond to the mass atrocities in Bosnia and Rwanda in his annual report to the General Assembly of 1999.⁶ In it, Annan stipulates that he wants to address the prospects for human security and intervention, in light of past dramatic events". In order for human security to be effectively guaranteed, he claimed, states need to rethink their respective commitments to national sovereignty and individual human rights.⁷ In his 2000 millennium report Annan concretized his challenge by rhetorically asking "...if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?"

⁵ See paragraph 4.2.1 for an analysis of this document frame, see appendix C.1 for full CFA.

⁶ See paragraph 4.2.2 for an analysis of this document frame, see appendix C.2 for full CFA.

⁷ In his biography, Annan states clearly that from the beginning of his term as Secretary-General, he had a "...deep personal conviction that we had to put the individual at the hearth of everything we do at the United Nations". He furthermore saw it as his duty of the UN to "... convince the broader global community that sovereignty had to be understood as contingent and conditional on states' taking responsibility for the security of their own people's human rights – and for this to be taken as seriously as the states' expectations of non-interference in their internal affairs". See; K. Annan, *Interventions – a life in war and peace* (London 2012), p.84

Annan's challenge was most directly taken up by Lloyd Axworthy, then Foreign Minister of Canada. The inherent tension between human rights, humanitarian intervention and national sovereignty aligned well with the 'Human Security Agenda' which was paradigmatic for Canada's foreign policy course in the 1990s. Furthermore, Axworthy had positive experience with coalition-building around international norms to promote their institutionalization. Between 1996 and 1999 Canada was the main driver behind the Ottawa Process, which resulted in the Mine Ban Treaty (nicknamed "Ottawa Treaty"), and aimed at eliminating the manufacture and use of anti-personnel landmines around the world (Price, 1998). This kind of international coalition-building had thus shown to provide a liberal middle power like Canada with ample opportunity to bolster its soft power. Finally, the Canadian involvement in the 'humanitarian' bombing of Serbia over the Kosovo crisis in 1999 allegedly provided a personal trigger for Axworthy to direct his own and his department's attention to the issue of humanitarian intervention (Pollentine, 2012: 77).

On the same 2000 UN summit where Annan presented his millennium report, Canadian Prime Minister Chrétien announced Canada's leadership role in establishing an International Commission on Intervention and State Sovereignty, abbreviated ICISS. The following week already, Axworthy presented details on the organization of the commission, stating "In his Millennium report, the UN Secretary-General challenged the international community to address the highly complex problem of state sovereignty and international responsibility. Canada's human security agenda is all about putting people first. We are establishing this Commission to respond to the Secretary-General's challenge to ensure that the indifference and inaction of the international community, in the face of such actions as occurred in Rwanda and Srebrenica, are no longer an option". The commissions mandate would be to draft a report on the issues outlined above, and to contribute through that to a political consensus on how and when the international community should respond to 'gross and systematic violations of human rights' (Pollentine, 2012: 89).

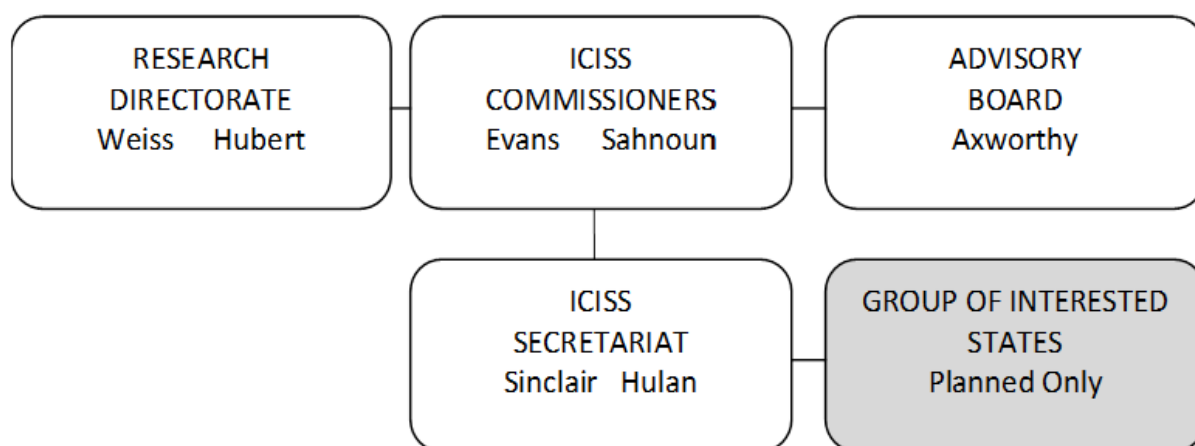


Figure 2: ICISS Organogram (Pollentine, 2012: 107).

The Commission was chaired by former Australian foreign minister Gareth Evans and Mohamed Sahnoun, who then respectively represented the developed and the developing world, and the world of UN member states and the UN bureaucratic institutions. Axworthy himself chaired the Advisory Board to the Commission. The Commission got a permanent secretariat at the Canadian Department of Foreign Affairs and International Trade (DFAIT), which had Axworthy as its minister. For the necessary research the Commission could draw on a Research Directorate based at the New York City University, led by prof. Thomas Weiss. Funding for the Commission's activities was in large part provided by a grant by the Canadian government worth \$ 1 million, with additional smaller stipends coming from Switzerland and the UK. The ICISS met on five occasions throughout 2000 and 2001, and was able to present its final report 'The Responsibility to Protect' to Annan and the UN permanent representatives on December 18th, 2001 (Knight, 2011: 22).

This presentation of the ICISS report can be seen as the true genesis of RtoP as an international norm. The term 'responsibility to protect', coined by Gareth Evans, was made public for the first time. In accordance with the challenge that national sovereignty had to be reconciled with human rights, the ICISS proposed that a solution could be found in sovereignty itself. In essence, RtoP entails that effective protection of human rights is inherent to modern sovereignty, amounting to what Piiparinen terms the 'humanitarisation of sovereignty' (Piiparinen, 2012). The ICISS's report main point are as follows;

A) State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.

B) Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure and the state in question is unwilling or unable to halt or to avert it, the principle of non-intervention yields to the international responsibility to protect. - (ICISS, 2001: XI).⁸

4.1.5 Emergence, diffusion, contestation

After the presentation of the ICISS report in 2001, the RtoP principle remained heavily dependent on Canada's state sponsorship of all efforts at norm entrepreneurship. The transformation of the ICISS secretariat into a permanent RtoP unit within DFAIT facilitated and actively encouraged follow-up meetings on the emerging principle. Although this development thus not amount to the institutionalisation of RtoP in formal rules and procedures, as Finnemore and Sikkink define it, it formed an important first step to further endorsements of the principle. It turned out to be rather difficult to persuade other states to become active norm leaders, as can be seen from the failed attempt to facilitate the emergence of a Groups of Interested States (GIS). In line with the very limited state support, besides that of Canada, that the ICISS received, the planned GIS suffered from a lack of interest from participating states. State interest remained, on the balance, rather limited until the 2005 UN world summit.

The most eager individual advocates of RtoP in the 2002 – 2004 period can be found among the former ICISS commissioners, most notably Gareth Evans and Ramesh Thakur, as well as in the person of Kofi Annan. Thakur wrote a substantial number of academic-, as well as several op-ed articles on the process and implications of RtoP. He furthermore attended numerous RtoP-related seminars and events as an avid proponent of the principle. Evans, as chairman of ICISS and intellectual driver behind the report, proved to be the most political advocate of RtoP. His advocacy of RtoP aligned very well with the work he undertook as President of the International Crisis Group, which in turn reinforced the political impact of his endorsement. His constant backing of the principle of RtoP, at various kinds of fora and in relation to actual humanitarian crises made him RtoP's most visible and effective advocate (Pollentine 2012). Annan's role as a prominent advocate of RtoP is twofold. In the first place he was willing, as UN-secretary general, to apply the language of RtoP to actual crises such as Dafur (Annan, 2004). In doing this, Annan disregarded the lack of political consensus on the issue, and anticipated UN level discussion on the issue. In the second place, and even more importantly, Annan deliberately initiated a UN level discussion of the issue by convening the High Level Panel on Threats, Challenges and Change.

In his September 2003 address to the UN General Assembly (UNGA), Annan in covert terms stressed the impact of the US-led invasion of Iraq, which had been carried out without the authorization of an UNSC resolution. He stated that at times when weapons of mass destruction were perceived as a global and timeless threat, and states perceived "pre-emptive strikes" as a legitimate counter-measure to them, the UN should renew its effort to better understand global security issues. In order to do so, the Secretary-General called for sixteen eminent personalities, among whom Gareth Evans, to form the High Level Panel on Threats, Challenges and Change (HLP). The panel was to advise the UN on both global security issues and on how to conduct structural reform

⁸ See paragraph 4.2.3 for an analysis of this document frame, see appendix C.3 for full CFA.

of the UN institutions in order to better deal with them. In December 2004 the HLP presented its report, *A more secure world; our shared responsibility*, which engages with both 'Sovereignty as Responsibility' and the 'Responsibility to Protect'.⁹

In the section on collective security and the use of force the HLP report draws strongly on the ICISS report, explicitly approving the reframing from rights to responsibilities; "There is a growing recognition that the issue is not the "right to intervene" of any State, but the "responsibility to protect" of every State when it comes to people suffering from avoidable catastrophe - mass murder and rape, ethnic cleansing by forcible expulsion and terror, and deliberate starvation and exposure to disease. And there is a growing acceptance that while sovereign Governments have the primary responsibility to protect their own citizens from such catastrophes, when they are unable or unwilling to do so that responsibility should be taken up by the wider international community -with it spanning a continuum involving prevention, response to violence, if necessary, and rebuilding shattered societies." ¹⁰

In the remainder and the conclusion of the HLP report, 'the emerging norm that there is a collective international responsibility to protect' is explicitly recognized. Both this formulation and the reframing of rights as responsibilities were taken over by Annan in his March 2005 report to the UN General Assembly, 'In Larger Freedom' (ILF).¹¹ The ILF report was even more important than the HLP report because of its official agenda setting function to the UN World Summit later that year. Annan in the ILF report; "The International Commission on Intervention and State Sovereignty and more recently the High-level Panel on Threats, Challenges and Change, with is 16 members from all around the world, endorsed what they described as an 'emerging norm that there is a collective responsibility to protect'. While I am well aware of the sensitivities involved in this issue, I strongly agree with this approach. I believe that we must embrace the responsibility to protect, and, when necessary must act on it."¹²

With the ILF report, Annan thus effectively locked the content on RtoP from the Millennium Report, the ICISS and the HLP to the UN World Summit agenda. In his autobiography, Annan bluntly states that "... the launch of my report *In Larger Freedom* in 2005 generated a formal member state endorsement of the Responsibility to Protect" (Annan, 2012: 118). In sum, the norm entrepreneurship of Kofi Annan, backed by Canada's state sponsorship and the personal backing of Axworthy, succeeded in putting RtoP as an emerging norm onto the 2005 UN World Summit agenda.¹³

4.1.6 The 2005 World Summit and Security Council resolution 1674

The 2005 UN World Summit in New York was the largest gathering of world leaders in history. All of the 191 member states of the UN were represented, for the larger part by their president or prime-minister. All representatives did speak at some point during the proceedings of the session, and together they approved the concept text of what would become the World Summit Outcome document (WSO).¹⁴ The WSO is a high level political agreement, although is not legally binding on the parties on which behalf it was signed. The WSO was subsequently brought before a plenary session of the General Assembly, where after amendments it was

⁹ See paragraph 4.2.4 for an analysis of this document frame, see appendix C.4 for full CFA.

¹⁰ United Nations press secretariat, *A more secure world; our shared responsibility: IX, 3, article 201* (2004).

¹¹ See paragraph 4.2.5 for an analysis of this document frame, see appendix C.5 for full CFA.

¹² Annan, K. (2005). *In larger freedom towards development, security and human rights for all : report of the Secretary-General*. New York: United Nations.

¹³ This reading of events is confirmed by dr. Abiodun Williams, who stresses Annan's enduring and targeted efforts to put RtoP on the 2005 UN World Summit agenda. Dr. Williams served as Director of Strategic Planning at the Executive office of the UN Secretary General from 2001 to 2007, and is currently Director of the Hague Institute for Global Justice. Private conversation with author, 20 November 2013.

¹⁴ See paragraph 4.2.6 for an analysis of this document frame, see appendix C.6 for full CFA.

unanimously endorsed on September 16th, 2005. Paragraphs 138 and 139 of the WSO constituted the endorsement of RtoP by the state leaders at the World Summit and the General Assembly. The content of the paragraphs, coupled with the condition of unanimous approval, led various scholars and commentators to argue that the tipping point of the 'RtoP norm' had been reached (Bellamy, 2010; Thakur, 2011). Paragraph 138 reaffirmed the principle that sovereign states have a responsibility, or positive duty, to protect their population from genocide, war crimes, ethnic cleansing and crimes against humanity. Further, other states have a responsibility to encourage and help the state to exercise their primary responsibility. Paragraph 139 states that in case a sovereign state 'manifestly fails' to protect its population from the four aforementioned crimes, the international community also has a responsibility to take collective action in order to protect the citizens of that state. This should all be done in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate. This is the most authoritative articulation of RtoP at the level of the UN, and therefore the original 'source' for the principle as it is known today. In the words Ban Ki-Moon used in his 2009 report, paragraphs 138 and 139 of the WSO "define the authoritative framework within which member states, regional arrangements and the United Nations system and its partners can seek to give a doctrinal, policy and institutional life to the responsibility to protect" (Ba Ki-Moon, 2009: 4).

Almost a year after the approval of the WSO, the Security Council further endorsed the laid down commitments by issuing Resolution 1674 on the protection of civilians in armed conflict.¹⁵ Paragraph four of Resolution 1674 simply reads; "The Security Council *Reaffirms* the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (UN Security Council, S/Res 1674: 2). This first ever reference to RtoP by the Security Council is significant, precisely because it shows that the major powers in the world endorsed the principle. The Guardian and Oxfam qualified the resolution as respectively 'historic' and 'a landmark achievement' (The Guardian, 28.04.2006; Oxfam Press Room, 28.04.2006).

4.1.7 Prominence: Norm Leaders, Norm Followers and the General Assembly

Even after the inclusion of the RtoP provisions in the WSO, and the subsequent Security Council endorsement of those provisions, the implications of RtoP for future UN, Security Council and individual State action remained radically unclear. Especially the question which state bears what responsibility under what circumstances was seen as a major unresolved issue. In the biannual UNSC discussions of the protection of civilians in armed conflicts it became clear that crucial differences in interpretation existed between Russia and China on the one hand, and France, Britain and the US on the other hand. The former two emphasized that the role of the international community is limited to helping other states in building the capacity to uphold their primary responsibilities, whereas the latter three stressed the contingency of national sovereignty in relation to the effective upholding of these responsibilities (Welsh, 2009).

Meanwhile, security crises like those in Sudan (2006), Kenya (2007), the Democratic Republic of the Congo (from 2006 onwards) and Sri Lanka (2009) were debated in terms of whether or not they qualified as cases of international assistance and/or intervention. Despite the application of the RtoP language and considerations to these cases, none of the UNGA or UNSC resolutions on these cases made reference to RtoP. When in 2008 the cyclone Nargis struck Burma, and the regime blocked all foreign efforts at disaster relief, French foreign minister Bernard Kouchner called for forcing disaster relief upon the regime, which would be legitimate because the Burmese government did not uphold its responsibility to protect. The UN and UNSC, and even civil society supportive of RtoP, reacted by indicating that natural disaster principally does not qualify as a case for RtoP. And when later in the same year Russia justified its war with Georgia in terms of its own responsibility to protect Russian citizens living in Abkhazia, the consensus was that such partial-political humanitarian goals can

¹⁵ See paragraph 4.2.3 for an analysis of this document frame, see appendix C.3 for full CFA.

never amount to a legitimate case of RtoP (Badescu and Weiss, 2010)¹⁶.

In January 2009 Ban Ki-moon, Annan's successor as Secretary-General, published a report titled *Implementing the Responsibility to Protect* (IRtoP).¹⁷ The main conclusion of Ban's assessment was that "the best way to discourage States or groups of States from misusing the responsibility to protect for inappropriate purposes would be to develop fully the United Nations strategy, standards, processes, tools and practices for the responsibility to protect". With this statement, the IRP report explicitly called for the UNGA to further discuss the significance, implications and future prospects of the RtoP principle. Furthermore, it clearly shows that Ban already takes a position in favour of further institutionalization, thereby anticipating the discussion he called for himself. This dual role of agenda-setter and proponent makes Ban in all respects a successor to Annan as a crucial norm entrepreneur on RtoP.

A new element in the IRtoP report is the proposed pillar structure of the RtoP principle. The responsibility of all sovereign states to protect their own citizens is labelled as pillar number one; the responsibility of states to help other states in building the capacity to fulfil their responsibility is number two; and the responsibility of states to respond in a timely and decisive manner if another state manifestly fails to protect its own population is pillar three. The pillar structure designates equal weight to each pillar, and does not alter the original articulation adopted in 2005. However, it is remarkable that neither the responsibility continuum nor the prevent/react/rebuild trichotomy proposed in 2001 are mentioned in this report at all.

In late July 2009 the UNGA debated the IRtoP report for almost four full days, during which about a 100 representatives spoke out on the issue. It was the first time since the 2005 World Summit that the UNGA had called for a plenary meeting with the sole concern of discussing RtoP. The debate revealed substantial consensus in favour of the RtoP principle, with only four member states that called for renegotiating the 2005 agreement (Cuba, Venezuela, Sudan and Nicaragua)¹⁸. The majority of states welcomed the report by the UNSG in general, although some important concerns were voiced. The most important of these was the exclusive authority of the UNSC in determining whether a crisis situation qualifies for RtoP. Major non-UNSC states voiced concerns that, without reform of the Security Council, the development of RtoP would be held hostage to the geopolitical interests of the P5.

In the end the General Assembly reaffirmed the RtoP principle as it was laid down in the 2005 World Summit Outcome document. It took note of the report of the Secretary-General and decided to continue its consideration of RtoP as a principle. Although not a revolutionary statement, the reaffirmation of RtoP by the assembly showed continued support for the principle at the level of the UN. From now on, the Secretary-General would produce a report on RtoP each year, and present it to the General Assembly for discussion. Far from being internalised or reversed, RtoP continued to provoke deliberations.¹⁹

4.1.8 Global Norms in practice: Libya

¹⁶ For a complete overview of pre-Libyan security crises against which the applicability of RtoP was discussed, adapted from Bellamy (2010), please see Appendix A.

¹⁷ See paragraph 4.2.7 for an analysis of this document frame, see appendix C.7 for full CFA.

¹⁸ See UN General Assembly discussion report on the UN Department of Public Information, online archives - <http://www.un.org/News/Press/docs/2009/ga10850.doc.htm> (accessed 07.03.2014).

¹⁹ Political dispute might exactly be the reason why the UN General Assembly just reaffirmed RtoP in principle, without further elaborating or working towards its implementation (in whatever form). This view is endorsed by Mr. Bartjan Wegter, who served as Deputy Head of the Political Affairs section at the Netherlands representation to the UN from 2006 to 2010. Mr. Wegter was, among other things, responsible for the Dutch standpoint on RtoP. Mr. Wegter sees potential discord in the ranks of the UN as a main reason for 'continued consideration' clause. Private conversation with author, 4 December 2013.

On March 17th 2011 the UN Security Council (UNSC) adopted resolution number 1973, which demanded an immediate ceasefire of all hostilities in the civil conflict in Libya and effectively authorized the international community to impose a no-fly zone to enforce this ceasefire. It authorized all UN member states "...to take all necessary measures [...] to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamhoriya, including Benghazi, while excluding an occupation force". Resolution 1973 does not constitute the first time the UN Security Council mentioned RtoP (Resolution 1706 on Dafur in 2006), nor was this the first time that it authorized UN member to take 'all necessary measures' on the terrain of a sovereign state against the will of its acting government (Resolution 794 on Somalia in 1992). However, resolution 1973 does signal the first time that the UN Security Council authorized member states to take all necessary measures against the acting government of a sovereign state *with reference to* that state's failure to live up to its responsibility to protect its own population from gross and systematic violations of human rights.

Three factors inhibit resolution 1973 from being the watershed moment in the 'life cycle' of the RtoP principle as an international norm: partiality, abstentions and controversy.²⁰ The first two, partiality and abstentions, will be discussed below, while controversy is the subject of the last paragraph.

Resolution 1973 was a partial invocation of RtoP, not (only) in the sense of being politically motivated to advance one particular side to a conflict, but in the literal sense of being an invocation of only half the official principle. Resolution 1973 only mentions the failure of Libyan authorities to protect their population (which in Ban's 2009 proposal would constitute pillar I, but which is mentioned as part of an indivisible principle in the 2005 WSO). The resolution at no point mentions the responsibility of third states and/or the international community to take collective measures in case a sovereign states manifestly fails to live up to its responsibility to protect (Garwood-Gowers, 2013: 596). This failure to invoke the full principle of RtoP adds to a picture of continued disagreement between members of the Security Council about the content of RtoP, more specifically the precedent-setting function that a full invocation would have had (Welsh, 2011: 255). Ian Hurd is probably right when he blogs that it is "... ironic that in the very first instance in which the principle was put into practice, the version of RtoP that was enacted was one that would undoubtedly have been rejected by the majority of states and activists who crafted the doctrine".²¹ In sum, by authorizing all necessary measures against the Libyan authorities solely because they manifestly failed to uphold their responsibility to protect, without reiterating the responsibility of the wider international community, resolution 1973 effectively falls within the 'humanitarian intervention' instead of the 'responsibility to protect' paradigm.

Second, resolution 1973 was not a unanimous decision of the Security Council, far from it. The resolution was put up for a vote of which the outcome was ten in favour, zero against and five abstentions. Among the countries who voted in favour of the resolutions were all the major Western powers, including P5 members France, the United Kingdom and the United States. Furthermore, the African countries Gabon, Nigeria and South Africa also voted for the resolution. The abstainers were Brazil, India and Germany, plus P5 members Russia and China. The UN press release states that Russia and China did not use their veto only because of the explicit justification of intervention by the Arab League and the African Union. Furthermore, an explicit concern voiced by the five abstaining countries, which was quoted as a main reason not to vote in favour, were concerns over the vagueness of the supposedly limited mandate.²² These concerns were to be proven valid in the subsequent NATO-intervention, which was widely seen as stretching the mandate provided by resolution 1973 – "mission creep" (Hehir, 2013).

In sum, the partiality of resolution 1973 shows that RtoP was not even invoked in full, thereby losing meaning

²⁰ See paragraph 4.2.8 for an analysis of this document frame, see appendix C.9 for full CFA.

²¹ <http://www.ethicsandinternationalaffairs.org/2012/libya-and-responsibility-to-protect-great-power-permission-or-international-obligation/> (accessed 07.03.2014).

²² <https://www.un.org/News/Press/docs/2011/sc10200.doc.htm> (accessed 07.03.2014).

as a coherent normative principle. Significant abstentions further contribute to a disqualification of the resolution as a watershed moment, as important states in the international systems clearly had doubts about both RtoP's applicability to the situation as well as the legitimacy of the principle in general. Finally, next paragraph's description of subsequent and ongoing controversy over RtoP shows that the political conflict over the norm's content, legitimacy and meaning is still going on.

4.1.9 RtoP as controversy

Operation 'Unified Protector', the NATO intervention in Libya, authorized by- and enacted upon resolution 1973, was far from uncontroversial. Different media outlets and academic commentators referred to it in such widely differing and sometimes conflicting terms as 'the coming of age of sovereignty-building', 'the coming of age of human protection', 'the return of humanitarian imperialism', and 'humanitarian neo-colonialism'.²³ This concrete political divisiveness about the meaning and interpretation of resolution 1973 and the subsequent NATO-led intervention echoes earlier, more abstract academic disputes over the nature and meaning of the principle of RtoP (see chapter one). These same fault lines, academic as well as political, reverberated through the UN as a political forum – and as I argue, are still reverberating today.

Political controversy is almost absent from the 2012 report by UN Secretary-General Ban Ki-Moon on RtoP, titled 'Timely and Decisive Response' (RtoP-TDR), and the UN General Assembly session where the report was discussed.²⁴ The report first speaks of the adoption of the principle as the '...historic commitment to the Responsibility to Protect by all Heads of State and Government at the 2005 World Summit'. In addition to this almost hagiographic reading of RtoP's history, the report continues the Annan/Ban line of reasoning about 'implementing RtoP', at least at the level of rhetoric.²⁵ What is missing from the report is, however, any reference to the *responsibility* on behalf of the international community to assist states in fulfilling their sovereign responsibilities (pillar II) and to act in a timely and decisive manner in case peaceful means are inadequate and national authorities fail to uphold their responsibilities (pillar III). The report frames the responsibility inherent to the second and third pillar as respectively 'the role of the international community' and as 'member states agreed to',²⁶ with 'role' and 'agreement' clearly being different from positive obligation or responsibility.

In the RtoP-TDR report Ban is anticipating the political discussion in the UN General Assembly by simultaneously continuing the 'implementing RtoP' rhetoric and watering down the positive obligation RtoP places on the international community. In the 2001 ICISS report and in the 2005 WSO document it is clearly stated that the role, commitment and agreement of the international community amount to a responsibility. Furthermore, still in his 2009 report on the issue Ban stated himself that 'Pillar three is the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection' (Ban, 2009: 9). In the RtoP-TDR report Ban only mentions controversy of Libya in that UN member states disagreed about the effect of non-coercive measures and the allegation of mandate stretch,

²³ See, respectively: Piiparinen 2013; The Stanley Foundation (<http://www.stanleyfoundation.org/articles.cfm?id=722> accessed 07.03.2014); the Counter Punch (<http://www.counterpunch.org/2011/03/08/libya-and-the-return-of-humanitarian-imperialism/> accessed 07.03.2014); and Engeldahl 2001 (<http://www.globalresearch.ca/humanitarian-neo-colonialism-framing-libya-and-reframing-war/24617> accessed 07.03.2014).

²⁴ See paragraph 4.2.9 for an analysis of this document frame, see appendix C.9 for full CFA.

²⁵ This is evident from phrases such as 'The present report offers an assessment of the wide range of tools available under Chapters VI, VII and VIII of the Charter for implementing pillar three of the responsibility to protect' (Ban Ki-Moon 2012, p.2), 'The report looks at progress made so far in implementing the responsibility to protect and the challenges that still lie ahead' (p.3), and '... the international community should learn from its experience to date and strive to improve on implementation, using all available tools' (p. 15).

²⁶ Ban Ki-Moon 2012, p.1.

while nothing is said about the partial invocation of the RtoP principle (Ban, 2012: 14). By watering down the responsibility of the international community in this report, while upholding the ‘implementing RtoP’ rhetoric, Ban effectively ignores the political controversy about RtoP, specifically with regard to military intervention.

It is not surprising then that the reception of the RtoP-TDR report in the UN General Assembly, where RtoP is debated in plenary session for the first time since the intervention in Libya, is characterized by controversy. Singapore voiced its concerns against the pillar structure laid out by Ban in 2009, calling it “window dressing” for humanitarian intervention. Russia claimed that the pillar structure distracted from the real, political questions underlying RtoP. Sri Lanka and Cuba stressed the contested nature of RtoP, and urged caution with any implementation of a principle about which content exists no unanimity. China only stated her unwavering commitment to national sovereignty, territorial integrity and non-interference in internal affairs. On the other hand, the European Union, the United States and a number of smaller countries (Rwanda, New Zealand) voiced their commitment to RtoP, Ban’s pillar structure and the structural implementation of RtoP policy.²⁷

What made matters even more subject to dispute was the then eight-month old conflict in Syria, of which the corresponding humanitarian situation RtoP applied equally well as to Libya, but where diverging political interest within the P5 prevented any action by the Security Council. The representative of Libya itself, at the time governed by its first democratically elected government, claimed that the international community was taking too long to react to the Syrian crisis, and that it “could not allow regimes to slaughter their people”. Belgium then compared the crisis in Syria to the genocides in Srebrenica and Rwanda. Broad support for a ‘timely and decisive response’ by the international community to Syria was further given by a substantial number of member states, among which Japan, Brazil and Qatar. These claims were in turn rejected by Russia, China, Sri Lanka and Cuba (see above), and above all by the representative of Syria itself; “The representative of Syria said the most important point was that of preserving the sovereignty of the State. The concept of the responsibility to protect was still under discussion, and the international community must be wary of States implementing it in order to advance their own agendas. What had not been emphasized in today’s discussion was the external role that some countries were playing in inciting crimes in other States, and which led to the suffering of civilians. He added that he was surprised that the representative of Libya had urged military intervention in Syria.”²⁸

In the end, no new consensus around RtoP emerged. Ban delivered one further report on the principle in 2013, about which the UN General Assembly in turn held a lively debate. This last report to date deals exclusively with a range of preventive measures states can take to prevent atrocity crimes on their territory. The atrocities in Syria are mentioned in passing, as an example of why prevention strategies are so vital to RtoP. The intervention in Libya is not mentioned at all. Three further references to RtoP in UN Security Council resolutions, on Ivory Coast and Yemen (both 2011), and the Central African Republic (2013) are also mentioned as cases of ‘failure of states to protect their populations’ (Ban, 2013: 16). It is noteworthy that in none of these resolutions the international community was attributed with any of the responsibilities it agreed to take upon itself in 2005.

On the present state of RtoP, and possible future prospects see chapter 6, reflection and discussion. This thesis will now continue with the results of Critical Frame Analysis of nine important policy documents on RtoP.

²⁷ See UN press release on the UN General Assembly debate (<http://www.un.org/News/Press/docs/2012/ga11270.doc.htm>, accessed 07.03.2014).

²⁸ Ibid.

4.2 Critical Frame Analysis of policy documents

In this second half of the analysis the results of Critical Frame Analysis (CFA) of the nine policy documents are depicted. For how these documents were selected, and how they relate to the concrete hypotheses, please see paragraph 3.4.3. For more information on how CFA is employed to track the emergence of a norm over time, please see paragraph 3.4.2. Only the conclusions of CFA per document are shown here, for the full analyses please see Appendix C.

4.2.1 An Agenda for Peace – Boutros Ghali

① Ghali, B. (1992), *An agenda for peace: preventive diplomacy, peacemaking, and peace-keeping: report of the Secretary-General pursuant to the statement adopted by the summit meeting of the Security Council on 31 January 1992*. New York: United Nations.

For more contextual information on this policy document please see paragraph 4.1.3.

The issue frame that stems from the CFA analysis of this policy document is labelled '**Peace-enforcement**'.

The problem of violent conflict is here seen as a problem of sovereign states, in the sense that states are seen as the only actors that can legitimately address continuous violent conflict. States should, in cooperation with regional organizations and NGO's, and with authorization of the UNSC, address the problem of violent conflict through preventive diplomacy, peace-making and peace-building. The role of the UN is framed as both facilitating and actively endorsing actions of its member states in conflict resolution. The link established between UN authorization and state action affirms that the UN should be the referee with regard to whether a particular state has a *right* to commit a particular act. Other than the statement that violent conflict is due to 'pervasive and deep sources', there is no notion of responsibility for its continuous existence mentioned.

The frame of peace-making by sovereign states does not at all recognize, and in a sense denies, that there is a tension between national sovereignty and individual human rights. Human rights are not mentioned in relation to sovereignty, and the sovereign state is explicitly noted as 'the foundation-stone' of international peace and security. Humanitarian intervention as such is not mentioned, the UN and its member states confirm that in cases of 'severe internal crisis' the sovereignty of the state must be respected. Furthermore, 'Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality'. Finally, humanitarian assistance is only legitimate with the consent of, and on the basis of an appeal by, the country affected. In sum, peace-enforcement as a practice is grafted with the norm of 'traditional' (absolute) national sovereignty.

Box 1; CFA conclusions of 'An Agenda for Peace'. For full analysis see Appendix C.1.

4.2.2 Millenium Report - Annan

② Annan, K. A. (1999), *Secretary-General presents annual report to the General Assembly*. SG/SM/7136 – GA 9596. New York: United Nations, Dept. of Public Information.

For more contextual information on this policy document please see paragraph 4.1.4.

The issue frame that stems from the CFA analysis of this policy document (speech) is labelled '**humanitarian intervention**'.

The problem of violent conflict is here narrowed to massive and systematic violations of human rights. This is then framed as a problem of sovereign states, in the sense that states are seen as the only actors that can legitimately address instances of human rights violations in another country. States should do this through the UNSC and the UNGA, by means of humanitarian intervention. It is important for states to not only reify national sovereignty, but commit themselves also to upholding individual sovereignty. This can be done by defining intervention as broadly as possible, by recognizing narrow national interests as an obstacle to effective humanitarian intervention and by committing to peace-keeping before and after the actual conflict situations.

The frame of humanitarian intervention does recognize the inherent tension between national sovereignty and human rights, here labelled 'individual sovereignty'. The principle of humanitarian intervention is a choice for the yielding of national sovereignty to individual sovereignty *under some circumstances* of massive and structural violations of human rights. The question of who decides on what constitutes an instance that legitimizes humanitarian intervention is answered by A) the UNSC in an international legalistic sense and B) the sovereign states themselves in an international ethical sense. Furthermore, humanitarian intervention is seen as endowing sovereign states with a *right* to intervene in another country if the situation is found to be legitimate to it (in both the legalistic and the moral sense). In sum, humanitarian intervention is here grafted with the rights and duties of potential intervening states.

Box 2; CFA conclusions of the Millennium Report. For full analysis see Appendix C.2.

4.2.3 The Responsibility to Protect - ICISS

③ Evans, G. J., & Sahnoun, M. (2001). *The responsibility to protect - report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre.

For more contextual information on this policy document please see paragraph 4.1.4.

The problem of violent conflict is here broadened to not only include serious harm done to a population, but also to the primacy national sovereignty has in interstate relations. The debate about violent conflict is diagnosed to be captured in a negative frame of the rights of states to intervene in third countries. It is explicitly stated that the debate over national sovereignty versus human rights should progress by speaking alternatively of a *responsibility* of states to protect their populations. In case a state fails to live up to its responsibility, a residual responsibility falls to the wider international community to alleviate the harm done to the first states' population. The international community then has the responsibility to prevent, react and rebuild vis-à-vis the society in which serious harm will be / is / has been done. The Security Council has the authority to determine whether a state has failed its' responsibilities. In case the Security Council does not act adequately, the General Assembly or relevant regional organisations also have to authority to act – the *responsibility continuum*.

The frame of responsibility to protect reformulates the tension between national sovereignty and human rights by making respect for human rights an inherent part of national sovereignty. This makes the exercise of national sovereignty in effect conditional upon sufficient respect for human rights. One could say that acknowledgement and observance of the responsibility to protect *humanitarianises* sovereignty. By placing emphasis on responsibilities rather than rights, and on the victims of serious harm instead of intervening states, the responsibility to protect is here grafted with both collective and individual rights – thereby transcending the former in giving priority to the latter.

The issue frame that stems from the CFA analysis of this policy document (speech) is labelled '**Responsibility to Protect**'.

Box 3; CFA conclusions of the ICISS Report. For full analysis see Appendix C.3.

4.2.4 A more secure world - HLP

④ Annan, K. (2004). *A more secure world, our shared responsibility: report of the High-level Panel on Threats, Challenges, and Change*. New York: United Nations.

For more contextual information on this policy document please see paragraph 4.1.5.

The issue frame that stems from the CFA analysis of this policy document (speech) is labelled **‘Responsibility to protect Security’**.

In this document the problem is broadened from harm done to a population to all ‘threats’ to a states’ population, be they man-made or natural. Then, the problem is broadened further as to include threats to state security. Ultimately, poverty; disease; environmental degradation; civil war; weapons of mass destruction; organized crime and terrorism are considered relevant threats to humanity in the 21st century, and are thus securitized. States are explicitly confirmed to be the front-line actors in dealing with all the threats identified. Collective strategies of sovereign nation states are seen as the method through which these threats can most effectively be assessed. Specifically on the point of (military) intervention, the documents categorises the Security Council as having the authority to deal with crises.

The frame of responsibility to protect is here, in contrast with the ICISS report, constituted of both human and state *security* (instead of individual and collective *rights*, respectively). The underlying assumption is that the threats to human security overlap to a great of even full extent with the threats to state security. The fact that sovereign states are often both the biggest guarantors and biggest violators of human rights violations is not mentioned. The threat labelled ‘war and violence within states’ does not state what kind of actor is causing the violence – the causes of threats are indeed perceived as almost exogenous to the domain of state policies. However, the document does mention the concept of RtoP as an emerging international *norm*. The responsibility to protect is here grafted with both human and state security, without recognizing an inherent tension between the two.

Box 4; CFA conclusions of the HLP Report. For full analysis see Appendix C.4.

4.2.5 In Larger Freedom - Annan

⑤ Annan, K. (2005). *In larger freedom towards development, security and human rights for all : report of the Secretary-General*. New York: United Nations.

For more contextual information on this policy document please see paragraph 4.1.5.

The issue frame that stems from the CFA analysis of this policy document (speech) is labelled **‘Implementing RtoP’**.

In this document the problem is approached from a broader “international policies” perspective. National sovereignty and human rights are both seen as given building blocks of international order, and (military) intervention is not even mentioned as such. The responsibility to protect is mentioned as an emerging norm, as such identified by the HLP. RtoP therefore merely needs to be adopted as a principle at the 2005 UN world summit, so it can be acted upon by sovereign states – of course through the Security Council as a decision-making forum. The report thus depicts RtoP as merely one among a number of policy steps states can take in international politics.

The frame of RtoP policy implementation then does not directly deal with RtoP as a principle; there is no original articulation of RtoP in the entire document. Instead, the frame designates RtoP to be a concrete international policy option – normalising and depoliticising the issue in the process. As the document does not deal with the tension between national sovereignty and human rights, RtoP is not seen as having anything to do with this debate. The document speaks in very general terms (‘human dignity’, ‘alleviating poverty and conflict’) about the goals behind the policy recommendations it gives. In sum, by depicting RtoP as a technical policy recommendation, and grafting it with universal human dignity, the RtoP policy implementation frame depoliticises the principle. This frame makes the norm itself a question of a rational prognosis to a given diagnosis.

Box 5; CFA conclusions of the ILF Report. For full analysis see Appendix C.5.

4.2.6 World Summit Outcome document – UN General Assembly

⑥ United Nations General Assembly (2005), *Resolution 60/1. 2005 World Summit Outcome*. New York: United Nations.

For more contextual information on this policy document please see paragraph 4.1.6.

The issue frame that stems from the CFA analysis of this policy document (speech) is labelled '**Responsibility to Protect**'.

In this document the problem of mass human rights violations is further specified to consist of the four most 'egregious' crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. Sovereign states are explicitly declared to have the *responsibility* to protect their populations from these crimes. Furthermore, in their role as 'the international community' states have the responsibility to use appropriate means to *help* third states in exercising their responsibility to protect their populations from these crimes. Finally, states have the responsibility to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, on a case-by-case basis and cooperation with the relevant regional organisations as appropriate, should peaceful means be inadequate and should national authorities manifestly fail to protect these crimes.

The frame of Responsibility to Protect here emanates from a political agreement at the level of the UN. Therefore it is the most authoritative articulation of the principle so far; all later articulations essentially refer to RtoP as it is writing down in the World Summit Outcome document. The frame holds a trapped conception of sovereignty: to protect, to assist third states in protecting, and appropriate collective measures. The frame does not mention either the responsibility continuum or the prevent/react/rebuild trichotomy from the ICISS report. Finally, the fact that sovereign states are both the principal defendant and, at times, the worst violators of human rights is not mentioned. Therefore, in the RtoP frame human rights are grafted with sovereignty, amounting to what Piiparinen calls the humanitarisation of sovereignty

Box 6; CFA conclusions of the World Summit Outcome document. For full analysis see Appendix C.6.

4.2.7 Implementing the Responsibility to Protect - Ban

⑦ Ban, K. (2009). *Implementing the responsibility to protect: Report of the Secretary-General*. New York: United Nations.

For more contextual information on this policy document please see paragraph 4.1.7.

The issue frame that stems from the CFA analysis of this policy document (speech) is labelled '**Implementing RtoP**'.

In this document the definition of the problem has shifted in relation to all preceding articulations, with the partial exception of the 2005 ILF report. Originally the diagnosis was (a variant of) massive human rights violations, and the prognosis consisted of a 'new' relation between sovereignty and individual rights. The IRtoP report takes this new relation, as inscribed in a political agreement in the 2005 WSO document, for granted and starts reasoning from there. Advancing, or implementing, the RtoP agenda is best done by adopting the prevent / assist / rebuild strategy advanced in the report. All three of these pillars are equal in weight, and stand in no hierarchical or chronological relation to each other. In all three pillars there are a number of concrete policy steps that can be taken by the General Assembly to work towards implementing the principle.

The problem is thus not represented as mass human rights violations, but as a gap between principle and practice. The UN General Assembly should define the act of 'continued consideration' it had reserved for itself in 2005, and discuss how best to *implement* the RtoP principle. It should take the policy advice offered in the report as a first step. This is the same strategy that was applied in the ILF report by Annan in 2005 in the run up to the UN World Summit, when he posed RtoP (as articulated in 2001) as a solution to a international policy problem. Ban, as a true successor to Annan as a norm entrepreneur, here grafts RtoP with policy implementation, depoliticizing the issue in the process.

Box 7; CFA conclusions of 'Implementing the Responsibility to Protect'. For full analysis see Appendix C.7.

4.2.8 UN Security Council resolution 1973 - Ban

⑧ United Nations Security Council (2011), *Resolution S/RES/1973*. New York: United Nations.

For more contextual information on this policy document please see paragraph 4.1.8.

The issue frame that stems from the CFA analysis of this policy document (speech) is labelled '**Humanitarian Intervention**'.

In this document the principle of massive human rights violations, RtoP and the question of humanitarian intervention are applied to a practical political affair. The resolution condemns the Libyan authorities as not living up to their responsibility to protect, which is then taken as one of the grounds upon which the UN authorizes UN member states to take 'all necessary measures' against the regime. What is remarkably absent from the resolution, however, is any attributed responsibility on the part of the international community to either assist Libya to exercise its responsibility, or to take 'all necessary measures'. Through the issuing of the resolution the UN *justifies* coercive measures against the Libyan authorities in defense of Libyan citizens, but the UN does not designate any positive duty or *responsibility* for implementing them. That is, resolution 1973, in so far as it builds on the political agreement of 2005, only invokes *half* the principle of RtoP.

As RtoP must be seen as a single, coherent, set of agreements about the relation between national sovereignty and individual rights (see paragraph 4.2.6), resolution 1973 did not actually invoke the RtoP principle as it was laid down. Instead, resolution 1973 resembles the 'classical' case for humanitarian intervention more than it constitutes a new framework on the responsibilities inherent in sovereignty – exactly the paradigm that Annan criticized in his 1999 millennium report. By grafting RtoP with humanitarian intervention, the Security Council effectively reaffirms the paradigm on the 1990's, and does not take the normative changes brought about in the 2005 World Summit Outcome document into account.

Box 8; CFA conclusions of 'UN Security Council Resolution 1973'. For full analysis see Appendix C.8.

4.2.9 Timely and Decisive Response - Ban

⑨ Ban K.M. (2012), *Responsibility to Protect - Timely and Decisive Response: Report of the Secretary-General*. New York: United Nations.

For more contextual information on this policy document please see paragraph 4.1.7.

The issue frame that stems from the CFA analysis of this policy document (speech) is labelled **‘Implementing RtoP’**.

In this document the definition of the problem is a continuation of Ban’s 2009 ‘Implementing the Responsibility to Protect’, and to a lesser extent of Annan’s 2005 ‘In Larger Freedom’ report. The problem is represented to be not massive human rights violations (positive formulation), but a lack of implementation of RtoP (negative formulation). The report specifies how states can take measures to implement the third pillar of RtoP, ‘Timely and Decisive Reponse’, and what specific policy tools are available to this implementation. In addition, it positively reviews the Brazilian proposal of a ‘Responsibility while Protecting’ as a possible useful addition to the RtoP principle as it is currently agreed upon.

By regarding RtoP, and then specifically its third pillar, as an agreed upon international principle that merely needs implementation, Ban negates all dispute of RtoP as a norm, and in particular the effects of its partiality invocation in Resolution 1973. It is remarkable that there is not a single reference to the responsibility of the international community mentioned in the report. Libya and resolution 1973 are mentioned explicitly, but only as an example of why it is important that any ‘contentions’ by member states about ‘such cases’ must be taken into account in implementing RtoP. By continuing to graft RtoP with policy implementation, while meanwhile all references to the responsibility of the international community are dropped, Ban effectively waters down the RtoP principle in the face of potential political opposition.

Box 9; CFA conclusions of ‘Timely and Decisive Response’. For full analysis see Appendix C.9.

Chapter 5; Research Results

The adoption of the Responsibility to Protect (RtoP) at the 2005 UN World Summit and the military intervention in Libya in 2011, - authorized by the UN Security Council with reference to the principle, - raised the question of *what* RtoP is, and *how* it came into being. This thesis has analyzed RtoP as an international norm, in the sense of an internationally shared standard of appropriate behaviour for actors with a given identity (Katzenstein 1996b, 5; Finnemore 1996a, 22; and Klotz 1995b). The thesis then used discursive Norm Cycle Theory (NCT) to analyse the emergence of RtoP from the 2001 ICISS report to the 2011 intervention in Libya. Operationalising norms as processes, discursive NCT presupposes norms to be grounded in a discursive ontology, that is, norms are constituted in a range of discursive articulations by political actors. Discursive NCT loosely aligns with the three phases (emergence, diffusion and internalisation) of classic NCT, but allows for a wider range of differentiation, nuance, contestation and reversal. On the basis of this theoretical and methodological framework, three theoretical hypotheses were drawn up, along with three corresponding concrete hypotheses. Based on the outcomes of Critical Frame Analysis (CFA) of nine key policy documents, this thesis will now formulate answers to these hypotheses, in order to then be able to answer the main research question in chapter 6.

5.1 Norm Entrepreneurship

In the 1990s, at the time when Boutros Boutros-Ghali was UN Secretary-General, the dominant paradigms for thinking about the tension between national sovereignty and human rights were those of 'peace enforcement' and 'humanitarian intervention'. Both of these terms emphasize the conditions under which states have the right to intervene (with political, economic or military means) in the affairs of a third country. Boutros-Ghali stated explicitly that 'In these situations of internal crisis the United Nations will need to respect the sovereignty of the State'.²⁹ The RtoP principle is a radical reformulation of 'the rights of states to intervene' in 'the responsibilities of states and the international community to protect human rights'. The formulation of RtoP, and its adoption at the 2005 World Summit indicates positive action on behalf of one or more norm entrepreneur(s). The hypothesis was as follows:

C.H 1: Norm entrepreneurs, through making use of the ICISS, deliberately attempted to develop RtoP and to put it on the UN World Summit agenda.

Kofi Annan and Lloyd Axworthy formed the crucial tandem of norm entrepreneurs that got RtoP on the international political agenda. Annan formulated the tension between sovereignty and human rights, exemplified in the atrocities in Srebrenica and Rwanda, as a challenge for the international community to resolve. Axworthy then offered to facilitate the International Commission on Intervention and State Sovereignty, which subsequently presented its report 'The Responsibility to Protect' to Annan. Annan further endorsed the principle by instituting the High Level Panel on Threats, Challenges and Change, and by adopting the rhetoric of 'implementing RtoP' (as if it were already adopted) in his 2004 report 'In larger Freedom'.³⁰ In his autobiography, Annan even goes as far to causally link his norm entrepreneurship with the adoption of the principle by at the 2005 World Summit, "... the launch of my report *In Larger Freedom* in 2005 generated a formal member state endorsement of the Responsibility to Protect" (Annan, 2012: 118). Thus, the above

²⁹ See paragraph 4.3.1 and Appendix C.1.

³⁰ See paragraphs 4.3.2 – 4.3.5 and Appendices C.2 – C.5. According to dr. Abiodun Williams this move to the 'implementing RtoP' rhetoric was deliberately made by Annan in order to make it easier to get RtoP accepted as a point for debate on the 2005 UN World Summit. Dr. Williams served as Director of Strategic Planning at the Executive office of the UN Secretary General from 2001 to 2007, and is currently Director of the Hague Institute for Global Justice. Private conversation with author, 20 November 2013.

concrete hypothesis can be **confirmed**.

The corresponding theoretical hypothesis was as follows:

T.H.1: Norm entrepreneurs deliberately attempt to put a specific norm onto the international agenda, in order to persuade states to become norm leaders.

For the case of RtoP this certainly holds true. In most conventional applications of Norm Cycle Theory the identification of the norm entrepreneur(s) was a relatively unproblematic step in the research (see paragraph 2.2 – 2.3). What stands out in this thesis is that the norms entrepreneurs were both conscious and deliberate in their attempts to put RtoP on the international policy agenda. Seen as a case study, this research thus **adds a confirming observation** to the existing theory.

5.2 Institutionalisation

At the 2005 UN World Summit, all states unanimously agreed upon the outcome document, including paragraphs 138 and 139 on RtoP. Paragraph 138 states that each individual state has a responsibility to protect its own population from the four egregious crimes against humanity, and that the international community should help and encourage states to fulfil their responsibility. Paragraph 139 states that if states manifestly fail to fulfil their responsibilities, the international community, through the UN, also has a responsibility to collectively react, in a timely and decisive manner, in accordance with the UN Security Council. The hypothesis with regard to the politically binding agreement on RtoP was as follows:

C.H.2: After RtoP was enshrined in the WSO in 2005, the norm was both accepted by the majority of states in the system, while at the same time its exact content kept being a disputed issue among those same states.

After the World Summit Outcome document was published, RtoP was not substantially debated in the UN General Assembly until 2009. As no other international political forum could with any authority question or alter a political agreement made at the level of the UN, it is reasonable to say that the RtoP norm was accepted by the majority of states in the system. At the 2009 UN General Assembly discussion, following the presentation of Ban's report 'Implementing the Responsibility to Protect', political dispute among UN member states led to a resolution on RtoP which could only speak of 'reaffirmation' and 'continued consideration'. Every General Assembly debate on RtoP since then has seen multiple critical voices, in addition to different ideas about in what direction 'RtoP' should evolve among the principle's proponents. It can therefore be said that while the RtoP was enshrined in the 2005 agreement, it has also simultaneously been subject to debate. The above concrete thus with relative confidence be **confirmed**.

The corresponding theoretical hypothesis was as follows:

T.H.2: The vaguer the norm is at the moment of adoption, i.e. when it is institutionalised in formal rules and agreements, the more likely it is that the norm will simultaneously diffuse through the international system and be subject to further shifts and modifications.

For the case of RtoP it is certainly true that its content is relatively vague or abstract ('timely and decisive manner', 'case-by-basis'), and that this vagueness enabled both diffusion/acceptance and further re-interpretations simultaneously. However, as this research encompasses just a single study, without any comparative perspective on norms that were formulated in a more concrete or applied way, the conclusion on this point cannot be definitive. Research on for example the norms regulating the use of small firearms or anti-personal landmines seems to suggest that in other cases, international consensus about a norm's content is possible. **Further research is needed**, particularly on norms that were formulated in a more concrete or applied

way, to be able to say something about the factor ‘vagueness’ in the diffusion phase of the norm life cycle.

5.3 Causal Effects

Resolution 1973 on Libya, issued by the UN Security Council, for the first time in history authorized coercive military measures against a particular state, against the will of the acting government of that state, with reference to the RtoP principle (see paragraph 4.1.8). The resolution only mentions that the Libyan authorities have manifestly failed the responsibility to protect their population from massive human rights violations, but does not mention any corresponding responsibility on behalf of the international community to take collective action in this respect. Thus, resolution 1973 constitutes only a half invocation of RtoP. The subsequent NATO intervention in Libya was criticized because of alleged ‘mission creep’, i.e. exceeding the mandate given in the resolution to ultimately also encompass regime change. This meant that there existed plenty of content for discussing both RtoP in general and Libya in particular at the level of the UN. The hypothesis was as follows:

C.H.3: The intervention in Libya in 2011, legitimized with reference to RtoP, caused states to further debate the exact scope and content of RtoP.

After Ban’s 2012 report ‘Timely and Decisive Response’ was published, the UN General Assembly for the first time after Libya held a plenary debate on RtoP. Where the report made no substantial reference to Resolution 1973, the partial invocation of RtoP or the subsequent military intervention in Libya, the General Assembly did pick up on all these points. There were fierce political disputes over both the intervention in Libya and the RtoP principle in general (see paragraph 4.1.9). Over both issues no new international consensus emerged, and both are thus disputed until today. The above concrete hypothesis can this be **confirmed**. It is noteworthy that in none of the latter UN Security Council resolutions invoking RtoP (on Yemen, Ivory Coast and the Central African Republic) the international community was attributed with any of the responsibilities it agreed to take upon itself in 2005.

The corresponding theoretical hypothesis was as follows:

T.H.3: When causal effects are attributed to a newly emerged or diffused norm, this will spur renewed debate about the norms’ substantive content, and how that relates to practical affairs in international politics.

For the case of RtoP it is certainly true that when significant ‘causal’ effects were attributed to the newly diffused norm, this spurred heated debate of the norm itself and how it related to the causal event in question. This research thus adds strength to the thesis that norms can at any point during their life cycle become contested, watered down or even reversed. However, as this research encompasses just a single study, on a case which is both least-likely and crucial, the conclusion on this point cannot be definitive. It might be that due to its potential radical nature, RtoP is inherently more contested than norms with less radical consequences. **Further research is needed**, particularly on norms that have less far-reaching implications for world politics, or that regulate spheres of international politics other than territorial sovereignty (e.g. small handguns, electoral monitoring, whaling, private military companies, etc).

Chapter 6; Conclusion and Reflection

To what extent can discursive Norm Cycle Theory explain the emergence and evolution of the Responsibility to Protect norm between the 2001 ICISS report and the intervention in Libya in 2011?

This last chapter will attempt to answer this question, based on the research of which the first five chapters of this thesis are the written reflection. First it will be discussed what this research adds to our empirical knowledge about the origins and evolution on the Responsibility to Protect (RtoP) norm, and more specifically about the role of the norm entrepreneurs, institutionalisation and causal effects in it (paragraph 6.1). Then it will be discussed what this research adds to our theoretical knowledge of Norm Cycle Theory, the application of Critical Frame Analysis as a method of analysis and about norms in International Relations more generally (paragraph 6.2). Finally, it will be discussed what prospects this research offers in conceptualizing possible futures for RtoP, after the intervention in Libya and non-intervention in Syria (paragraph 6.3).

6.1 Integrative conclusion

From the late 1990's until the 2005 UN World Summit, Kofi Annan and Lloyd Axworthy formed a crucial tandem of norm entrepreneurs that put RtoP at the international political agenda. Norm entrepreneurship started with Annan's millennium report and corresponding speech to the UN General Assembly, in which he referred to the genocides of the 20th century, and specifically the recent massacres at Rwanda and Srebrenica, as the most urgent challenge for the international community to address in the new century ahead. Annan explicitly framed this challenge as a conflict between upholding national sovereignty and protecting individual human rights. Then Axworthy, in his function as the Canadian minister of foreign affairs, deliberately facilitated the institution and proceedings of the International Commission on Intervention and State Sovereignty (ICISS). The commission subsequently presented its report *The Responsibility to Protect*, the text in which the term was pitched, to Annan on an official occasion. In 2004 Annan installed the High Level Panel on Threats, Challenges and Change, partly in response to the US interventions in Afghanistan (2001) and Iraq (2003) –which were initiated without a UN mandate. The High Level Panel in its conclusions explicitly endorsed the RtoP principle as an emerging norm, which simply needed to be implemented at the level of the international community. This formulation of RtoP as a norm in need of implementation was in turn taken over by Annan in his 2005 report *In Larger Freedom*. This latest report was presented to the UN General Assembly in the run up to the 2005 UN World Summit, and in that secured that RtoP would be on the international political agenda for the largest gathering of world leaders in history.

The outcome document agreed upon at the 2005 UN World Summit contains two paragraphs in which the RtoP principle is adopted. This articulation is naturally a lot shorter and less detailed than the 100+ pages of the ICISS report. Furthermore, in the outcome document there is no mention of a responsibility to prevent or to rebuild, as in the ICISS report, nor are there any criteria that would guide decision making in the case of an actual crisis. However, it is in the form of this articulation that the content of RtoP is inscribed in a political agreement signed by all the states in the international system, and is thus first institutionalised.

Paragraph 138 affirms the principle that sovereign states have a responsibility, or positive duty, to protect their population from genocide, war crimes, ethnic cleansing and crimes against humanity. Further, other states have a responsibility to encourage and help the state to exercise their primary responsibility. Paragraph 139 states that in case a sovereign state 'manifestly fails' to protect its population from the four aforementioned crimes, the international community also has a responsibility to take collective action in order to protect the citizens of that state. This should all be done in a timely and decisive manner, through the Security Council, in

accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate.

The few years directly after the UN World Summit show the ambivalence of the institutionalisation of RtoP. A number of actual crises were discussed by both opponents and proponents of intervention in terms of whether or not they qualified as 'cases' for the invocation of RtoP. However, in relation to these crises the UN General Assembly nor the UN Security Council issued any official document which referred to RtoP. Even more remarkable is that RtoP was never discussed at the UN General Assembly again until 2009, after the new Secretary-General Ban Ki-Moon published his report *Implementing the Responsibility to Protect*. The subsequent discussion about the report in the UN General Assembly revealed a sizable consensus over the principle of RtoP, with only four states that called for renegotiating the 2005 outcome document (Cuba, Venezuela, Sudan and Nicaragua), but also showed little agreement about the norm's content or implications in terms of policy. The most divisive issue was that the 2005 outcome document and Ban's recent report, in contrast with the 2001 ICISS report, recognized the UN Security Council as the final authority in deciding whether a crisis situation would qualify 'as one for RtoP'. A lot of third world countries expressed their fears that RtoP would be held hostage to the geopolitical interests of the P5. Thus, although RtoP as a principle was decisively accepted by the far majority of states in the system, there remained multiple disputes over its substantive content.

UN Security Council resolution 1973, and the NATO-intervention in Libya it authorized, served as a catalyst for further debate on RtoP. Both China and Russia, along with a number of other states accused NATO of mandate stretch; the authorization to protect civilians and civilian populated areas in Benghazi was widened to ultimately include regime change. Ban anticipated debate over RtoP and Libya in the UN General Assembly by watering down the substantive content of RtoP in his 2012 report *Timely and Decisive Response*. Although Ban in this report sticks to 'Implementing RtoP' at the level of rhetoric, he refers to responsibility only in relation to the primary positive obligation of individual states to protect their population from genocide, war crimes, ethnic cleansing and crimes against humanity. In line with the partial invocation of RtoP in resolution 1973, Ban's 2012 report does not make a single reference to the international community having a responsibility to assist and /or intervene in case a third country manifestly fails to protect its population. This is a clear break with his 2009, 2010 and 2011 reports, in which the definition of RtoP included a triple responsibility in the form of the pillar structure, with no hierarchy between the primary responsibility, the responsibility to assist and the responsibility to take collective action. By coupling the 'implementing RtoP' rhetoric with a frame in which RtoP is essentially nothing else or more than humanitarian intervention, Ban hoped to avoid any discussion about 'revising' or 'revisiting' RtoP.

The UN General Assembly debate that took place in the wake of the *Timely and Decisive Response* report reflected significant political disputes over RtoP as a principle, over its substantive content and over its application in resolution 1973. Russia claimed that Ban's pillar structure is just a conceptualization with no official political backing by any state, and thus only distracts actors from the real issues at stake with RtoP. Sri Lanka and Cuba stressed the contested nature of RtoP as a norm, and urged caution in implementing any policy about which political consensus is absent. China stressed her unwavering commitment to national sovereignty, territorial integrity and non-interference in internal affairs. On the other hand, the European Union, the United States and a number of smaller countries voiced their commitment to RtoP, Ban's pillar structure and further institutionalisation of RtoP policy.³¹ A further dispute between the representative of post-revolutionary Libya and the representative of conflict ridden Syria only served to affirm the divisive nature of the debate, which in principle is still going on (more on the relation between RtoP, Libya and Syria in paragraph 6.3).

Based on this integrative conclusion, the answer to the main research question can then be formulated as

³¹ See UN press release on the UN General Assembly debate (<http://www.un.org/News/Press/docs/2012/ga11270.doc.htm>, accessed 07.03.2014).

follows: discursive Norm Cycle Theory can to a significant extent explain the emergence and evolution of the Responsibility to Protect norm, in the sense that it is able to 1) track the process by which norm entrepreneurs attempt to place a norm on the international political agenda, 2) map the different articulations that constitute the political debate over the norm's content by different actors and 3) show where and how actors strategically use these articulations to advance certain political interests.

6.2 Reflection on theory, method and results

6.2.1 Discursive Norm Cycle Theory

This research started with the observation that neorealist theory cannot explain why states in 2005 unanimously adopted a principle which fundamentally violates the 'Westphalian' conception of sovereignty as an institution, and more specifically its non-intervention principle. By conceptualizing sovereignty as a shared collection of norms which are socially constructed in time and space, constructivism offers a fruitful theoretical perspective for analysing the emergence and evolution of international norms, such as RtoP. Norm Cycle Theory (NCT), as originally devised by Finnemore and Sikkink (1998), offers a viable template for the analysis of norms, but its framework is repeatedly criticised for being too rigid for the detailed analysis of the diverse and often conflicting articulations in the sources. The three phases of the norm life cycle (emergence, diffusion, internalization) are operationalised in an objectified and absolute way which does not leave enough room for analysing political conflict over the interpretation of a norm's substantive content. Following the work of Krook and True (2010), this thesis then adopted a discursive approach to norms as processes, which theorizes a norm as a set of discursive articulations by political actors that together constitute an internationally shared standard of appropriate behaviour. This approach leaves more room for the analysis of different and conflicting articulations, as well as of possible contestation, stagnation or reversal of the norm.

There are two main theoretical points which can be concluded from the application of this approach to the emergence and evolution of RtoP;

First, distinguishing between the different articulations that constitute a norm is important analytically because it allows for a more nuanced understanding of both norm emergence and norm diffusion. The norm entrepreneurship of Annan and Axworthy, through the ICISS as a vehicle, envisaged a different understanding of RtoP than the principles enshrined in the 2005 World Summit Outcome document, which are again different from the meaning Ban tried to impose on them with the pillar structure laid out in his 2009 report *Implementing the Responsibility to Protect*. If one would just take the 'official' institutionalised version of RtoP from the 2005 outcome document as a starting point, one would not be able to account for the developments that lead to its emergence in the first place, nor for the disputes over its substantive content afterwards.

Second, analysing the different articulations that constitute a norm leads to a better understanding of the politics underlying its emergence and evolution. Annan already in 1999 stated that 'resolving' the tension between national sovereignty and human rights would be a prime challenge for world leaders in the 21st century. Axworthy was, as an important figure in international politics, already known for his norm entrepreneurship in the Ottawa Mine Ban Treaty in 1998. The vagueness of the articles adopted at the 2005 UN World Summit made it possible that RtoP diffused through the international system without any clear consensus over its substantive content – in that sense RtoP and the political conflict constitutive of it diffused throughout the international system simultaneously. Ban's 2009 *Implementing the Responsibility to Protect* report, and particularly the differences with his later reports, can only be understood with reference to the political role the office of the UN Secretary General played in the genesis of the RtoP principle. Likewise, the post-2011 discussion about RtoP cannot be understood separate from the events in Libya, Syria, CAR, etc.

6.2.2 Critical Frame Analysis

This research, theoretically informed by Discursive Norm Cycle Theory, has used Critical Frame Analysis (CFA) on nine key policy documents as a method to track the emergence and evolution of RtoP. The different discursive articulations present in these documents are operationalised as constituting different issue frames. In accordance with Krook and True (2010), and in contrast with most comparative political science research, this thesis has thus utilized CFA in a longitudinal way; tracking the similarities and differences between the chronologically sequenced articulations of discursive norm content. CFA as a method thus complements the analytical objectives of discursive Norm Cycle Theory by making different articulations intelligible as issue frames. Finally, in combining CFA (paragraph 4.2) with a more descriptive analysis of primary sources and secondary literature (paragraph 4.1), this thesis is able to draw conclusions with regard to the three concrete and the three theoretical hypotheses (chapter 5), as well as to construct the integrative conclusion above (paragraph 6.1)

There are two main theoretical points which can be concluded from the application of CFA to the nine policy documents regarding RtoP;

First, CFA is an analytically fruitful way of analysing policy documents because of its attention to narrative detail and underlying power relations. It matters for example whether UN Secretary General Ban speaks explicitly of 'the responsibility' or of 'the role' of the international community. In the first case Ban as a political actor attributes states with the responsibility to take collective action they agreed to take up on themselves in case a third state manifestly fails to uphold its own responsibility. In the second case Ban just states that the international community has played a certain role, without judging this. In the first case he is normative, in the second case merely descriptive. If one just uses empirical material in the manner of process-tracing, chances are bigger these nuanced but important differences would not be detected.

Point for debate and/or further research: although CFA has proven to be a very adequate method for discerning the subtle differences between discursive articulations, the method cannot adequately reveal the intentions of Ban swapping 'responsibility' for 'role'. Assumed that the diplomatic and strategic objectives of the strategic office of the UN Secretary General are not supposed to become public, neither process-tracing nor CFA can claim to obtain verifiable knowledge about them.³² Further constructivist research on norms might have to accept that some, if not most, of the intentions that lay behind norm entrepreneurship or norm leadership cannot be adequately captured. This means that debates over whether or not norms are initiated out of self-interest, and over whether or not they are the consequence of strategic rationality will often amount to pure speculation.

Second, framing matters. The 2001 ICISS report on an elementary levels consists of reframing the tension between national sovereignty and human rights as human rights as a crucial element to national sovereignty, and of the rights individuals hold against their states as the responsibility states have for their (and other states') citizens. Subsequently, UN resolution 1973 and Ban's latest RtoP reports revert back to the frame of 'humanitarian intervention' by leaving the responsibilities of the international community out of the text. In

³² When asked about the Secretary General's (possible) intention, dr. Abiodun Williams repeatedly stressed that the UN Secretary General of course always intends better freedom, security and prosperity for all of her member states and their citizens. Dr. Williams served as Director of Strategic Planning at the Executive office of the UN Secretary General from 2001 to 2007, and is currently Director of the Hague Institute for Global Justice. Private conversation with author, 20 November 2013.

this sense, the emergence, evolution and reversal of RtoP can be understood as a conflict between the frames of 'humanitarian intervention' and 'responsibility to protect' respectively.

6.2.3 Norms in International Relations:

This research has thus, in accordance with the research done by Krook and True (2010), been theoretically informed by discursive Norm Cycle Theory and methodologically by Critical Frame Analysis. The combination of this theoretical perspective and empirical method has been applied to the emergence and evolution of the Responsibility to Protect norm between 2001 and 2011. This combination has proven to provide for a critical and nuanced way to analyse different and often conflicting discursive articulations of the norm, and in that sense it offers a novel and productive perspective for conceptualizing norms in International Relations (IR).

There are three main theoretical points that can be concluded from this research as a whole;

First, the discursive approach to norms as processes yields results that contradict the idea that the norm life cycle, with its three distinct phases, can in a clear-cut sense be applied to the emergence and evolution of an emerging norm. Norm entrepreneurship not only occurs in the emerging phase, but in and after the diffusions phase as well – as can be seen from the pillar structure for RtoP proposed by Ban in 2009.

Institutionalisation, or even internationalisation seldom mark a crucial point after which a norm's substantive content can no longer be subject to debate. Furthermore, some norms in IR, but certainly those relating to national sovereignty, are and/or remain too politicised to ever be internalized by relevant actors. Contestation, stagnation and reversal of the norm are just as possible as progress. The phases of the norm life cycle are good approximations, but one should not draw conclusions which are solely based on an interpretation of the norm in light of their framework.

Second, it is notoriously difficult to give any explanation for questions of the sort 'what influence did norm X have on event Y'? While the research question of this thesis was how the emergence and evolution of a particular norm can be explained, the logical next question would be how the relative influence of the norm (as an ideational construct) can be weighted (against more 'realist' or material variables). In the case of RtoP, all crucial decisions which involved weighting a particular crisis-situation in terms of commitment to RtoP vis-à-vis other interests were taken behind the closed doors of the UN Security Council, NATO's North Atlantic Council and the AU's Peace and Security Council. Even the intentions of the UN Secretary General in formulating a particular articulation of RtoP remain within his strategic office (see paragraph 6.2.2). That leaves the scholar who wants to do research on the influence of the norm on particular decision-making with the official articulations, as this thesis has done, or revert to extensive interviewing, of which this thesis was able to conduct merely two. The official archives and correspondence of the UN Security Council and the Secretary General will be opened up to the public in 20 to 30 years after the event only, which is a bit late for political science research on contemporary events.

Finally, the most fruitful direction for further constructivist research on norms in IR might not be to deepen inquiry into strategic offices and high-level bureaucracy, but in broadening research from 'sending' to 'mediating' and 'receiving' actors and institutions. With 'sending' I mean the category of actors and institutions that draw up a norm, and are responsible for its (political) institutionalisation and (policy) implementation. With mediating I mean the category of media, broadly defined, that communicates what happens at the 'sending' actors and institutions to the public at large; the world's population, civil society, business and NGO's – the 'receiving' actors'. Even when states, governments and international organisations do not recognize a certain internationally standard of appropriate behaviour, it is still possible that mass media and the population think differently. It is even likely that state's preferences are influenced to a significant extent in response to the attitudes of their population, which are in turn influenced. For this scholars on norms in IR would need to extent their research to newspapers, television, online media, ethnographic studies, sampled interviews and the like. Research that is able to combine and synthesize analyses of the sending, mediating and

receiving actors and institutions would be the most productive way forward.

6.3 The Responsibility to Protect after Libya and Syria

In the academy as well as in the media, the discussion about RtoP has since 2011 for a large part revolved around the relation of the principle to the intervention in Libya on the one hand, and the non-intervention in the conflict in Syria on the other.³³ From 2011 to 2013, repeated attempts from the U.S., the U.K. and France to get a UN Security Council resolution on the situation in Syria with reference to RtoP have been blocked by veto's of both Russia and China. Both states perceived the NATO-intervention in Libya as a gross overstretching of the mandate provided by resolution 1973. The Russian ambassador said in a press statement that "The situation in Syria cannot be considered in the council apart from the Libyan experience. The international community is alarmed that the NATO interpretation of the Libya resolution is a model for future actions of NATO in implementing responsibility to protect [...] and could happen in Syria."³⁴

The dominant perception in the popular media is that 'the West' took advantage of the situation in Libya to foster its own geopolitical interests, and in that sense abused the RtoP principle, and the 'the East' or 'the Rest' is now punishing that hubris by denying all support for intervention in Syria. There is near consensus that RtoP, built as it is around a double responsibility, - that of individuals states and that of the international community, - has 'failed in the case of Syria', or alternatively, that 'Syria has discredited RtoP'. In any case, there is not much prospect for RtoP to play a meaningful role in international politics in the decades to come.³⁵ An alternative, less influential voice consists of RtoP proponents who claim that RtoP as a principle to be relevant regardless of the deadlock over Syria, and who continue to lobby governments and international organisations over smaller crisis situations that in their perception amount to 'a case for RtoP'.³⁶

Both of these views are exaggerated, and therefore wrong. The former view is too negative in the sense that it declares RtoP 'dead', or at the very least irrelevant. The principle of RtoP is enshrined as a political agreement in the 2005 UN World Summit outcome document, and the debates in the UN General Assembly offer no prospect at revisiting this text. The UN Secretary General not only issues a new report about RtoP every year, he has also instituted a Special Advisor on the Responsibility to Protect (currently Jennifer Welsh). Multiple UN, EU and AU resolutions have mentioned the responsibility of states to protect their situation as a reason for sanctions, humanitarian assistance, action of the International Criminal Court and other measures - a practice which will not cease to exist because of the events in Syria. The latter view is too optimistic, because it turns a blind eye towards the fact that in all UN resolutions on actual crises have so far only invoked half the principle of RtoP, thereby effectively reverting back to the 'humanitarian intervention' framing of the tension between respecting national sovereignty and protecting human rights.

The research which is reflected in this thesis leads to the conclusion that RtoP has emerged as an international norm which makes respect for national sovereignty co-contingent on the protection of human rights by the state in question. The RtoP norm, far from reversal or internationalization, is still being developed through the different discursive articulations that form its substantive content. The future of the relation between sovereignty and human rights, in the form of responsibilities, is a fundamentally open political process.

³³ A quick online search yields the following number of results for the search terms 'R2P after Libya and Syria'; 60.000 + in Google Search, 2.850 in Google Scholar and 449 in RU Quest.

³⁴ UN department of public information on UNSC meeting nr. 6627 on October 4th, 2011. <http://www.un.org/News/Press/docs/2011/sc10403.doc.htm> (accessed 28 May 2014).

³⁵ David Rieff's op-ed article in the New York Times of November 2011 was one of the earliest-, and certainly is a paradigmatic voice of this stream of thought. <http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?pagewanted=all> (Accessed 28 May 2014).

³⁶ The International Coalition for the Responsibility to Protect, and practically all of its associates, are the most notable exponents here. <http://www.responsibilitytoprotect.org/> (Accessed 28 May 2014).

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Interviews

- Mr. Bartjan Wegter, who served as Deputy Head of the Political Affairs section at the Netherlands representation to the UN from 2006 to 2010. Mr. Wegter was, among other things, responsible for the Dutch standpoint on RtoP. Mr. Wegter currently serves as Head of the North America division at the Netherlands Ministry of Foreign Affairs. Private conversation with author, 4 December 2013.

- Dr. Abiodun Williams, who served as Director of Strategic Planning at the Executive office of the UN Secretary General from 2001 to 2007, and is currently Director of the Hague Institute for Global Justice. Dr. Williams was intensively involved with the strategic planning of the UN Secretary-General's activities, among which a

substantial number involved matters relation to RtoP. Private conversation with author, 20 November 2

Appendix A;

Overview of Security Crises against which RtoP was discussed, adapted from Bellamy (2010: 149).

Situation	RtoP Invoked/used by	Response	Outcome
Sudan (Darfur; 2003–ongoing)	UN Security Council	<ul style="list-style-type: none"> • No notable dissension 	<ul style="list-style-type: none"> • Peace operation deployed (UNAMID) • Protection of civilians mandated • Matter referred to the International Criminal Court (ICC)
Kenya (2007–08)	Kofi Annan (African Union–appointed mediator); Francis Deng (UN Special Adviser on Prevention of Genocide); tacit implication by UN Security Council	<ul style="list-style-type: none"> • Broadly supported • AU commissioner questions gravity of crisis 	<ul style="list-style-type: none"> • Internationally brokered end to violence
Georgia (2008)	Russia	<ul style="list-style-type: none"> • Russian claims widely rejected by governments and analysts • Consensus that no evidence of RtoP crimes 	<ul style="list-style-type: none"> • No support for Russian claims • EU blames both parties for violence
Myanmar/Cyclone Nargis (2008)	France and some NGO advocates	<ul style="list-style-type: none"> • French claims rejected by the Association of Southeast Asian Nations (ASEAN), China, UK, UN officials • Consensus that RtoP does not apply to natural disasters 	<ul style="list-style-type: none"> • No support for French claims • UN and ASEAN conclude humanitarian access agreement with Myanmar
Gaza (2009)	Palestinian Authority, Qatar, Iran, World Council of Churches	<ul style="list-style-type: none"> • Little public consideration given to the claim 	<ul style="list-style-type: none"> • Reports of war crimes subject of heated international debate
Sri Lanka (2008–09)	India, Norway, Global Centre for RtoP	<ul style="list-style-type: none"> • Sri Lanka rejects applicability • No general debate 	<ul style="list-style-type: none"> • Evidence of atrocities, but fears of systematic abuse not realized
Democratic Republic of Congo (ongoing)	UN officials	<ul style="list-style-type: none"> • No general debate • No likely points of dissension 	<ul style="list-style-type: none"> • Peace operation deployed (MONUC) • Civilian protection mandated
North Korea (ongoing)	Havel/Bondevik/Wiesel commission	<ul style="list-style-type: none"> • No general debate 	<ul style="list-style-type: none"> • None

Appendix B;

Critical Frame Analysis coding scheme, adopted from Verloo (2005).

1. Content

- *What is said/claimed/shown?*
- *Which words or images are associated with each other?*
- *Which definitions are used?*

2. Discursive practice

a) Observation

- *What is contested?*
- *What is framed as deviant?*
- *Whose perspective is used?*
- *Which arguments are justified, which are not?*
- *What is left out? (perspective and information)*

b) Product

- *What is the source of the text?*
- *Who is the author?*
- *How and to whom is it disseminated?*
- *Who 'reads' the text?*

c) Inference

- *What is the goal of the text?*
- *What/Who is silenced?*
- *What is the dominant narrative?*

3. Social practice

- *What are the power relations on this theme in society?*
- *In whose interest is the text's existence?*
- *What does the text constitute and what does it contest?*

Critical Frame Analysis

1. *Voice – who is the actor speaking?*
2. *Diagnosis – what is represented to be the problem?*
3. *Role in Diagnosis – Who is responsible for the problem?*
4. *Prognosis – what's represented to be the solution?*
5. *Role in Prognosis – Who is responsible for the solution?*

Appendix C;

C.1 Critical Frame Analysis of *An Agenda for Peace* (1992)

① Ghali, B. (1992). *An agenda for peace: preventive diplomacy, peacemaking, and peace-keeping : report of the Secretary-General pursuant to the statement adopted by the summit meeting of the Security Council on 31 January 1992*. New York: United Nations.

1. Content

- *What is said/claimed/shown?*
An advice from the UNSG to the UNGA, about the proposed changes that the UN has to undergo in order to be able to effectively address continuous violent conflict.
- *Which words or images are associated with each other?*
Cold War era – geopolitical and ideological deadlock
Post Cold-War era – opportunities regained
Sovereign states – legitimate actors in world politics
Individuals – illegitimate actors in world politics
Armed Violence – realm of International Politics
Peace – UN agenda
- *Which definitions are used?*
 - Preventive diplomacy is defined as action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.
 - Peace-making is defined as action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.
 - Peace-keeping is defined as the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or policy personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.

2. Discursive practice

a) Observation

- *What is contested?*
Violent conflict worldwide, inter-state and intrastate, including its structural social and economic sources.
- *What is framed as deviant?*
The continuing presence of violent conflict worldwide.
- *Whose perspective is used?*
That of the UNSG, representing both the UN as an organisation, as well as all member states.
- *Which arguments are justified, which are not?*
All arguments that affirm the inherent unjustifiable presence of contemporary violent conflict are justified, as well as all arguments that affirm sovereign states as the sole building block of all actions addressing the problem of violent conflict. The fundamental sovereignty and integrity are confirmed as crucial to common international progress.
Arguments that see violent conflicts as to a certain extent necessary or insolvable are (potentially) not

justifiable in this discursive practice. Neither are perspectives that stress the role of individuals or sub-state entities as relevant actors to address violent conflict.

- *What is left out? (perspective and information)*

The perspective of the individuals, either in their role as citizens of a sovereign state or as victims of violent conflict, are left out. Information on which particular actors are to blame for particular conflicts is left out. Information referring to particular conflicts, actors or solutions is left out, thus privileging any information referring to universal categories (war, conflict, peace, state, actor, etc.).

b) Product

- *What is the source of the text?*

United Nations press secretariat – the UNGA digital archives.

- *Who is the author?*

Boutros Boutros-Ghali, Secretary-General of the United Nations.

- *How and to whom is it disseminated?*

To all member states to the United Nations General Assembly during the June 1992 plenary session. The member states are represented by their permanent representatives to the UNGA in New York.

- *Who 'reads' the text?*

In first instance; the permanent representatives of all UN member states.

In second instance; all governmental and parliamentary departments and factions involved in each respective UN member state.

In third and last instance; the wider public, every world citizen able to log on to the UNGA website and take a look at the report.

c) Inference

- *What is the goal of the text?*

To meet the request by the United Nations Security Council for an “analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peace-making and for peace-keeping.

- *What/Who is silenced?*

Everybody except for the Secretary General himself. ‘Governments, regional agencies, non-governmental organizations and institutions, and individuals from many countries’ are being thanked for their ideas and proposals, but both voice and responsibility of this report is the exclusive domain of the SG.

- *What is the dominant narrative?*

After decades of deadlock, caused by the respective alignment of geopolitical power, socio-economic systems and ideologies, the UN is now again empowered as both a forum and an actor to address violent conflict between and within its member states. The three pillars of preventive diplomacy, peace-making and peace-keeping are all equally important means to this end. UN member states, acting unilaterally, bilaterally or through regional organisations, at all times sanctioned by the UNSC, should address violent conflict in order to reach stable and lasting peace. Besides sanctioning, the role of the UNSC in peace-making should be extended to include peace-enforcement. This should be done by establishing permanent peace-enforcement units under directorate of the UN Military Staff Committee, sanctioned by articles 42 and 43 of the UN Charter, Chapter VII. Enhancement of both the UN facilitator and coordinator roles will lead to increased cooperation of member states, and eventually to the mitigation of violent conflict worldwide.

3. Social practice

- *What are the power relations on this theme in society?*

None, practically. Societies are seen as represented solely by their governing states. Addressing violent

conflict within societies and between states is seen as the exclusive domain of states and regional- or international organisations.

- *In whose interest is the text's existence?*

The UN as an organization, and specifically the office of the Secretary General and the UNSC.

- *What does the text constitute and what does it contest?*

The text constitutes an attempt by the 'first official' of the allegedly most influential International Organization (IO) in the realm of international politics to devise a strategy for how this IO can best address the problem of continuous violent conflict worldwide. This is than best done by A) providing a platform for member states to address the issue (passive, facilitating), by B) actively build the UN's authority to sanction preventive diplomacy, peace-making and peace-keeping actions by member states (authorizing) and by C) actively developing the UN's own capacity to deploy activities furthering peace in the field.

Critical Frame Analysis

1. *Voice – who's the actor speaking?*

It is Boutros-Ghali, as Secretary-General of the UN speaking. In doing this, three main categories of actors are included, at the expense of three other categories that are excluded;

A) The voice of the UN as an International Organization is explicitly included, at the expense at all other regional and international organizations. These latter ones are seen as subservient to, and lower in status than the UN.

B) The voice of the UN as an independent actor is included, at the expense of the member states to the UN. Although their sovereign importance in the field of international politics is confirmed, this address is clearly directed from the UN as sender to the member states as receivers. The member states can then discuss the ideas and proposals by the UN, but both agreement and disagreement are to be voiced through a body of the UN.

C) The voice of the sovereign state is (indirectly) included, at the expense of that of all non-state actors. Sovereign states are seen as the sole actors that are legitimized to speak out and, more importantly, act on issues of violent conflict. Individuals, citizens, civil society or private enterprises are seen as having no voice in this matter.

2. *Diagnosis – what's represented to be the problem?*

The persistence of violent conflict worldwide.

3. *Role in Diagnosis – Who is responsible for the problem?*

A broad variety of structural factors which cannot be completely known due to its complexity. In the words of Boutros-Ghali, 'the sources of conflict are pervasive and deep'. No single actor or entity in specific is denoted as being responsible for violent conflict.

4. *Prognosis – what's represented to be the solution?*

A) Identification of conflict potential at the earliest possible stage, with subsequent effort to remove the source of danger through preventive diplomacy.

B) Engage in peace-making when and where conflict erupts.

C) Engage in peace-keeping when and where a conflict situation has evolved to a post-conflict one.

D) Assist in peace-building in its different contexts.

E) To address the deepest causes of conflict; '*economic despair, social injustice and political oppression*'.

5. *Role in Prognosis – Who is responsible for the solution?*

Individual states, regional and non-governmental organizations and of the United Nations system, with each of the principal organs functioning in the balance and harmony that the Charter requires.

C.2 Critical Frame Analysis of the UNSC Annual Report (1999)

② Annan, K. A. (1999), *Secretary-General presents annual report to the General Assembly*. SG/SM/7136 – GA 9596. New York: United Nations, Dept. of Public Information.

1. Content

- *What is said/claimed/shown?*
A speech by Kofi Annan accompanying the annual report of the Secretary-General to the UN, reflecting on the work of the organization. Annan states that he want to use this opportunity to address the prospects for human security and intervention in the next century.
- *Which words or images are associated with each other?*
State Sovereignty – Individual Sovereignty
Violent conflict – human rights violations
Universal legitimacy – effective international response
Unauthorized interventions – Post World War II security system
UN Charter – dynamic guide
Broad definition of intervention – violence continuum
National Sovereignty – obstacle to humanitarian intervention
National interests – obstacle to humanitarian intervention
- *Which definitions are used?* – N/A

2. Discursive practice

a) Observation

- *What is contested?*
Political-, Humanitarian- and Human Rights crises around the world; more specifically massive and systematical violations of human rights.
- *What is framed as deviant?*
The unauthorized NATO intervention in the civil war in Kosovo.
- *Whose perspective is used?*
That of the UNSG, representing both the UN as an organisation, as well as all member states.
- *Which arguments are justified, which are not?*
Arguments that condemn massive and systematic violations of human rights as *inherently* bad and demanding international and / or UN action are justified.
Arguments that reify national sovereignty as absolute, regardless of any aspirations / violations of individual sovereignty are not justified.
- *What is left out? (perspective and information)*
The perspective in favour of absolute sovereignty is left out.
The perspective that entities other than states and the UN are legitimate actors in matters of human security and humanitarian intervention is left out.

b) Product

- *What is the source of the text?*
United Nations press secretariat – the UNGA digital archives.
- *Who is the author?*
Kofi Annan, Secretary-General of the United Nations.
- *How and to whom is it disseminated?*
To all member states to the United Nations General Assembly during the June 1999 plenary session. The member states are represented by their permanent representatives to the UNGA in New York.

- *Who 'reads' the text?*

In first instance; the permanent representatives of all UN member states.

In second instance; all governmental and parliamentary departments and factions involved in each respective UN member state.

In third and last instance; the wider public, every world citizen able to log on to the UNGA website and take a look at the report.

c) *Inference*

- *What is the goal of the text?*

To address the question of, and lay out the prospects for human security and intervention in the next century (the 21st, red). Annan uses the presentation of the last UNSG report to the UNGA of the 20th century to address these questions, in light of the 'unparalleled suffering and violence' of the past century, and moral questions raised by the unauthorized NATO intervention in Kosovo in particular.

- *What/Who is silenced?*

In first instance everybody except for Annan himself is silenced. The UNGA, and the representatives of the UN member states are of course to discuss the analysis and the prospects laid out by Annan. In the sense that it is a speech to the presentation of a reflective report, all statist parties to the UN are equally able to contribute to a discussion following its presentation.

A category of actors that is explicitly excluded by articulating this analysis and prospects is other regional- or international organisation than the UN. Annan warns that if 'the collective conscience of humanity does not find its greatest tribune in the UN, it will look elsewhere'. With this, it is claimed implicitly that the UN *should* be the 'greatest tribune', or overarching authority in this field.

- *What is the dominant narrative?*

The dominant narrative is that after the unparalleled suffering and violence of the 20th century, the UN and its member states should address the questions of human security and intervention in order to alleviate the same horrors in the 21st century. Strictly traditional notions of sovereignty can no longer do justice to the aspirations of people worldwide to attain their fundamental freedoms. In order to do justice to individual sovereignty it is important to;

1) Define intervention as broadly as possible, to include actions along a wide continuum from the most pacifist to the most coercive.

2) Recognize that it is not national sovereignty alone that is an obstacle to effectively addressing humanitarian crises. At least as significant is the way in which UN member states define their national interest. A more broad interpretation of what constitutes the national interest, including the upholding of fundamental freedoms worldwide, is a necessary first step to address this second obstacle.

3) Commit ourselves to peace at least as much as to conflict resolutions. Consistent effort at keeping the peace and preventing conflict is essential.

3. Social practice

- *What are the power relations on this theme in society?*

None, practically. Societies are seen as represented solely by their governing states. Addressing violent conflict within societies and between states is seen as the exclusive domain of states and regional- or international organisations.

- *In whose interest is the text's existence?*

The UN as an organization, and specifically the office of the Secretary General and the UNSC.

- *What does the text constitute and what does it contest?*

The document constitutes a speech by the 'first official' of the allegedly most influential International Organization (IO) in the realm of international politics to the representatives of the member states to that organization. The speech is meant to function as a rallying cry directed at the member states, in order for them to overthink and debate the principles of human security and the dilemma's that come with humanitarian intervention. Annan in the end states that there is an emerging international norm in

favor of intervention of humanitarian grounds, and that the UN and its' member should welcome that development.

The document contests the strict traditional notions of sovereignty that preclude the legitimacy, let alone moral desirability, of humanitarian intervention. The text is meant as a challenge to all that uphold this latter view, in asking how we (the UN and its' members) should respond to a Rwanda; a Kosovo; an instance of massive and systematic violations of human rights.

Critical Frame Analysis

1. *Voice – who is the actor speaking?*

It is Annan, as Secretary-General of the UN speaking. In doing this, three main categories of actors are included, at the expense of three other categories that are excluded;

A) The voice of the UN as an International Organization is explicitly included, at the expense at all other regional and international organizations. These latter ones are seen as subservient to, and lower in status than the UN.

B) The voice of the UN as an independent actor is included, at the expense of the member states to the UN. Although their sovereign importance in the field of international politics is confirmed, this address is clearly directed from the UN as sender to the member states as receivers. The member states can then discuss the ideas and proposals by the UN, but both agreement and disagreement are to be voiced through a body of the UN.

C) The voice of the sovereign state is (indirectly) included, at the expense of that of all non-state actors. Sovereign states are seen as the sole actors that are legitimized to speak out and, more importantly, act on issues of violent conflict. Individuals, citizens, civil society or private enterprises are seen as having no voice in this matter.

2. *Diagnosis – what is represented to be the problem?*

Instances of massive and systematic violations of human rights.

3. *Role in Diagnosis – Who is responsible for the problem?*

A. Not attributed to a particular actor - Violence and suffering are inherent to our tumultuous times.

B. A narrow focus on national sovereignty excludes a commitment to individual sovereignty, thereby working against effective resolution through humanitarian intervention.

4. *Prognosis – what's represented to be the solution?*

Individual sovereignty should be seen as at least as important as national sovereignty. As a consequence of this, the developing norm of humanitarian intervention should be welcomed and accommodated.

This can be achieved by doing the following;

A) Define intervention as broadly as possible, ranging from pacifist means to armed force.

B) Recognize that national sovereignty is not the only obstacle to effective humanitarian intervention. Narrowly defined national interests are the other important obstacle. This can then be overcome by defining national interests in a broader way, with inclusion of upholding human rights worldwide.

C) Commit to peace at least as much before and after conflict, as during conflict. Prevention and post-conflict peace-building are thus essential.

5. *Role in Prognosis – Who is responsible for the solution?*

The United Nations structure, including its member states (or, all states in the system, working through the UN Security Council).

C.3 Critical Frame Analysis of the ICISS Report (2001)

③ Evans, G. J., & Sahnoun, M. (2001). *The responsibility to protect - report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre.

1. Content

- *What is said/claimed/shown?*

The final report by the International Commission on Intervention and State Sovereignty. It is published by the International Development Research Centre in Ottawa, Canada. The report was first presented to UN Secretary-General Kofi Annan on December 18th, 2001.

- *Which words or images are associated with each other?*

Current situation – policy problem

RtoP – proposed solution

Responsibilities of Prevention, Reaction and Rebuilding – different dimensions of RtoP content

Questions of Authority, Operations and Implementations – different dimensions of RtoP facilitation

- *Which definitions are used?*

Humanitarian Intervention: the question of when, if ever, it is appropriate for states to take coercive – and in particular military – action, against another state for the purpose of protecting people at risk in that other state.

2. Discursive practice

a) Observation

- *What is contested?*

The exclusiveness and priority of national sovereignty, and in specifically territorial sovereignty, in circumstances where states are unwilling or unable to halt serious harm done to its population.

- *What is framed as deviant?*

Collective rights that national states claim on basis of their sovereignty, without these being balanced by equal duties on states ('responsibilities').

- *Whose perspective is used?*

'Gods or bird's eye view'. The text is meant as policy advice to the wider international community of national states, so the perspective matches that of a high UN level committee on policy advice.

- *Which arguments are justified, which are not?*

Arguments that take both collective national sovereignty and individual human rights into account are justified. Arguments that relate to exclusive (rights-only) national sovereignty are not.

- *What is left out? (perspective and information)*

The perspective of sovereign states themselves is left out. Because of the focus on what states should do according to the committee, in light of a number of political and moral circumstances, actual (concrete dilemma's) faced by states are not mentioned at all.

The fact that the casualties caused by armed conflict decreased significantly after the cold war, and that the current international system has never been as stable, is not mentioned. The fear of neo-colonialism is not addressed, and information on how intervention is perceived in former colonised countries is hence left out.

b) Product

- *What is the source of the text?*

The International Development Research Centre, Ottawa, Canada.

- *Who is the author?*

The International Commission on Intervention and State Sovereignty, composed of;

- Gareth Evans (co-chair)
- Mohamed Sahnoun (co-chair)
- Gisele Cote-Harper
- Lee Hamilton
- Michael Ignatieff
- Vladimir Lukin
- Klaus Naumann
- Cyril Ramaphosa
- Fidel Ramos
- Cornelio Sommaruga
- Eduardo Stein
- Ramesh Thakur
- *How and to whom is it disseminated?*
In first instance to the UN Secretary-General and his executive office. In second instance it becomes available to everybody via the digital catalogue of the National Library of Canada.
- *Who 'reads' the text?*
Policy makers, scholars, human rights activists involved with issues of humanitarian intervention.

c) Inference

- *What is the goal of the text?*
Strategically reformulate the doctrine of humanitarian intervention to make it more susceptible to individual human rights and the duties (responsibilities) that come with sovereign rights. States should protect their own population from serious harm at all times.
- *What/Who is silenced?*
Individual sovereign states, and individual human beings themselves. The commission speaks to the UN, and in the process claims to speak on behalf of (for the good of) states and individuals alike.
- *What is the dominant narrative?*
 - > National sovereignty does not only come with rights, but also entails responsibilities – in particular to guarantee individual human rights. If a state fails to uphold these responsibilities, they fall to the wider international community.
 - > The international community then has the responsibility to;
 - A) Prevent large scale violations of human rights ('serious harm') in third states.
 - B) React if serious human rights violations ('harm') occurs nonetheless.
 - C) Rebuild societies after they have been hit by violent conflict.
 - > In case of (B) reaction, military intervention, the following principles should be upheld;
 - B.1 Just Cause Threshold: large scale loss of life or large scale ethnic cleansing
 - B.2. Right Intention: primary objective is to avert human suffering
 - B.3 Last Resort: all non-military actions have been exhausted
 - B.4. Proportional Means: suffering from intervention is to be in proportion to the suffering alleviated
 - B.5 Reasonable Prospects: there is a reasonable chance of success
 - B.6 The United Nations Security Council authorizes military action. P5 members should refrain from using their veto's in instances in which none of their vital national interests are at stake.
 - *In case the Security Council fails to agree, the UN General Assembly can act in a special session under the "Uniting for Peace" procedure.
 - *In case the Security Council fails to agree, a regional or sub-regional organization can act under Chapter VIII of the charter, seeking subsequent authorization from the Security Council.

3. Social practice

- *What are the power relations on this theme in society?*
None, practically. Societies are seen as represented solely by their governing states. Addressing violent conflict within societies and between states is seen as the exclusive domain of states, regional- or international organisations and the Security Council.
- *In whose interest is the text's existence?*
The text is in the interests of states with a good human rights record, who have a comparatively smaller chance to be a 'victim' of RtoP. Furthermore, it is in the interest of both the UN General Assembly and regional organisations (EU, AU, ECOWAS, etc). These bodies are attributed additional authority in the matter of intervention, in case the Security Council does not reach consensus. This so called 'responsibility continuum' is definitely a powerful tool vis-à-vis the Security Council.
- *What does the text constitute and what does it contest?*
The document constitutes an advisory report, to be presented to the United Nations as an integral organisation. The basic idea is that national sovereignty is dependent on the effective protection of individual human rights by national authorities.
The document contests the strict traditional notions of sovereignty that operate solely on the basis of collective rights (of states), and deny that states have duties (responsibilities) to uphold as well.

Critical Frame Analysis

1. *Voice – who is the actor speaking?*
It is Sahnoun and Evans speaking on behalf of the ICISS. They are speaking directly to the international community, represented by the United Nations and personified in the UN secretary-general.
2. *Diagnosis – what is represented to be the problem?*
Serious harm done to a population in the form of genocide, war crimes or ethnic cleansing. Term: gross and systematic violations of human rights. This harm is caused by internal war, insurgency, repression or state failure.
3. *Role in Diagnosis – Who is responsible for the problem?*
A. Not attributed to a particular actor - Violence and suffering are inherent to our tumultuous times.
B. A misbalance between international need and expectations and international norms and practices have disqualified humanitarian intervention as a viable concept.
4. *Prognosis – what's represented to be the solution?*
The problem of reconciling intervention for human protection purposes and national sovereignty should be at the forefront of the international debate. The focus in this debate should shift from 'humanitarian intervention' to a 'responsibility to protect'.
A) State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
B) Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure and the state in question is unwilling or unable to halt or to avert it, the principle of non-intervention yields to the international responsibility to protect.
5. *Role in Prognosis – Who is responsible for the solution?*
The General Assembly, the Security Council and the Secretary General of the UN all have certain duties in implementing RtoP. Ultimately, it is states themselves that need to heed the responsibility to protect their population, and states need to prevent, react to- and rebuild after- serious harm done to populations of other states.

C.4 Critical Frame Analysis of A more secure world (2004)

④ UN High Level Panel on Threats, Challenges and Change (2004). *A more secure world, our shared responsibility: report of the High-level Panel on Threats, Challenges, and Change*. New York: United Nations.

1. Content

- *What is said/claimed/shown?*

The final report of the UN High Level Panel on Threats, Challenges and Change, titled 'a more secure world, our shared responsibility'. The report is the final product of an in-depth study on global threats and provided an analysis of future challenges to peace and security. The Panel gives recommendations regarding the changes necessary to ensure effective collective action.

- *Which words or images are associated with each other?*

UN establishment – conflict prevention, state security.

21st century – broad security challenges, human security.

- *Which definitions are used?*

Collective security: state security in the traditional military sense: a system in which states join together and pledge that aggression against one is aggression against all, and commit themselves in that event to react collectively.

Individual sovereign states: front line actors dealing with all the treats humanity faces.

Current and new threats: per definition international, intertwined and multilevel.

New security consensus: state security coupled with human security.

2. Discursive practice

a) Observation

- *What is contested?*

The old security paradigm based exclusively on narrow military security concern of sovereign national states.

- *What is framed as deviant?*

N/A

- *Whose perspective is used?*

'Gods or bird's eye view'. The text is meant as policy advise to the wider international community of national states, so the perspective matches that of a high UN level committee on policy advise.

- *Which arguments are justified, which are not?*

Arguments that accord with the 'new' challenges, the paradigm of human security and the vital importance of national states in implementing these are justified – arguments that argue otherwise are not.

- *What is left out? (perspective and information)*

The perspective of sovereign states themselves is being left out. States are prescribed what their security concerns should be, but what (individual) states security concerns empirically are is not taken into account. E.g. some states might find themselves in the situation that human security of their population does not at all contribute to state security ('anocracies').

The fact that the casualties caused by armed conflict decreased significantly after the cold war, and that the current international system has never been as stable, is not mentioned. The perspective of 'wellbeing of humanity and threats to its future survival' disguises the empirical record: the 21st century is, - so far, - the safest, healthiest period humankind as a whole has ever lived through.

b) Product

- *What is the source of the text?*
United Nations press secretariat – the UNGA digital archives.
- *Who is the author?*
The High Level Panel on Threats, Challenges and Change of the United Nations
- *How and to whom is it disseminated?*
In first instance to the UN Secretary-General and his executive office. In second instance it becomes available to everybody via the digital catalogue of United Nations Press Secretariat
- *Who 'reads' the text?*
Policy makers, scholars, human rights activists involved with the UN.

c) Inference

- *What is the goal of the text?*
The goal of the text is to assess the most important threats to state security and human security in the 21st century. From this analysis are then global policy recommendations derived, as solutions to specific threats (problems).
- *What/Who is silenced?*
Individual sovereign states, and individual human beings themselves. The commission speaks to the UN, and in the process claims to speak on behalf of (for the good of) states and individuals alike.
- *What is the dominant narrative?*
The 21st century needs a new security consensus, which must start with the understanding that the front-line actors in dealing with all the threats, new and old, continue to be individual sovereign states. The main threats to global human security in the 21st century are;
 - 1) Poverty
 - 2) Infectious diseases
 - 3) Environmental degradation
 - 4) Inter-state war
 - 5) Civil war
 - 6) Genocide
 - 7) Other mass atrocities
 - 8) Weapons of Mass destruction
 - 9) Terrorism
 - 10) Transnational organized crime

3. Social practice

- *What are the power relations on this theme in society?*
None, practically. Societies are seen as represented solely by their governing states. Addressing violent conflict within societies and between states is seen as the exclusive domain of states, regional- or international organisations and the Security Council.
- *In whose interest is the text's existence?*
The text's existence is in the interests of both the UN as an international organization and national states. The sovereign national state is confirmed to be the front line actor in dealing with 'all the threats we face', and the UN is established as the first and foremost international platform through which states, acting collectively, can take effective action.
- *What does the text constitute and what does it contest?*
The text constitutes an attempt at risk assessment at the largest scales, both in time (the 21st century) and place (humanity, globally). The text contests all narratives that deny the possibility of universal claims about security, rights or sovereignty.

Critical Frame Analysis

1. *Voice – who is the actor speaking?*

It is chairman Panyarachun speaking on behalf of the High Level Panel. He is speaking directly to the international community, represented by the United Nations and personified in the UN secretary-general.

2. *Diagnosis – what is represented to be the problem?*

Problems are the combined threats, - to both state and human security, - of poverty; infectious disease and environmental degradation; war and violence within states; the spread and possible use of nuclear, radiological, chemical and biological weapons; terrorism and transnational organized crime.

3. *Role in Diagnosis – Who is responsible for the problem?*

These threats emerge from non-state actors as well as states. No further specification.

4. *Prognosis – what's represented to be the solution?*

The solution lay in the international community to adopt the 101 policy recommendations given by the HLP. Specifically on collective security and the use of force, the solution is as follows:

“The panel endorses the emerging norm that there is a collective responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of humanitarian law which sovereign governments have proved powerless or unwilling to prevent”

It is further stipulated that the Security Council should address the following five criteria:

Seriousness of threat: the threat to human- or state security should be both severe and immediate

Proper purpose: primary objective is to avert the threat in question

Last Resort: all no-military actions have been exhausted

Proportional Means: suffering from intervention is be in proportion to the threat alleviated

Balance of consequences: there is a reasonable chance of success of alleviating the threat

5. *Role in Prognosis – Who is responsible for the solution?*

The United Nations are responsible for implementing the policy recommendations (direct effect), but for those to be efficient its member states should agree on the new security consensus underlying them (indirect effect).

C.5 Critical Frame Analysis of *In larger freedom* (2005)

⑤ Annan, K. (2005). *In larger freedom towards development, security and human rights for all: report of the Secretary-General*. New York: United Nations.

1. Content

- *What is said/claimed/shown?*

A report of Kofi Annan, as Secretary-General of the UN, intended for the UN member states. The report is prepared explicitly as part of the preparations for the UN World Summit, later in the same year (2005).

- *Which words or images are associated with each other?*

Economic Development → dependent on Societal Security and respect for human rights

Societal Security → dependent on Economic Development and respect for human rights

Threats to development, security and human rights → interconnected and international

Effective solutions → cooperation between states, collective approaches

- *Which definitions are used?*

Collective security: cooperation among UN member states to reach a new security consensus

Freedom from want: the alleviation of poverty

Freedom from fear: the alleviation of armed conflict

Freedom to live in dignity: institution of effective rule of law

2. Discursive practice

a) Observation

- *What is contested?*

Non agreement on, or failure to address, global problems like structural underdevelopment and endemic conflict. The report is a call for UN member states to overcome their differences and forge new international policies, where possible through the UN, to address these global problems. In the narrative of the document, there is no room for the possibility of deepening differences and decline governmental abilities to address said problems.

- *What is framed as deviant?*

1) That despite having a safer world environment than during most of history, the sense of insecurity among many people has increased. The lack of a newly emerged global security consensus after the cold war is both a cause and a consequence of this.

2) That simultaneously with structural economic development and poverty reductions, a relatively large share of the world's population has actually become poorer over the last three decades.

- *Whose perspective is used?*

'Gods or bird's eye view'. The text is meant as policy advice to the wider international community of UN member states, written from the position of the UN Secretary-General.

- *Which arguments are justified, which are not?*

Arguments that emphasize the capabilities of national states to address global problems internationally are justified, just as arguments that highlight the United Nations as a platform where these global policies can be made. Arguments that are critical of either the capacities of states, of the potential effectiveness of the United Nations are not justified.

- *What is left out?*

The fact that in 2005 the by far largest poverty reduction of the last decade was realized, - without any significant help of international policies, in developing countries such as China instead of in Third World countries.

The fact that in 2005 the two most lethal conflicts were not caused by a lack of international involvement in notorious volatile areas, but by a foreign (international) intervention in Afghanistan and Iraq.

b) Product

- *What is the source of the text?*
United Nations press secretariat – the digital archives.
- *Who is the author?*
Kofi Annan, as Secretary-General of the United Nations.
- *How and to whom is it disseminated?*
The member states, represented by their permanent representatives to the UNGA in New York.
- *Who 'reads' the text?*
In first instance; the permanent representatives of all UN member states.
In second instance; all governmental and parliamentary departments and factions involved in each respective UN member state.
In third and last instance; the wider public, every world citizen able to log on to the UNGA website and take a look at the report.

c) Inference

- *What is the goal of the text?*
The goal of the text is to give policy advice international political issues. Further, the report has a strong agenda-setting function for the UN World Summit later in 2005, and any issues mentioned in the report have a relatively high chance to be taken up in the discussions during that particular high-level forum.
- *What/Who is silenced?*
Dissenting or critical voices, like those of UN member states that would have not discussed these issues on the World Summit, or that strongly preferred to have other issues on the agenda.
- *What is the dominant narrative?*
The dominant narrative is that 'the world' has come a far end in tackling global poverty and armed conflict as root causes of human rights abuses, and that the project of 'human dignity for everyone' can be achieved by sovereign states making renewed commitments to international policies. The UN is ultimately the most appropriate platform to facilitate these policies.

3. Social practice

- *What are the power relations on this theme in society?*
None, practically. Societies are seen as represented solely by their governing states. Addressing violent conflict within societies and between states is seen as the exclusive domain of states, regional- or international organisations and the Security Council.
- *In whose interest is the text's existence?*
The text existence is in the interests of both the UN as an international organization and national states. The sovereign national state is confirmed to be the only relevant actor in dealing with both poverty and conflict, and the UN is established as the first and foremost international platform through which states, acting collectively, can take effective action.
- *What does the text constitute and what does it contest?*
The text constitute policy advice to all UN member states on tackling both poverty and conflict, in order to secure human rights (human dignity) for all peoples.

Critical Frame Analysis

1. Voice – who is the actor speaking?

It is Annan, as Secretary-General of the UN speaking. In doing this, three main categories of actors are included, at the expense of three other categories that are excluded;

A) The voice of the UN as an International Organization is explicitly included, at the expense of all other regional and international organizations. These latter ones are seen as subservient to, and lower in status than the UN.

B) The voice of the UN as an independent actor is included, at the expense of the member states to the UN. Although their sovereign importance in the field of international politics is confirmed, this address is clearly directed from the UN as sender to the member states as receivers. The member states can then discuss the ideas and proposals by the UN, but both agreement and disagreement are to be voiced through a body of the UN.

C) The voice of the sovereign state is (indirectly) included, at the expense of that of all non-state actors. Sovereign states are seen as the sole actors that are legitimized to speak out and, more importantly, act on issues of violent conflict. Individuals, citizens, civil society or private enterprises are seen as having no voice in this matter.

2. Diagnosis – what is represented to be the problem?

The problem is seen to be insufficient cooperation, and hence a lack of collective action, of sovereign states. Insufficient cooperation leads to a system of global governance which is inadequate to address the problems of structural poverty and endemic conflict, which in turn causes violations of human rights.

3. Role in Diagnosis – Who is responsible for the problem?

State policies, or more precisely the lack thereof are perceived as causing the problem. The governing structures of sovereign states, in whichever form, are therefore seen as responsible for the problem.

4. Prognosis – what's represented to be the solution?

The solution is represented to lay in more and better cooperation between sovereign states, through making use of the UN as a platform. Specifically on massive violations of human rights this means that states should, at the UN world summit, embrace the “emerging norm of a responsibility to protect”. After adoption, sovereign states should, on the authority of the Security Council, act upon the new norm if a crisis situation asks for it. The Security Council should in its deliberations over crisis apply the five “just war” criteria mentioned by the HLP in an open and transparent way.

5. Role in Prognosis – Who is responsible for the solution?

Sovereign states, through making use of the UN as a platform from constructing and executing international policies.

C.6 Critical Frame Analysis of *The World Summit Outcome Document* (2005)

⑥ United Nations General Assembly (2005), *Resolution 60/1. 2005 World Summit Outcome*. New York: United Nations.

1. Content

- *What is said/claimed/shown?*
The outcome document (WSO) of the 2005 UN World Summit in New York. It shows the final text the representatives of 180+ countries agreed upon. Paragraphs 138, 139 and 140 deal with the responsibility to protect.
- *Which words or images are associated with each other?*
Responsibility to protect – prevention of mass human rights violations
- *Which definitions are used?*
None

2. Discursive practice

a) Observation

- *What is contested?*
The occurrence of genocide, war crimes, ethnic cleansing and crimes against humanity.
- *What is framed as deviant?*
States being unable or unwilling to prevent and/or end above mass violations of human rights.
- *Whose perspective is used?*
The perspective of the collective member states of the UN. The governments of all states, represented at their respective highest level, agreed on the text of the document.
- *Which arguments are justified, which are not?*
Arguments that confirm states' capacity and responsibility to avoid mass atrocities.
- *What is left out? (perspective and information)*
The fact that states themselves are often the cause of mass violations of human rights. The phrase 'manifestly fails at preventing' could imply that violations of human rights emanate from outside the realm of the state

b) Product

- *What is the source of the text?*
United Nations press secretariat – the UNGA digital archives
- *Who is the author?*
The political representatives of the states present at the UN world summit.
- *How and to whom is it disseminated?*
Publicly available from the UN press secretariat website.
- *Who 'reads' the text?*
In first instance; the permanent representatives of all UN member states.
In second instance; all governmental and parliamentary departments and political factions involved in each UN member state.
In third and last instance; the wider public, every world citizen able to log on to the UN website and take a look at the World Summit Outcome document.

c) Inference

- *What is the goal of the text?*

The goal of the text is to give account of the agreed upon decisions by world leaders at the 2005 UN world summit. All representatives want to communicate to their diverse stakeholders that they have accomplished the initiation of continuation of global policies that are relevant to them.

- *What/Who is silenced?*

In first instance: all actors other than states involved in realizing the Millennium Development Goals. In second instance: all states who did not agree on certain (parts of) paragraphs, but who were persuaded by the dominant coalition(s) to accept them nonetheless – possibly in return for side-payments.

- *What is the dominant narrative?*

The heads of state and government that gathered in New York for the UN world summit on 14-16 September 2005 reaffirm their commitment to achieving the millennium development goals. Specifically on humanitarian intervention: we recognize a fundamental responsibility of all states to protect their populations from massive violations of human rights, and if they manifestly fail to do so, our collective responsibility to do so nonetheless.

3. Social practice

- *What are the power relations on this theme in society?*

None, practically. Societies are seen as represented solely by their governing states. Addressing violent conflict within societies and between states is seen as the exclusive domain of states, regional- or international organisations and the Security Council.

- *In whose interest is the text's existence?*

The text is in the interests of states with a good human rights record, who have a comparatively smaller chance to be a 'victim' of RtoP. Furthermore, it is in the interest of both the UN General Assembly and the Security Council. The former is designated to possess the exclusive authority to 'further consider' the principle of RtoP, while the latter remains the ultimate arbiter in cases where states might or might not be authorized to take collective action.

- *What does the text constitute and what does it contest?*

The text constitutes the authoritative document with the agreed upon political agreement between all UN member states on issues relating to the UN millennium declaration. Specifically on humanitarian intervention, it constitutes the unanimous declaration by 'the international community' that it has a responsibility to take collective action, - through the Security Council, - in case a state manifestly fails to prevent mass violations of human rights.

Critical Frame Analysis

1. *Voice – who is the actor speaking?*

It is the collective voice of all UN member states, united in the high level plenary meeting of the UN General Assembly. Being the largest gathering of state leaders in world history, and bearing in mind the unanimous character of the adoption of the outcome document, the voice can adequately be described as representing the international community.

2. *Diagnosis – what is represented to be the problem?*

The problem is seen to be the occurrence of genocide, war crimes, ethnic cleansing and crimes against humanity.

3. *Role in Diagnosis – Who is responsible for the problem?*

It is not specified which, if any at all, actor is responsible for these four types of mass violations of human rights. The phrase 'manifestly fails at protecting' leaves the role of states themselves out.

4. *Prognosis – what's represented to be the solution?*

Each individual state should live up to its responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity.

The international community, through the UN, also has the responsibility to use appropriate means to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. If national authorities manifestly fail to protect their populations from these mass violations of human rights, the international community should act through the UN Security Council in a timely and decisive manner.

5. *Role in Prognosis – Who is responsible for the solution?*

All UN member states individually, and the wider international community collectively. The latter is only responsible if the first manifestly fails to live up to its responsibility, so a clear hierarchy between the two is established.

C.7 Critical Frame Analysis of Implementing the Responsibility to Protect (2009)

⑦ Ban, K. (2009). *Implementing the responsibility to protect: Report of the Secretary-General*. New York: United Nations.

1. Content

- *What is said/claimed/shown?*
A report by Ban Ki-Moon, as Secretary-General of the UN, on the implementation of the RtoP principle. Bi Ki-Moon anticipates with this report on the coming session of the UN General Assembly, where the RtoP principle will be discussed.
- *Which words or images are associated with each other?*
Pillar one – the protection responsibilities of the State
Pillar two – international assistance and capacity-building
Pillar three – timely and decisive response
- *Which definitions are used?*
N/A

2. Discursive practice

a) Observation

- *What is contested?*
Any political opposition to the RtoP principle. The in 2005 agreed upon principle need only to be implemented, in a technical manner, by the international community. The report explicitly states that “the best way to discourage states or groups of states from misusing the responsibility to protect for inappropriate purposes would be to develop fully the United Nations strategy, standards, processes, tools, and practices for the responsibility to protect”.
- *What is framed as deviant?*
Opposition to the RtoP principle as it has been laid down in 2005.
- *Whose perspective is used?*
That of the UN Secretary-General, representing both the UN as an organisation.
- *Which arguments are justified, which are not?*
Arguments that lay out plans for implementing, or ‘institutionalising’ the RtoP principle are justified, arguments that seek to alter or reverse the principle as it has been laid down in 2005 are not justified.
- *What is left out?*
The Prevent / React / Rebuild trichotomy from the 2001 ICISS report does not feature in either the WSO document or this report. By replacing prevention, reaction and rebuilding with the ‘equal responsibilities’ pillar structure, Ban effectively drops the responsibility to rebuild from the principle. The new pillar structure than works with a prevent / assist / response trichotomy, which are should all three be equally important in implementation .

Furthermore, the responsibility continuum from the 2001 ICISS report does not feature in the WSO document or this report either. By interpreting RtoP within the political framework as it was adopted in 2005, Ban reinforces the position of the UN Security Council and the General Assembly vis-a-vis regional organisations such as the EU and the AU.

Finally, the voices of states critical of the RtoP principle as it was adopted in 2005 are neglected. The only way laid out in the report is the one forward: affirm the principle as it was adopted, and start working on implementing it.

b) Product

- *What is the source of the text?*
United Nations press secretariat – the digital archives.
- *Who is the author?*
Ban Ki-Moon, as Secretary-General of the United Nations.
- *How and to whom is it disseminated?*
The member states, represented by their permanent representatives to the UNGA in New York.
- *Who 'reads' the text?*
In first instance; the permanent representatives of all UN member states.
- In second instance; all governmental and parliamentary departments and factions involved in each respective UN member state.
In third and last instance; the wider public, every world citizen able to log on to the UN website and take a look at the report.

c) Inference

- *What is the goal of the text?*
The goal of the text is to get the UN General Assembly to affirm the provisions about RtoP it had laid down in the 2005 WSO document, affirm its own role as the political body responsible for the principle, and consider the proposals towards implementing the RtoP principle presented in the text.
- *What/Who is silenced?*
Individual states, sub-state actors and individuals are silenced.
- *What is the dominant narrative?*
The RtoP principle as laid down in paragraphs 138 and 139 was unanimously affirmed in 2005, and the task of the UN and its member states is to progressively implement the principle by adopting a series of cumulative measures.

3. Social practice

- *What are the power relations on this theme in society?*
None, practically. Societies are seen as represented solely by their governing states. Addressing violent conflict within societies and between states is seen as the exclusive domain of states, regional- or international organisations and the Security Council.
- *In whose interest is the text's existence?*
The text is in the interests of states with a good human rights record, who have a comparatively smaller chance to be a 'victim' of RtoP. Furthermore, it is in the interest of both the UN General Assembly and the Security Council. The former is designated to possess the exclusive authority to 'further consider' the principle of RtoP, while the latter remains the ultimate arbiter in cases where states might or might not be authorized to take collective action.
- *What does the text constitute and what does it contest?*
The text constitutes an attempt by the UN Secretary-General to persuade to the General Assembly to carry the debate about the RtoP principle forward, and with that affirm itself to be the prime agent capable and responsible for doing so (define the "continued consideration" role).

Critical Frame Analysis

1. *Voice – who is the actor speaking?*

It is Ban, as Secretary-General of the UN speaking. In doing this, two (types of) actors are included, at the expense of others.

A) The voice of the UN as an International Organization is explicitly included, at the expense of all other regional and international organizations. These latter ones are seen as subservient to, and lower in status than the UN.

B) The voice of sovereign states, through their membership of the UN is included, at the expense of sub-state actors or individuals.

2. *Diagnosis – what is represented to be the problem?*

The problem is represented to consist of a gap between the RtoP principle as it was adopted in 2005, and the (full) development of UN strategy, standards, processes, tools and practices to implement the principle.

3. *Role in Diagnosis – Who is responsible for the problem?*

Not attributed, the gap between principle (political agreement) and practice is just diagnosed, without one specific actor being linked to this diagnosis.

4. *Prognosis – what's represented to be the solution?*

The solution lays in the UN General Assembly to debate how to best implement the RtoP principle, therein using the policy advice given in the report. The General Assembly should adopt the prevent / assist / rebuild strategy advanced by Ban. The General Assembly should define its own role of "continued consideration" it reserved for itself in paragraph 139 of the WSO document. Finally, the General Assembly should take a number of steps to implement specific policy measures that will facilitate the implementation of RtoP.

5. *Role in Prognosis – Who is responsible for the solution?*

Sovereign states through their membership of the UN, and specifically their collective presence in the UN General Assembly.

C.8 Critical Frame Analysis of UNSC Resolution 1973 (2011)

- ⑧ United Nations Security Council (2011), *Resolution S/RES/1973*. New York: United Nations.

Content

- *What is said/claimed/shown?*
A resolution by the UN Security Council;
1) condemning the deteriorating situation, the escalation of violence and the increasing number of civilian casualties in Libya.
2) declaring a long list of measures to be taken by the international community, among others an arms embargo, sanctions against certain individuals and the institution of a no-fly zone.
- *Which words or images are associated with each other?*
Libyan Arab Jamahiriya - deteriorating situation, escalation of violence, and heavy civilian casualties
Libyan Authorities – failed responsibility to protect
- *Which definitions are used?*
N/A

1. Discursive practice

a) Observation

- *What is contested?*
Enduring violation of human rights through organised violence, resulting in an increasing number of civilian casualties. This constitutes the failure of the Libyan authorities to comply with (the previous) UN Security Council Resolution 1970, and with the responsibility of those authorities to protect the Libyan population. The primary responsibility to take all feasible steps to ensure the protection of civilians lays with the parties actively engaged in armed conflict.
- *What is framed as deviant?*
The not complying of the Libyan authorities with resolution 1970.
- *Whose perspective is used?*
That of the UN Security Council, at this point made up of the P5 (China, Russia, United States, United Kingdom, France) and the following member states (explicitly named in the resolution):
Brazil, India, Germany, South Africa, Lebanon, Nigeria, Bosnia & Herzegovina, Portugal, Colombia.
- *Which arguments are justified, which are not?*
Arguments that validate the authority of the international community, represented by the Security Council, to take all necessary measures to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory.
- *What is left out? (perspective and information)*
Voices of parties to the actual conflict, both the belligerent Libyan authorities and the rebellious citizens under siege in the city of Benghazi.

b) Product

- *What is the source of the text?*
United Nations press secretariat – the digital archives.
- *Who is the author?*
The United Nations Department of Public Information
- *How and to whom is it disseminated?*
Open access from the moment of publishing onward.
- *Who 'reads' the text?*
Political actors concerned, media reporters, the wider public.

c) Inference

- *What is the goal of the text?*

The goal of the text is to legitimize 'all necessary means' by UN member states to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, under stipulation of a number of concrete sanctions and policy steps that member states are authorized to implement.

- *What/Who is silenced?*

Parties to the actual conflict, both the belligerent Libyan authorities and the rebellious citizens under siege in the city of Benghazi.

- *What is the dominant narrative?*

By not living up to its responsibility to protect its population, the Libyan authorities have failed to comply with UN Security Council resolution 1970. As a consequence, and out of concern with the deteriorating situation, the escalation of violence and the increasing number of civilian casualties, the Security Council now authorizes member states to take all necessary measures to protect the civilians on Libyan territory. Furthermore, a number of concrete policy measures, to be implemented by the UN and its members, are listed – the most important (coercive) among these policy measures is the institution of a no-fly zone over the entire territory of the Libyan Arab Jamahiriya.

2. Social practice

- *What are the power relations on this theme in society?*

None, practically. Societies are seen as represented solely by their governing states. Addressing violent conflict within societies and between states is seen as the exclusive domain of states, regional- or international organisations and the Security Council.

- *In whose interest is the text's existence?*

The text's existence is in the interest of the UN as an organisation, particularly the UN Security Council – the legitimate authority increases because of the declaration being issued. Furthermore, the text is in the interest of France, the United Kingdom, The United States, the Gulf Cooperation Council, the League of Arab states and all other states who are in favour of actively intervening in conflict in Libya.

- *What does the text constitute and what does it contest?*

The text constitutes the resolution that authorizes specific political and military action against the Libyan authorities, in order to protect the Libyan civilian population. The text contests the deteriorating situation in Libya in terms of security, conflict and civilian casualties.

Critical Frame Analysis

1. *Voice – who is the actor speaking?*

The UN Security Council, made up of China, United States, United Kingdom, France, Russia, Brazil, India, Germany, South Africa, Lebanon, Nigeria, Bosnia & Herzegovina, Portugal and Colombia.

2. *Diagnosis – what is represented to be the problem?*

The enduring violation of human rights in the Libyan Arab Jamahiriya, caused by organized violence and resulting in an increasing number of civilian casualties.

3. *Role in Diagnosis – Who is responsible for the problem?*

The Libyan authorities: by perpetuating most of the violence, ignoring UN Security Council resolution 1970 and thus not living up to the responsibility to protect its own population, they are primarily responsible. Any responsibility of other actors, specifically the international community, is absent from the document.

4. *Prognosis – what's represented to be the solution?*

The solution is represented to lay in the list of measures the Security Council stipulates, acting under Chapter VII of the Charter of the United Nations. The first three articles are demands to the Libyan authorities for 1) an immediate ceasefire, 2) a negotiated solution to the underlying political crisis and 3) compliance with international law, specifically international humanitarian law. The rest of the articles call for:

- the protection of Libyan civilians through UN member states, utilizing all necessary means.
- the institution of a no-fly zone over the territory of the Libyan Arab Jamahiriya.
- enforcement of an arms embargo to the Libyan regime and its allies.
- flights ban of all regular Libyan air traffic.
- asset freeze + travel ban on a number of prominent individual belong to the Khadafy regime.

5. *Role in Prognosis – Who is responsible for the solution?*

All UN member states. The 'international community' is the actor who is attributed the responsibility for the measures here postulated by the UN Security Council.

C.9 Critical Frame Analysis of Responsibility to Protect – Timely and Decisive Response (2012)

⑨ Ban K.M. (2012), *Responsibility to Protect - Timely and Decisive Response: Report of the Secretary-General*. New York: United Nations.

1. Content

- *What is said/claimed/shown?*

A report by Ban Ki-Moon, as Secretary-General of the UN, on the implementation of the RtoP principle. Ban Ki-Moon anticipates with this report on the coming session of the UN General Assembly, where the RtoP principle will be discussed for the first time after the NATO-intervention 'Unified Protector' in Libya took place.

- *Which words or images are associated with each other?*

'Responsibility while protecting' – addition to the Responsibility to Protect
'Problem of the International Community' – lack of policy implementation

- *Which definitions are used?*

N/A

2. Discursive practice

d) Observation

- *What is contested?*

Any political opposition to the RtoP principle. The in 2005 agreed upon principle need only to be implemented, in a technical manner, by the international community.

The Pillar structure laid out by Ban himself in 2009. The report states that "The three pillars are not sequential and are of equal importance; 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."

- *What is framed as deviant?*

Opposition to the RtoP principle as it has been laid down in 2005.

- *Whose perspective is used?*

That of the UN Secretary-General, representing both the UN as an organisation.

- *Which arguments are justified, which are not?*

Arguments that lay out plans for implementing, or 'institutionalising' the RtoP principle are justified, arguments that seek to alter or reverse the principle as it has been laid down in 2005 are not justified.

- *What is left out?*

The Prevent / React / Rebuild trichotomy from the 2001 ICISS report does not feature in either the WSO document or this report. By replacing prevention, reaction and rebuilding with the 'equal responsibilities' pillar structure, Ban effectively drops the responsibility to rebuild from the principle. The new pillar structure than works with a prevent / assist / response trichotomy, which are should all three be equally important in implementation .

Furthermore, the responsibility continuum from the 2001 ICISS report does not feature in the WSO document or this report either. By interpreting RtoP within the political framework as it was adopted in 2005, Ban reinforces the position of the UN Security Council and the General Assembly vis-a-vis regional organisations such as the EU and the AU.

Finally, and most importantly, important concerns from member states about RtoP on the basis of its 'application' in Libya are noted, but not engaged with. All major or fundamental criticism is in this way silenced. The report states that 'Whatever the specific merits of these arguments, it is important that the international community learn from these experiences and that concerns expressed by Member

States are taken into account in the future. The Charter gives the Security Council a wide degree of latitude to determine the most appropriate course of action. The Council should continue to respond flexibly to the demands of protecting populations from crimes and violations relating to RtoP.'

e) Product

- *What is the source of the text?*
United Nations press secretariat – the digital archives.
- *Who is the author?*
Ban Ki-Moon, as Secretary-General of the United Nations.
- *How and to whom is it disseminated?*
The member states, represented by their permanent representatives to the UNGA in New York.
- *Who 'reads' the text?*
In first instance; the permanent representatives of all UN member states.
In second instance; all governmental and parliamentary departments and factions involved in each respective UN member state.
In third and last instance; the wider public, every world citizen able to log on to the UN website and take a look at the report.

f) Inference

- *What is the goal of the text?*
The goal of the text is to get the UN General Assembly to affirm the provisions about RtoP it had laid down in the 2005 WSO document, affirm its own role as the political body responsible for the principle, and consider the proposals towards implementing the RtoP principle presented in the text.
- *What/Who is silenced?*
Individual states, sub-state actors and individuals are silenced.
- *What is the dominant narrative?*
The RtoP principle as laid down in paragraphs 138 and 139 was unanimously affirmed in 2005, and the task of the UN and its member states is to progressively implement the principle by adopting a series of cumulative measures.

3. Social practice

- *What are the power relations on this theme in society?*
None, practically. Societies are seen as represented solely by their governing states. Addressing violent conflict within societies and between states is seen as the exclusive domain of states, regional- or international organisations and the Security Council.
- *In whose interest is the text's existence?*
The text is in the interests of states with a good human rights record, who have a comparatively smaller chance to be a 'victim' of RtoP. Furthermore, it is in the interest of both the UN General Assembly and the Security Council. The former is designated to possess the exclusive authority to 'further consider' the principle of RtoP, while the latter remains the ultimate arbiter in cases where states might or might not be authorized to take collective action.
- *What does the text constitute and what does it contest?*
The text constitutes an attempt by the UN Secretary-General to persuade to the General Assembly to carry the debate about the RtoP principle forward, and with that affirm itself to be the prime agent capable and responsible for doing so (define the "continued consideration" role).