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**How have emerging states shaped the “Responsibility to Protect”
debate regarding potential military intervention into Syria since April
2011?**

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Abstract

As emerging states, India and South Africa have had the opportunity to engage with the “Responsibility to Protect” (R2P) norm-diffusion process, sporadically adopting dual roles as both “norm-takers” and “norm-shapers”, yet have struggled to robustly shape the normative direction of R2P. Crucially, attempts to adopt dual roles and effectively engage with the norm have become problematic by the way in which R2P has been conceptualised differently by both international and domestic actors at different times. This is due to the fact that the constitutive and regulative norm variants of R2P have often been fused together. This thesis firstly examines the emergence of R2P as a soft norm. Secondly, it accounts for how the norm has been diffused through using Amitav Acharya’s (2009) Constructivist ‘constitutive localization’ model, illustrating how “norm-takers” (that are arguably aspiring “norm-shapers”) engage differently with the process of norm-diffusion. Then, through using a Constructivism that verges toward a critical postmodern approach, motivations for norm engagement are explored, which primarily are pioneered to satisfy socially constructed national interests. Finally, this is further substantiated through analysis of discussions surrounding potential military intervention into the Syrian Arab Republic from April 2011 onwards.

Introduction

The credibility and legitimacy of the R2P doctrine as an international norm is faltering, and is in jeopardy of becoming irrelevant following its exploitation during the Iraq Intervention in 2003 and Libyan Intervention in 2011 as well as the failure to respond robustly to the various humanitarian emergencies in Syria.¹ According to the International Commission on Intervention and State Sovereignty (ICISS), who are the accredited engineers of the norm, R2P is simply a means of ‘shifting the terms of the debate’, ‘from [understanding] sovereignty as control to sovereignty as responsibility’ (2001, p. 16; 13). This implies that a state is obliged via a social contract to protect the dignity and welfare of its citizens from crimes of mass atrocity, namely: genocide, war crimes, ethnic cleansing and crimes against humanity. Failure to respect the first normative pillar, as stipulated by the 2009 Report from the UN Secretary-General, invokes the second pillar, which relates to the duty of the international community to provide capacity-building assistance. Although R2P was engineered by ICISS in 2001 and unanimously adopted at the United Nations (UN) World Summit in 2005, many actors remain not wholly convinced by the norm. Particularly, towards the third and final pillar of R2P, which refers to the requirement to implement timely and decisive action; encompassing potential military intervention. Notably, Gareth Evans (2013) describes the norm’s current condition as being ‘down but not out.’ In order to resuscitate the norm, Ramesh Thakur (2011, 2013) and Thomas Weiss (2011, 2014) recommend engaging emerging states as “norm-shapers”.² This thesis evaluates whether emerging states have been able to reproduce their own discourse and shape discussions regarding military intervention.

Considered to be emerging states by their presence in the IBSA and BRICS acronyms as well as membership of the Group-20, analysis focuses on how India and South Africa have constructed perceptions of the third pillar of R2P.³ The third pillar, which refers to the ability

¹ Notably “norm” refers to ‘a standard of appropriate behaviour for actors within a given identity’ (Finnemore and Sikkink, 1998, p. 891).

² While Jeffrey Checkel (1999) introduced the terms “norm-maker” and “norm-taker”, it is unclear who “norm-shaper” should be accredited to.

³ Whilst BRIC (Brazil, Russia, India and China) refers to the acronym coined by Jim O’Neil, a Goldman Sachs employee, in 2001 as to account for the economic global shift (then without South Africa, who officially joined in April 2011), this thesis recognises the growing social and political

of the international community to use coercive force as a last resort, remains the most contentious aspect of the norm as it often infringes upon localised values. Characteristically, as the self-appointed leader of the Non-Aligned Movement (NAM), India has been a staunch critic of the third pillar as the norm compromises India's preference for order by infringing upon understandings of the sacrosanctity of sovereignty. Notably, due to its international peacekeeping role (currently the third biggest contributor of UN troops, after Bangladesh and Pakistan), experience of post-colonial independence and ongoing conflict with Pakistan, India has belligerently insisted that discussions surrounding military intervention ought to be held strictly within the UN's framework. Whereas, South Africa was formerly an R2P-enthusiast until a NATO-led force exceeded the mandate of Resolution 1973 supporting a no-fly zone into Libya in 2011, which to the horror of many, initiated regime change. This resulted in South Africa experiencing 'buyers' remorse' (Welsh, 2012), ensuing national interests to be adapted accordingly. Jutta Weldes (1996, p. 280; 303) argues that national interests are socially constructed through the process of constitutive interpretation, 'emerge out of representations', and legitimacy 'conferred in the process of their construction.' Thereby, national interests are re-evaluated as domestic actors re-construct "regimes of truth".⁴ This iterates the central argument of this thesis, that R2P has represented different discourses by actors at different times, which ensues problematic norm-engagement.

This thesis will firstly account for the normative emergence of R2P. Secondly, its evolution will be evaluated through examining norm-diffusion models. Then, how India and South Africa differently engage with R2P will be explored through utilising a Constructivist framework. It is worth noting that by "India" and "South Africa", this research refers to their respective socially constructed national interests, specifically as outlined by policy-makers and diplomats within domestic discussions, which are reproduced on the international stage to create their own respective national "regimes of truth". Additionally, this research places itself within a qualitative epistemology, referring to the research process that evaluates how human behaviour shapes knowledge, analysing questions of "how" and "why". Often, this approach verges toward critical postmodernism. Postmodernists reject the assertion that there is any form of absolute objective truth, thus providing the opportunity to decipher how

importance of these states in a multilateral world order. Notably, India-Brazil-South Africa (IBSA) was initiated on 6 June 2003 and aimed at strengthening South-South relations.

⁴ A Foucauldian principle, whereby each society produces its own discourse of truth as a result of power-relations constituted through the means of history, language and subjectivity.

agency and structure are mutually constituted through tracing the construction of power-knowledge relations, rather than explaining causality. This critical analytical dimension is further strengthened through reflecting on these power-knowledge structures and analysing whose interests they serve. Whilst emerging states do attempt to shape the normative direction, attempts to effectively engage with the norm and the potential to create norm-disjuncture have often become problematic as the constitutive and regulative norm variants of R2P are fused together. Finally, this will be demonstrated through analysing domestic discussions surrounding potential military intervention into Syria from 26 April 2011 (marking its first appearance in the UN agenda). Whilst this incorporates the two states' rotational period as non-permanent members of the UN Security Council (UNSC) (January 2011 to December 2012), research will draw more broadly upon national historical experiences shaping the use of force discourse.

R2P Exposition

R2P was formulated as a response to the failings of post-Cold War Humanitarian Interventionism, in an attempt to prevent the reoccurrence of any more “Rwandas” or “Kosovos”.⁵ The unpopularity of Humanitarian Interventionism was principally due to its contradictory conceptualisation, illustrated by its lexical formulation of “humanitarian” and “intervention”. This provoked fears that its case-by-case wording would encourage unilateral exploitation to serve non-humanitarian agendas, not unfounded considering the use of force in Kosovo, where the UNSC did not agree upon a resolution, yet military intervention is often perceived as just and necessary. Nicholas Wheeler (2000) argues that many interventions have been falsely justified in terms of humanitarianism and in turn tarnished the credibility of the norm; as evident by the 1971 Indian intervention into Eastern Pakistan, the 1978 Tanzanian intervention into Uganda and 1979 Vietnamese intervention into Cambodia. Considered as an inherited norm from Nineteenth Century imperialists and soon endorsed to serve American Exceptionalism, Humanitarian Interventionism posed a direct threat to the conventional concept of state sovereignty, namely undermining principles of territorial integrity and non-intervention.

Notably, the concept of human security developed in parallel to the failings of Humanitarian Interventionism, and influenced the initial formulation of R2P by ICISS. The human security paradigm links discourse relating to development, security of the individual and human rights, and refers to the freedom from want and fear. ICISS (2001, p. 13) placed ‘human needs of those seeking protection’ at the centre of the interventionist discourse, shifting security concerns from conventional territorial interests associated with the Cold War to those relating to human security, subsequently explicitly engaging with the human rights discourse. This initially satisfied the calls from scholars such as Alex Bellamy (2003), who recommended reconceptualising ideals of humanitarianism and intervention so that the individuals in need became the point of departure. By re-conceptualising sovereignty in terms of responsibility, ICISS attempted to reconcile sovereignty with human rights in a post-colonial world order (Bellamy, 2011; Thakur, 2011; Evans, 2008). However this initial normative shift was not reflected in the 2005 UN World Summit adoption of the norm,

⁵ “Rwandas” refers to how the international response to the Rwandan Genocide in 1994 was too little and much too late; whereas “Kosovos” refers to the immediacy of action which bypassed the UNSC paralysed via veto in 1999.

presumably as the 2001 September 11 attacks and subsequent War on Terror affirmed security as equating to conventional understandings of sovereignty as namely territorial integrity and absolute authority. Bellamy (2009, p. 118) argues how these attempts to reconceptualise sovereignty in terms of responsibility (rather than in terms of equality as endorsed by the post-1945 international system), have constantly been undermined by the association of R2P to the “right to intervene” discourse synonymous with the Humanitarian Interventionism of the 1990s.

Moreover, Oliver Stuenkel (2014, p. 11) observes how literature relating to the use of force tends to crudely differentiate between the ‘pro-interventionist Global North and a pro-sovereignty Global South, together with the BRICS block’. This can be attributed to the fact that military intervention has often been deemed as representing - as Weiss (2004) worded - a ‘Trojan horse’. Exhorting an appearance of humanitarian concern whilst concealing neo-imperialist strategic interests; the legacy of the 2003 Iraq Invasion best demonstrates this perception.⁶ Whilst R2P does not alter pre-existing norms, rooting itself in international laws regarding the coercive use of force, when operationalised R2P directly violates conventional understandings of territorial integrity and sovereign independence. Notably, the third and final pillar of R2P stipulates that certain provisions ought to be met prior to implementation, consisting of six criteria which have been derived from Christian “Just War theory”.⁷ Traditionally, the use of force for the defence of human rights has been challenged by legal and moral discussions, regarding issues of legitimacy and selectivity. In this sense, non-adherence, as Aidan Hehir (2012, p. 207) argues, can be understood as being due to the misuse of the duty to intervene, rather than defending sovereignty as an absolute inviolability irreconcilable with Humanitarian Interventionism. This suggests that those more sympathetic with non-interventionist norms have been more antipathetic toward the third pillar of R2P. Whilst this has partly explained the existence of rejectionists (such as Cuba, Iran, Venezuela, Nicaragua and Sudan), it fails to coherently account for cautious, yet often outspoken post-colonial dissenters, such as India and South Africa. Although understandings of sovereignty

⁶ Initially justified on humanitarian grounds claiming that Saddam Hussein possessed Weapons of Mass Destruction, US-led forces bypassed the UNSC, finally resulting in regime change.

⁷ The use of force is legitimised by R2P if it can be justified in terms of: a just cause, has the right intention, is a last resort, will use proportionate means, has reasonable prospects and endorsed by a legitimate authority.

shape interventionist discourse, it does not explain India's reluctance to explicitly challenge the norm nor South Africa's inconsistent support.

Robert Jackson (2007, p. 113), who adopts a pluralist approach, pragmatically accounts for inaction or failure to comply as being due to conflict between sovereignty and human rights; the survival of one set of people's human rights are prioritised over another. Whereas Bellamy (2003, 2009) argues that the problem of norm-compliance resides in a sovereignty-centric conceptualisation of the norm itself. This complicates 'political understanding' (Chandler, 2009, p. 39) due to conflicting worldviews (Newman, 2013, p. 236). Madhan Mohan Jaganathana and Gerrit Kurtz (2014, p. 480) explain how engagement 'depends on the priorities of its leaders and [in the case of India] how virtuously they manage to play the tune of sovereignty.' This indicates that R2P is in a continuous state of norm-diffusion and driven by the importance placed upon localised values by agency. Significantly, Thakur (2013, p. 73) emphasises the importance for 'those emerging countries to seek to shape global normative guidelines rather than looking only to their own national ambitions.' This suggests that when norm engagement occurs, it is driven by a self-interested desire to satisfy national interests, a notion mostly associated with Realism. According to Weldes' (1996) theoretical approach, which complemented rather than challenged Realism, national interests should be understood as being socially constructed. This implies that norm engagement varies between and within states, according to their "regimes of truth". Evidently conventional norm compliance discussions are, predictably and therefore unhelpfully, divided between the rationalists (emphasising material incentives and costs) and constructivists (focusing on norms and values). By transcending this dichotomy, greater attention can be placed on not 'whether to act, but about how' (Bellamy, 2011, p. 265), acknowledging that states have been united upon the objective to protect against mass atrocity crimes, but not the mechanisms.

It is worth noting how India's cautious approach toward R2P is popularly explained in terms of strategic interests to establish a smooth transition into a great power (Virk, 2013; Hall, 2013). Whereas localised approaches focus on the normative compatibility of the foreign and local values (Mohen, 2014). This accounts for the tension between R2P's malleable conceptualisation of sovereignty and India's insistence that sovereignty is an absolute right to non-intervention. Dipankar Banerjee (2012, p. 92) uses the seemingly irreconcilable nature of these two principles to demonstrate that India's lack of positive norm engagement cannot be attributed to a lack of political will, but rather an 'absence of

conviction'. In this sense, India's approach to R2P, according to Urvashi Aneja (2014, p. 239), can be perceived as an attempt to 'contain assertive solidarism of R2P while maintaining a commitment to the responsibility of states to protect civilians.' Thereby, the seeming 'fixation' upon sovereignty and non-intervention is illustrative of India's pluralist 'preference for order' (Jaganathana and Kurtz, 2014, p. 479). This is supported by India's insistence upon legitimacy in discussions surrounding implementation (emphasising the six guiding principles), particularly the necessity to acquire consent from the host state so as to discourage unilateral behaviour. As a key peacekeeping contributor, it is unsurprising that India should insist on principles relating to legitimacy - and furthermore order - in discussions surrounding military intervention. As an emerging state, self-appointed leader of the NAM bloc as well as proud advocate of democracy and sovereignty as equality, India ought to have socially constructed a strong narrow approach to R2P, engaging with the norm to defend its values where it can.

Moreover, the South African approach to R2P is similarly perplexing, given its commitment to advocating liberal values such as democracy and human rights, enthusiasm for peacekeeping, yet undermined by its 'flip-flop foreign policy stance' (Aboagye, 2012, p. 41). Although South Africa was involved in the military interventions in Kosovo (1999) and Sudan (2004), it had not fully engaged with the military intervention discourse until it assumed a role as a non-permanent member of UNSC. In both 2007-2008 and 2011-2012 rotations South Africa adopted a broad revisionist approach to Chapter VII of the UN Charter (which provides guidelines for peacekeeping), strategically to bolster UN support of regional African conflict management. However, the fluctuating approaches to discussions surrounding the third pillar of R2P (as reflected in its seeming inconsistent voting patterns in the UNSC), undermined its self-acclaimed title of defender of human rights. For instance, failure to condemn Zimbabwe and Myanmar for suppressing the right to protest, as well as constantly evolving perceptions of the intrastate conflicts in Côte d'Ivoire, Libya and Syria. Crucially, Festus Aboagye (2012) explains the South African approach as being influenced by a greater concern with conventional understanding of sovereignty than with human security. Whereas Tim Dunne and Faith Maberera (2013, p. 8) consider the problem as being produced from the tension between a local post-Apartheid position and a foreign policy that emphasises the vital necessity of fast response peacekeeping. In this sense, South Africa is precariously positioned between contradictory perceptions of itself and international

perceptions of its regional and international role. Furthermore, this becomes problematic by the ostensible commitment to liberal values.

Unsurprisingly, R2P is deemed to be a Western norm, despite drawing from the African-developed principle of non-indifference. Notably, five years prior to the 2005 endorsement of R2P non-indifference emerged and was adopted within the African region when the Organisation of African Unity Constitution was agreed upon (Sahnoun, 2009). Non-indifference replaced non-interference, and refers to the duty to not allow mass atrocities to occur without a response; the rudimentary component of R2P. In addition to this, R2P developed upon the conceptualisation of sovereignty as responsibility initially pioneered by Robert Cohen and Francis Deng; the latter is a South Sudanese diplomat. Thakur (2013, p. 72) argues that if R2P indeed initially represented a Western rebranding of Humanitarian Interventionism, then it would never have accumulated sufficient ‘traction’ when unanimously adopted at the 2005 World Summit. Nonetheless, it is vital to acknowledge, as Theresa Reinold (2013, p. 4) articulates, that the ‘power of norms’ and ‘norms of the powerful’ are two sides of the same coin, demonstrating that deconstructing power-knowledge relations conveys whose interests are being served through norm-compliance.

Furthermore, while describing how norm-diffusion literature heavily focuses upon successful and usually cosmopolitan norms, Jeffrey Checkel (1999, p. 4) indicates the failure to account for ‘the dog that didn’t bark’. Crucially, this thesis engages with a norm which potentially holds the capability to do so, but has wavered throughout the norm-diffusion process. Additionally, this thesis is inspired by and develops upon the insightful works that focus on culture and values in order to better understand the normative relevance of R2P to emerging states, such as that by Weiss and Rama Mani (2011) and Malte Brosig’s (2012) edited collection. Through accounting for R2P’s norm-emergence, it is evident that discussions surrounding military intervention remain contentious and tend to focus upon conflicting understandings of sovereignty, the legitimate use of force and human rights discourse. The unpopularity surrounding R2P norm compliance and lack of explicit codification within international law demonstrates that norm-diffusion is a fluid process; further indicating that R2P is a soft norm. Although most scholars (Bellamy, 2009; Wheeler and Egerton, 2009) accept that there is a difference between that initially proposed by ICISS and the watered-down 2005 World Summit endorsement (which Weiss (2006) denoted ‘R2P-lite’); Evans (2008, p. 47) advocates that ‘it does not vary from core R2P principles in any significant way’. However, as this review of the literature conveys, the norm has represented

different discourses by actors at different times. Despite being a seemingly basic deduction, it is one that has caused problems in theoretical discussions as well as the practical implementation of the norm itself. Crucially then, R2P differs from its initial 2001 form from that in 2005, to that in Libya 2011 and now in 2015.

Norm-Diffusion: Socialisation and ‘Constitutive Localization’

Given that the previous section established why R2P emerged, it is now worth examining how R2P developed, through evaluating the norm-diffusion literature. Martha Finnemore and Kathryn Sikkink (1998) account for three stages of normative evolution in their seminal norm life-cycle model. Firstly, the norm emerges as it is advocated by a norm-entrepreneur and if socialisation is successful triggers the crucial tipping-point, indicating that the norm has accumulated traction. Once this is achieved, the norm proceeds into the acceptance stage, where the norm-cascade process occurs, and the norm is popularised. Finally, the norm is internalised through institutionalisation. Notably, placing R2P within this life-cycle model is difficult, as the norm fluctuates between norm-cascade and internalisation as popularity wavers. Norm development through socialisation is predicated upon “oughtness”, so that compliance of norm-takers is encouraged and inaction condemned by other states. Although R2P has become adopted into the international community’s vocabulary, it is not codified or bound in the UN Charter (rather it is used in accordance with Chapter VII), rendering it a soft norm. This suggests that R2P cannot be considered as an international hard norm, despite being treated as one through the scholarly attention it receives. Clearly, Finnemore and Sikkink’s top-down model is not wholly convincing given its one-way explanatory power and narrow focus upon norm-entrepreneurs, neglecting to account for the agency of norm-takers and norm-shapers as well as the existence of various forms of R2P.

Amitav Acharya (2004, 2009) challenges conventional top-down models through focusing on the role of agency of norm-takers by asking ‘whose ideas matter?’, rather than which norms matter. Acharya (2009) predicates his ‘constitutive localization’ framework upon the understanding that norms that allow for this process, and subsequent congruence, are more likely to be successful. Acharya (2004, p. 245) defines ‘constitutive localization’ as the ‘active construction (through discourse, framing, grafting and cultural selection) of foreign ideas by local actors, which results in foreign ideas achieving congruence with local beliefs and practices.’ As new international norms emerge, which are often borrowed or inspired from former norms, the norm is diffused through the reputational powers of norm entrepreneurs. Finally, if ‘constitutive localization’ between the foreign and local is satisfactory, then congruence occurs. Whilst formulated in 2001 and unanimously endorsed in 2005, levels of congruence vary depending upon the ‘constitutive localization’ of norm-takers, particularly with relation to localised understandings of Humanitarian

Interventionism, sovereignty and security. During the process of congruence, norm-takers are provided with the opportunity to become norm-shapers, as they hold the capacity to shape the normative direction. Notably, Pu Xiaoyu (2010, p. 346) explains how socialisation is central to the prospects of emerging states and therefore is a two-way process. Evidently, Acharya's (2009) 'constitutive localization' accommodates for this by evaluating the interplay of agency between the localised role of norm-taker and norm-shaper.

Although the language of R2P has been accepted into the international community's vocabulary and its normative ideals rooted within pre-existing norms, its normative potential remains largely neglected. Acharya's (2009) 'constitutive localization' model examines how R2P's norm-diffusion has often been problematic as congruence is hindered by a clash between the foreign and local norms. A critical postmodernist reading of Constructivism provides the framework to decipher not which "regimes of truth" are more compelling, but rather provides the opportunity to explore the circumstances of how they came into existence through tracing the construction of power-knowledge relations. It is worth noting that 'theories should be explicitly committed to exposing and dismantling structures of domination and oppression' (Reus-Smit, 2009, p. 217) or "regimes of truth", as a means of creating a critical epistemology. Moreover, given the emphasis upon the role of agency and the evaluation of 'the production of meaning as a type of influence', Audie Klotz and Cecilia Lynch's (2007, p. 52) two-tier framing-analysis approach will be utilised in order to effectively convey findings. Firstly, focus will be placed on how discourse is produced and, secondly, how this then impacts on subsequent behaviour.

Engaging with R2P: Tracing Norm-Diffusion Dynamics

India and the Third Pillar of R2P: Reconciling the Irreconcilable

Whilst India endorses the first two pillars of the norm, which relate to the responsibility a state has to protect its own citizens as well as the duty of the international community to provide capacity-building, it is reluctant to wholly comply with the third pillar, which encompasses potential use of military intervention. This is predominantly due to conflicting perceptions of the use of force and understandings of sovereignty. Notably domestic discussions heavily focus upon the conduct of intervention rather than the normative aspects, as R2P directly violates localised values synonymous with order.

For instance, tension exists between the foreign norm's legitimisation of the use of force and the localised preference for non-interventionist conflict-resolution. Indian policy-makers tend to advocate a preference for non-violent localised solutions, often drawing upon the activism and philosophy of Mohandas (Mahatma) Gandhi (advocating non-violent means irrespective of outcomes). During the discussions regarding the 2011 Libyan Intervention, the Indian Permanent Representative to the UN, Manjeev Singh Puri, reproduced this discourse by asserting that 'we deplore the use of force, which is totally unacceptable and must not be resorted to' (S/PV.6498, 17 March 2011, p. 5). Through a process of framing, India emphasised the appropriate manner of implementing R2P. Puri encapsulates how issues of legitimacy and legality remain contingent and core to norm-diffusion when he asked 'who watches the guardians?' (S/PV.6531, 10 May 2011, p. 10). In addition to this, during the Informal Interactive Dialogue on the Report of the Secretary General (2012), Indian Permanent Representative to the UN, Hardeep Singh Puri, highlighted the utilisation of inappropriate phraseology within the 2009 report. He reminded the UN General Assembly (UNGA) how this 'normative framework cannot be changed at the Secretariat's sweet will.' Clearly, India has had the opportunity to engage and shape the normative direction of R2P, as its critical voice has attempted to define the appropriate contours for discussions relating to potential military intervention.

During his statement to the Informal Interactive Dialogue of the UNGA on the Responsibility of States to Protect, Abhishek Singh (2014), who is a politician of the Bharatiya Janata Party, reminded the UN that R2P is not designed for regime change. By stressing the integrity of sovereignty within Chapter VII of the UN Charter and emphasising that the norm should only be invoked as a 'last resort' and crucially, under the 'auspices' of

the UN. Through a process of grafting, India advocates the integrity of the six guiding principles in order to emphasise the importance of sovereignty. The perceived sacrosanctity of absolute sovereignty has been central to deconstructing India's engagement with R2P. By a process of cultural selection, India engineers robust support for the non-intervention principle as a pragmatic means of discouraging potential interference within its own borders. This indicates tension between sovereignty as responsibility, as advocated by the foreign norm, and sovereignty as equality, as locally endorsed. Following the experience of British colonial rule (1858-1947) and the decolonisation era, India adopted non-violence and non-interventionist principles as a means of safeguarding its independence.

Furthermore, pluralistic understandings of R2P have been scrutinised as Indian policy-makers grapple with the solidarist implication of being an emerging power. Former Indian Prime Minister Jawaharlal Nehru (1947-64) reasserted that 'we cannot shed the responsibility that go[es] with a great country' (Banerjee, 2012, p. 227). As an emerging state with a historically vocal voice on the role of sovereignty and military intervention it is surprising - and disappointing - that India does not present an alternative normative option. Or at least directly challenge the relevance of the third pillar similar to the hard-lined approach that Indian Ambassador Ranendra "Ronen" Sen (2004-2009) adopted in the negotiations leading up to the 2005 World Summit; objecting to the patronising phrasing and neo-colonial implications. Additionally, during Prime Minister Narendra Modi's first address to the UNGA (2014), he described how the philosophy "Vasudhaiva Kutumbakam" (roughly translating as "world family") has historically guided India's foreign policy, constructing ideals of multilateralism. This emphasises the Indian desire for open dialogue amongst a partnership of equally respected states. This reiterates the importance of principles of order, particularly sovereignty as equality. Whilst norm engagement occurs, with India often attempting to adopt dual roles as norm-taker and norm-shaper, India is reluctant to create norm-disjuncture, preferring to maintain equilibrium.

South Africa and the Third Pillar: Identity as Identity

Since the 2011 Libyan Intervention, South Africa defected away from a pro-R2P solidarist position to an opposing pluralist discourse. Crucially, the sudden shift can be accredited to the fact that for South Africa ‘identity is [its] greatest asset’ (Verhoeven, Murthy and Soares de Oliveira, 2014, p. 527). R2P has been normatively attractive for South Africa as a regional power, particularly considering the seemingly liberal values and identity it has constituted from its historical experience of oppressive rule under Apartheid as well as Dutch (1652-1795 and 1803-6) and British (1795-1803, 1806-1902 and 1910-1961) colonial rule and imperial interference. South Africa’s shift in normative outlook illustrates clear norm engagement with R2P, but congruence is often hindered as conceptualisations of security and identity have clashed.

Initially, R2P was compatible with the South African “regimes of truth”, as the norm’s emphasis upon non-indifference has been attuned with the values that South Africa has historically championed in a post-Apartheid world order; a commitment to defend human rights against authoritarian regimes. For South Africa, the regime change in Libya illustrates that R2P initially was a universal rather than Western norm, which had been abused through norm-diffusion (Verhoeven, Murthy and Soares de Oliveira, 2014, p. 511). Despite its membership to the African Union, which had rejected the use of force in Libya, as well as the seeming emerging bloc consensus to vote otherwise prior to the UNSC vote, South Africa voted in favour of Resolution 1973 in line with the other African non-permanent members of the UNSC, Gabon and Nigeria. The resolution was contingent with South African national interests, partially because it was perceived to be an African problem. Notably, the South African Permanent Representative to the UN Baso Sangqu emphasised the denunciation of ‘any foreign occupation or unilateral military intervention under the pretext of protecting civilians’ (S/PV.6498, 17 March 2011, p. 10). However, the President of South Africa Jacob Zuma did not become a vocal critic explicitly because of discontent towards the overt militarisation of the mandate. On the contrary, the South African defence policy endorses legitimised violence as an accompaniment to diplomatic dialogue and locally led solutions. South Africa condemned how the ‘implementation of these resolutions appears to go beyond their letter and spirit’ (S/PV.6531, 10 May 2011, p. 18), as the norm was invoked against the wishes of a “functioning state”. Thereby, the third pillar of R2P was discredited as the intervention was perceived as French, American and British forces simply “settling scores” with Colonel Gaddafi.

This suggests that it is the varying and often conflicting perceptions of South African national identity that has undermined processes of congruence, between the external expectations of its behaviour in the current world order as an emerging state and its own national perceptions. South African national interests reflect aspirations to be perceived as a responsible state given its de facto regional power status and “commitment” to liberal values. These are often contradicted by the difficulty experienced by national policy-makers to reconcile conventional national security with human security. Daniel Wagner and Daniel McLaughlin (2013) explain how the ‘government has at times chosen to overlook human rights abuses in order to promote the notion of Pan-Africanism.’

Evidently, South Africa’s approach to R2P is puzzling. Whilst policy-makers attempt to embody the value of human rights in its international identity, its inconsistent and selective implementation of R2P undermines this. Moreover, its post-Apartheid foreign policy is compatible with R2P, yet its anticolonial experiences and aspirations for regional leadership complicate its own conceptualisation of how the third pillar should be perceived. Despite an unsuccessful attempt at norm grafting, South Africa has engaged with the third pillar of R2P through reframing its “regimes of truth” in light of the experiences of the Libyan Intervention. This suggests that norm compliance is determined by how South African policy-makers define security, with relation to human rights.

The Constitutive and the Regulative Norm Variant

By asking ‘whose ideas matter?’, Acharya’s (2009) ‘constitutive localization’ model has reiterated that engagement with R2P matters significantly to emerging states as a means of creating legitimacy. Whilst it is clear that actors are motivated to shape norm-diffusion for reasons ranging from idealism to pragmatism, they are not mutually exclusive as attempts seek to satisfy socially constructed national interests. Moreover, by demonstrating how “regimes of truth” are produced, analysis has conveyed that through pursuit of national interests Indian and South African perceptions of R2P tends to fuse the two norm variants together. Thereby, combining the constitutive (which defines an identity) with the regulative (which advocates certain standards and tends to be institutionalised within international law) (Finnemore and Sikkink, 1998, p. 891). This implies that regulative conceptualisations relating to the third pillar are often undermined by the constitutive variant; exposing the tension between the foreign norm and socially constructed national interests. For instance, consider how Indian norm engagement with R2P is determined by values synonymous with order, whereas South African engagement is determined by conflicting conceptualisations of security, specifically that relating to human rights. Crucially, the fusion of both constitutive and regulative conceptualisations of the norm during the process of norm-diffusion has complicated attempts to adopt dual roles as both norm-taker as well as norm-shaper. Considering that it is clear how discourse is produced by these two emerging states, it is now worth evaluating how this then impacts subsequent behaviour.

Norm Engagement in the Syrian Crisis

The Syrian Crisis has been noted as beginning in March 2011 when Bashar Al-Assad's regime violently cracked-down on anti-governmental protesters. Since then, the intrastate conflict over territorial control has become an unprecedented series of humanitarian crises. This has been exacerbated by escalating violence (including the presence of the terrorist group Islamic State of Iraq and Syria (ISIS)) and human rights violations (including torture and forced disappearance) between the government and various rebel groups, causing an influx of refugees to the rest of the region. Nonetheless, the international community have been unwilling to implement the third pillar of R2P, relating to potential military intervention. Notably, India and South Africa, as emerging states, remain cautious with regard to engaging with elements of the norm, rather than the norm itself. Significantly, as constitutive and regulative conceptualisations of the norm are fused together, attempts by these emerging states to procure a robust dual role as norm-taker and norm-shaper become problematic.

IBSA Dialogue Forum's initial engagement with the Syrian Crisis attempted to pioneer an alternative response positioned between the non-interference stance adopted by Russia and China and the interventionism favoured by the remaining UNSC's Permanent Three. Initially, this seemed a promising means for emerging states to influence the discourse, particularly considering the underpinning principles of IBSA; notably the respect for human rights, the rule of law, democracy as well as attempts to strengthen multilateralism. Whilst the trilateral two day negotiations in October 2011 represented a viable preventative-diplomacy approach, IBSA's abstention from the UNSC's vote on the draft resolution (S/2011/612, 4 October 2011) undermined the forum's potential as norm-shapers. 'By abstaining, India... and South Africa have failed the Syrian people and emboldened the Syrian government in its path of violence against them', the deputy Middle East director at Human Rights Watch (2011) continued to explain how, 'their proclaimed distrust of the Western motives shouldn't blind them into siding with an abusive government. Syria's current behaviour repudiates the very democratic ideals to which IBSA countries are committed.' Despite limited success as the attempt lacked normative standing, these emerging states engaged with R2P as both norm-takers and norm-shapers, through attempting to construct an alternative discourse devoid of their own perceived normative flaws of the third pillar. This constructivist process of social learning illustrates how experiences of the

Libyan Intervention perpetuated motivations for norm-engagement and have been underpinned by the concern that the norm might again be abused or misinterpreted.

For instance, the South African Ambassador Sangqu partially justified the South African abstention from the draft resolution on 4 October 2011 (which called for Assad to abdicate) by explicitly stating it appears to be ‘designed as a prelude to further actions’ (South African Representative UN, 2011). Clearly, there was a concern that an invocation of Article 41 would escalate into Article 42, as experienced in Libya.⁸ Subsequently, South Africa advocated a discourse that insisted on the necessity to acquire what the response to Libya lacked: a ‘robust posture’ (S/PV.6531, 10 May 2011, p. 17). Similarly to Bellamy (2014), Justin Morris (2013, p. 1280) explains how ‘R2P was rarely cited by UNSC members during debates.’ This may be true in terms of actors explicitly discussing the norm, but implicit references to the sentiment of the norm were utilised. For instance, consider how Sanqu emphasised South African concern during the UNSC Open Debate on Protection of Civilians (2011, p. 2) regarding the ‘impartiality of UN forces being compromised.’ Evidently, South Africa initially engaged with the third pillar of R2P in the discussions surrounding military intervention in the Syria Crisis following the abuse of the norm in Libya. However attempts at norm-engagement became sporadic and lacked normative standing as policy-makers struggled to reconcile different conceptualisations of security. Bellamy and Williams (2012, p. 289) explain how comparatively the threat presented in Libya was very clear resulting in few strategic options, in comparison to the case in Syria which witnessed disagreement over the very nature of the crisis. Evaluated within the broader context of events, specifically the Arab Spring, it is clear how the constitutive and regulative norm variants could be fused together, particularly in the case of India.

The “Arab Spring” denotes the political, social and economic upheavals experienced since December 2010 in Tunisia, Egypt, Libya, Bahrain, Yemen and has impacted Syria, and crucially been fuelled by aspirations for democratisation. Despite being an emerging democracy, Indian diplomats seem particularly reluctant to support democracy promotion in other states; with the exception of the 1971 intervention into Eastern Pakistan and opposition

⁸ Within Chapter VII of the UN Charter, Article 41 refers to the UNSC’s capacity to request member states to utilise non-military measures (such as economic sanctions). Article 42 outlines its ability to resort to military measures if the former attempts are seen to be inadequate means of maintaining international peace and security.

to South African Apartheid. In alignment with the NAM bloc position, as illustrated by the statement provided by the former Prime Minister of India, Manmohan Singh (2004-2014), at the Sixteenth NAM Summit (2012), India and South Africa ‘supports popular aspirations for a democratic and pluralistic order. Nevertheless, such transformations cannot be prompted by external intervention, which exacerbate the suffering of ordinary citizens.’ Moreover, during the statement given by Sushma Swaraj, who is the Indian External Affairs Minister, at the International Conference on Syria (2014) she added that ‘countries have the right to choose their own destiny and decide their own future.’ Evidently, the normative variant relating to its own national “regimes of truth” undermined the regulative understanding of the norm, furthermore discouraging engagement with the third pillar of R2P.

Notably, the sectarian dimension of the conflict helps to understand the circumstances surrounding how Indian policy-makers have at times become muted, subsequently disappointing external expectations (predominantly from Western civil society) associated with being an emerging state. Sunni and Shia Muslims constitute large portions of India’s population and have historically clashed in the Northern states, especially Jammu and Kashmir. In this sense Indian policy-makers are encouraging non-interference in order to not provoke any form of upsurge in violence in its own troubled frontiers in Kashmir and the North-East; thereby India is keen to not set a precedent. Moreover, this partially explains why India has adopted a cautious position as not to seem to be siding with either Saudi Arabia (Sunni) or the Assad regime (Shia), especially as Iran is asserting pressure upon India to adopt a more assertive role in the region. This has been further exacerbated by the role of terrorist groups in the region, including Al-Qaeda and more recently ISIS, who declared a caliphate state. Therefore, this discourse socially constituted the Indian national interest to seek a resolution that maintained the equilibrium, and subsequently impacted the voting behaviour of India in UNSC. India has had to pragmatically consider the ‘Arab world that will [eventually] emerge from the debris of the Arab Spring’ (Fazzur Rahman Siddigui, 2012, p. 9). As South Africa is not in the direct neighbouring region of Syria, its national interest stakes are not as high, thereby norm-engagement has not been as highly anticipated.

Furthermore, the Syrian Crisis has been dramatically exacerbated by the events in August 2013, when sarin gas was allegedly used in Ghouta against civilians but it remains unclear which group is responsible. It was at this point that discussion surrounding military intervention peaked, worrying many actors that a Western response would be designed to punish the regime, rather than protect civilians. In a statement by Ebrahim Ebrahim, the

Deputy Minister of International Relations and Cooperation (2013), the South African position on the use of chemical weapons was clearly established. He insisted that despite the ‘deplorable’ nature, it ought not to ‘detract from the larger picture of finding a sustainable resolution to the conflict in Syria, which should remain the primary focus.’ Expressing South African fear of unilateral behaviour, Ebrahim continued by maintaining that ‘the UN Inspectors are uniquely placed to independently establish the facts in an objective and impartial manner’. Further illustrated in the address titled ‘Let Peace Reign’ (2013) during the 59th Commonwealth Conference in Johannesburg, Zuma asserted that ‘we trust that there shall be no violation of international law or the abuse of the UNSC to fulfil the agenda of other nation states’. This explicitly referred to previous exploitation of the use of force for humanitarian cause, subsequently engaging with the third pillar of R2P.

Furthermore, India responded with a strong assertion that emphasised its preference for order. During the Opening of the 68th Session of the UNGA (2013, p. 19) it was asserted that ‘the use of chemical weapons, whosoever may have deployed them, must be condemned in the strongest terms... There is no military solution to this conflict.’ This cautious wording illustrates India’s insistence for concrete evidence prior to any form of action. Additionally, the carefully worded response highlights how India has high geopolitical and socio-economic stakes in the conflict itself. Simply, ‘India [was] torn between [the] Syria[n] ‘red line’ and oil prices’ (Kasturi, 2013). The concern that potential ‘fallout’ (Roy, 2013) could lead to asymmetrical warfare was exacerbated by concern for the welfare of its Indian compatriots in the Gulf region. However, despite offering financial and technical services to the Organisation for the Prohibition of Chemical Weapons, India was surprisingly quiet in the events following August 2013 on the international stage, especially considering its stakes in the conflict and traditionally critical voice when discussing the use of force.

Notably, concerns relating to the use of force were clearly accommodated into the second draft of the UNSC resolution (S/2012/77, 4 February 2012), which condemned all violence regardless of source, excluded reference to Chapter VII and demanded adherence to the Arab-League action plan; this re-draft secured thirteen positive votes, including India and South Africa. Clearly norm-takers were effectively engaged with R2P and became norm-shapers, given the opportunity to influence discussions surrounding military intervention. However, ultimately, this resolution was vetoed by China and Russia. On the one hand, it can be perceived that emerging states strived to become norm-shapers but were undermined by a problem within the international structure itself, especially the use of the veto. On the other

hand, emerging states were able to do so in the safety of knowing that ultimately it would be vetoed. Either way, norm-engagement with R2P occurred. However, as emerging states, norm-engagement throughout the Syrian Crisis has been minimal and lacked normative standing.

Strategically, emerging states by nature are expected to engage with normative ideals and laws in order to procure further legitimacy and credibility. It is worth noting how Brazil engaged with the perceived Libyan Intervention failings and suggested a peacekeeping paradigm that focuses on the Responsibility While Protecting (RWP), which emphasises the importance of sovereignty, non-interventionism and accountability. Amit Chaudhuri (2013) argues that RWP has achieved what India was incapable of articulating: an alternative that is not doused in language of sovereignty. Both India and South Africa enthusiastically embraced their fellow BRICS' suggestion, as it addressed the core problems they associate with R2P, predominantly accountability. Nonetheless, it does not represent an alternative but rather a complementary paradigm, as it does not address the conceptual issues related to the third pillar.

In alignment with the NAM bloc position, both India and South Africa have continuously supported dialogue and favoured preventative conflict-resolution, which emphasised Chapter VI of the UN Charter. For instance, Kofi Annan's Six Point Plan, which presents a roadmap for peace that does not include Assad abdicating. While the Geneva Communiqués (Geneva Peace Talks) have represented a viable alternative, diplomacy has become deadlocked due to the political unwillingness of the actors involved within the Syrian Crisis. Therefore, throughout the Syrian Crisis emerging states have been unable to provide an alternative and challenge R2P, as the constitutive and regulative variants of the norm have become integrated. In the case of South Africa, norm-engagement with R2P has been underpinned by conflicting conceptualisations of security, between national and human rights, as well as self-perception insecurities. Whereas, as *The Hindu* (2014) reported, 'India's voice ...lost its timbre', given that India voted alongside Western powers against the Assad regime, which was ultimately vetoed by Russia and China, yet siding with its emerging power counterparts on others.

Conclusions

Thakur (2011, 2013) and Weiss (2011, 2014) recommended that in order to protect the credibility of R2P, norm-takers ought to adapt to become norm-shapers. This sentiment was evaluated through examining whether India and South Africa as emerging states have been able to reproduce their own “regimes of truth” in order to shape the direction of R2P. Whilst both emerging states have preferred to emphasise prevention and regional solutions over military intervention, they have sporadically engaged with R2P as both norm-takers and norm-shapers. Nonetheless, both have struggled to robustly shape R2P’s norm-diffusion and direct discussions surrounding the third and final pillar of R2P. This can be accredited to the fact that understandings of R2P are determined by ever-changing socially constructed national interests.

Through accounting for why R2P emerged as a norm and subsequent diffusion as a soft norm, contentious factors within the discussions surrounding military intervention were highlighted, namely: understandings of security, questions of legitimacy and the appropriate role for human rights discourse. This led to the deduction which forms part of the central argument of this thesis that the norm has represented different discourses by actors at different times. Then, the question of how R2P emerged was addressed, by examining norm-diffusion models. Acharya’s (2009) ‘constitutive localization’ model helped to analyse two-way engagement between norm and norm-taker within the broader normative process, by accounting for normative clashes between the foreign and local ideas. Through combining this with a critical postmodernist theoretical framework, analysis deconstructed power-knowledge relations in order to evaluate the circumstances of how “regimes of truth” have been constituted. This was demonstrated through utilising Klotz and Lynch’s (2007) two tier methodology, which first evaluated the production of discourse and how it then impacted upon subsequent behaviour. It was advocated that attempts to acquire a dual role as both norm-taker and norm-shaper have been complicated by the fact that R2P has been conceptualised by Indian and South African policy-makers in terms of two different, often contradictory, norm variants.

This argument was then substantiated through analysing its occurrence within discussions surrounding potential military intervention into Syria from April 2011. It was established that although India accepts sovereignty as a duty to respond, it cannot reconcile sovereignty as responsibility with sovereignty as equality. Notably, whilst both experienced

colonial rule, South Africa had been an avid supporter of the norm, despite neo-imperial connotations. In this sense, internalisation problems occur because tension is created regarding the conceptualisation of security; between human security and that of conventional national security. For South Africa, the conceptualisation of security within its self-perceived national identity is central to understanding its sporadic engagement. Whilst India has remained relatively consistent in its critique of the norm, its voting behaviour does not reflect an actor explicitly attempting to create norm-disjuncture. However, it is worth noting that voting against UNSC resolutions would be perceived as opposing attempts to halt mass atrocities. Whilst there is evidence that emerging states do, at times, fluctuate between the role of norm-taker and norm-shaper, attempts to shape discourse are structurally limited, particularly since the end of the UNSC rotational period, limiting the direct influence they feasibly have on discussions surrounding the third pillar. Therefore, through tracing and examining the processes of norm diffusion and to what extents India and South Africa have engaged with R2P, this thesis has addressed how India and South Africa have had the capability and opportunity to engage and shape the normative direction of the third pillar. Whilst emerging states have engaged with the norm-diffusion process in the case of Syria, albeit with limited success, ultimately they hold potential to shape processes of norm-diffusion. Meanwhile, the limited norm-engagement indicates that R2P is in grave jeopardy of becoming a non-international non-norm.

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