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Dynamics of “Vagueness” in the Life Cycle of International Norms

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Universiteit Leiden

Dynamics of “Vagueness” in the Life Cycle of International Norms

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List of Abbreviations

UNSC- United Nations Security Council

R2P- Responsibility to Protect

WSOD- World Summit Outcome Document

RWP- Responsibility While Protecting

HI Norm - Humanitarian Intervention Norm

ICISS- International Commission on Intervention and State Sovereignty

NATO- North Atlantic Treaty Organization

R.P. Concept- Responsible Protection Concept

Introduction

The interest in the study of norms within International Relations (IR) scholarship has only surged in the last few decades. With the emergence of the social constructivist school within IR theory, regarded as the principal perspective on the study of norms, the norms scholarship has produced valuable contributions on the utility of norms and their central role within the spheres of world politics. The early wave of norms literature provided us with the seminal Norm Life Cycle Model (Finnemore & Sikkink, 1998), the Spiral Model involving socialization mechanisms on target states (Risse & Sikkink, 1999), Boomerang patterns for norm circulation facilitated by transnational advocacy networks (Keck & Sikkink, 1998), all of which theorize about the mechanisms of norm creation and diffusion (Krook & True, 2010, p.104). These approaches also argue that norms matter because they establish structures which in turn shape interactions among states and non-state actors (Krook & True, 2010, p.104). These studies, however, take for granted a single distinct meaning of the norm, also known as norm clarity or precision, while conceptualizing the life cycle of norms. As we increasingly see within International Relations (IR), norms rarely remain static or stable.

Existing scholarship defines norms as containing the standard of appropriate behavior for actors with a given identity (Finnemore & Sikkink, 1998, p.891; Katzenstein, 1996). Scholars from a wide variety of perspectives within the norms scholarship have emphasized on norm clarity at different stages of a norm's life cycle. As mentioned above, Finnemore and Sikkink's (1998) Norm Life Cycle Model, accounts for the scope of norm clarity for advancing the life cycle of norms. It demands clarity on the part of norm entrepreneurs in terms of clarifying what the norms are and what would constitute their violation by stating specific procedures (Finnemore & Sikkink, 1998, p.900, Widmaier & Glanville, 2021, p.50). Similarly, even Liberal approaches such as Ikenberry and Kupchan's (1990) concept of hegemonic socialization relies on norm clarity from the hegemon or great power. They inform us that hegemonic socialization requires leading states and great powers, like the United States of America, to clarify and articulate a clear set of normative guidelines, ideas and claims concerning the international order (Ikenberry & Kupchan, 1990; Glanville & Widmaier, 2021, p.50). While not denying the virtues of norm clarity, one must also inquire about the dynamics of vagueness and interrogate the impact of leaving norms ambiguous or unclarified in the international sphere.

Norms may be vague and subsequently invite more than one meaning from states. Norms can also be formulated less precisely to allow states to interpret norms in their respective ways (Van Kersbergen & Verbeek, 2007, p.221). The ability of the norm to be interpreted in multiple ways can also be termed as norm ambiguity (Glanville & Widmaier, 2021, pp.50-51; Mahoney & Thelen, 2010). Additionally, vague norms may help maximize consensus over a norm during the norm creation and emergence phase (Van Kersbergen & Verbeek, 2007). While vague norms may be constructed from the intentionality of actors, there is little empirical research on how such norms progress in the international sphere. As norms are intersubjectively held beliefs, they can change over time due to exogenous and endogenous factors which arise out of state practice. The constant tension between norms and state practice, as well as between competing norms, drives the processes which have been theorized as norm development or norm change (Sandholtz, 2008, p.103; Lantis, 2018; Müller & Wunderlich, 2018).

Despite the presence of burgeoning literature on how international norms matter within the norms scholarship, existing studies usually look to empirically focus on the mechanisms through which international norms can affect the behavior of actors in world politics (Van Kersbergen & Verbeek, 2007, p.221). Some of the case studies taken up within the existing norms literature (Risse & Sikkink, 1999; Finnemore & Sikkink, 1998) have produced compelling empirical observations which refute the claims that norms do not matter (Wunderlich, 2013, p.24). However, two important areas in context to the case selection of norms remain neglected. First, the norms literature demonstrates a selection bias wherein the empirical focus remains on precise norms and neglects vaguely formulated norms (Van Kersbergen & Verbeek, 2007, pp.221-222). Second, it was only with the onset of the Critical School (Wiener, 2004, 2014, 2017; Sandholtz, 2008; Deitelhoff & Zimmermann, 2018; Bloomfield, 2015; Acharya, 2011, 2013) within the broader Constructivist school in IR theory, that the theorization about norm resistance and norm contestation as processes prevalent at different stages of a norm's life cycle began.

Early linear approaches (Finnemore & Sikkink, 1998) to study norms considered the nature of norms as stable and froze the content of the norm being evaluated (Bloomfield, 2015, p.313). They did inform us to some extent about how precise norms can diffuse in international relations, such as in the sphere of international human rights norms (Risse & Sikkink, 1999) and women's suffrage norms (Finnemore & Sikkink, 1998). However, the recurring battle which ensued over the contents and meaning of the norm through 'contestation' was ignored.

This project accepts Wiener's (2014) definition of contestation within international relations as the "range of social practices which discursively express the disapproval of norms" (p.1). With the introduction of critical approaches to study the dynamics of resistance and contestation (Wiener, 2004, 2014, 2017; Bloomfield, 2015; Deitelhoff & Zimmermann, 2018; Sandholtz, 2008; Wunderlich, 2013; Lantis, 2018), 'contestation' is now seen as a natural process and a meta organizing principle of global governance.

Precise norms will state clearly defined concepts and subsequently require precise applicatory scope as they do not grant any exemptions (Panke & Petersohn, 2011, p.724). In contrast, vague norms will call for undefined concepts, diverse procedures and include exceptional clauses that increase the interpretational leeway of the norm (Panke & Petersohn, 2011, p.725). While the density of norms prevalent in the international sphere is high, vague norms still remain neglected. Additionally, norms can become difficult to observe empirically because some are not codified and written in documents. They are perceived as a product of uniform state practice between actors with a given identity. However, norms can also be codified and institutionalized through specific international documents such as resolutions, charters and treaties. Furthermore, even codified norms which are precisely written through international treaties and documents can become vague due to exogenous and endogenous shifts. The constant battle over their meaning and application leads to norm change. Norm change rarely takes place overtly, as evidenced by Panke and Petersohn (2011) who call it a "backdoor process" (p.724). Despite this, we can still try to empirically observe norm change by examining the dynamics of vagueness. This merits the question:

how are norms impacted by vagueness after creation?

Further it may also, simultaneously, answer the sub research question:

- *What processes does vagueness trigger in norms?*

This project shall proceed to analyze the research question through two possible explanations derived from the literature on norms. As vague norms rarely proceed in a linear

fashion, both answers consider the dynamics of contestation and resistance. This study argues that vagueness can impact their subsequent life cycle in two competing ways.

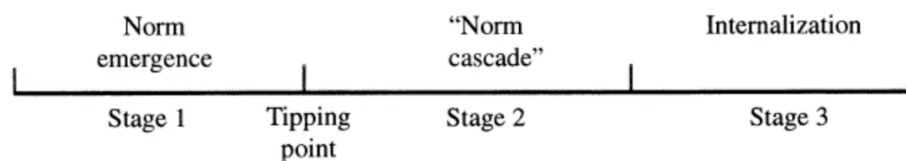
First, vagueness can affect norms through a *positive* course of action. Norm vagueness can strengthen the scope of a norm and lead to its *redefinition* in the domestic sphere of states (Lantis, 2018) or *modification/adjustment* in the international sphere after creation (Widmaier & Glanville, 2021; Sandholtz, 2008; Lantis, 2018).

Contrarily, vagueness can also impact norms through a *negative* course after creation. Vagueness can impact the robustness of norms negatively and even trigger their *substitution* (Panke & Petersohn, 2011). Norm substitution phases will involve the norm being *partially* or *completely substituted* if competing norms are present or emerge in the international sphere (Panke & Petersohn, 2011, p.721). In the absence of rival norms, the norm will *disappear*.

Literature Review

Early Linear Approaches

The social constructivist school within IR was the first to theorize about norms and their emergence and diffusion processes. The seminal Norm Life Cycle Model (Finnemore & Sikkink, 1998) incorporated norm emergence as the first stage; norm acceptance by a substantial number of states as a ‘tipping point’ which triggered the second stage: norm cascade or norm diffusion; and norm internalization as the third and final stage. During norm emergence, ‘norm entrepreneurs’ and ‘organizational platforms’ were integral to the successful creation and diffusion of new international norms (Finnemore & Sikkink, 1998, p.896). Norm entrepreneurs were seen as actors who divert our attention to specific normative issues or even create issues, they practiced the strategy of ‘framing’ by constructing cognitive frames to execute their strategies through persuasion (Finnemore & Sikkink, 1998, pp.896-897). These norm entrepreneurs could be categorized as both state and non-state actors including transnational advocacy networks or international non-governmental organizations. Once the norm entrepreneurs persuaded a critical mass of states to adopt the norm, a tipping point was reached, and these states acted in the capacity of norm leaders who in turn socialized other states into adopting the norm. Norms when internalized by a substantial number of states achieved a taken for granted quality and they became associated with ‘habit’ where they were no longer deemed controversial (Finnemore & Sikkink, 1998, p. 904). While the norm life cycle model did theorize the processes and observable implications for norm emergence, it had a strong stability bias which viewed the contents of the norm as fixed or static.



Source: Finnemore and Sikkink (1998, p.896)

Finnemore and Sikkink (1998, p.897) admit that emerging norms “must compete with other norms and perceptions of interest” but the contested nature of these norms was never discussed in their model (Bloomfield, 2015, p.313). Similarly, the earlier norms literature fails to account for the dynamics of norm contestation and norm change mechanisms because they were premised on the stable and static nature of international norms. With the emergence of critical constructivist approaches (Wiener, 2014, 2017; Bloomfield, 2015; Deitelhoff & Zimmermann, 2018; Lantis, 2018; Acharya, 2013; Sandholtz, 2008), the conceptions of a linear norm life cycle ultimately leading to norm diffusion and internalization have been superseded by a more nuanced understanding of the dynamics of norm contestation. A new wave of norms scholarship suggests that norms may continue to be contested after their emergence or creation (Wiener, 2004, 2017; Deitelhoff & Zimmermann, 2018; Acharya, 2011, 2013; Sandholtz, 2008; Lantis, 2018) and their contestation may subsequently lead to overt norm change phases.

The earlier social constructivist approaches (Finnemore and Sikkink, 1998; Risse & Sikkink, 1999) within the norms scholarship were also premised on the assumption that norms created and promoted in a ‘western-liberal’ order as the governing normative framework were likely to be diffused in other regions (Bloomfield, 2015, p.313). Earlier linear approaches such as the Norm Life Cycle model and the Spiral model have been categorized by some scholars as ‘compliance studies’ (Wiener, 2004, 2014; Bloomfield, 2015, p.313). They term these models as compliance studies because the targets of socialization and persuasion, which were often regarded as states in the non-western world, were pressured to accept or comply with the new norm (Bloomfield, 2015, p.313). Wiener coined the term “contested compliance” noting that the normative underpinnings or *compliance* conditions the norm dictates could be contested or challenged (Wiener, 2004). Her study provides a compelling argument that norm change is a product of *discursive* interventions by both norm followers and norm setters (Wiener, 2004).

Dynamics of contestation and resistance- Critical Approaches

As norms are regarded as “continuous entities” (Finnemore & Sikkink, 1998, p.892), they can continue to be contested in the international sphere even after their emergence or creation. Some scholars even define the legitimacy of a norm in response to the contestation practices it goes through (Wiener, 2014, 2017; Lantis, 2018). Wiener’s (2017) principle of contestedness treats contestation as a meta organizing principle of global governance and reflects the global agreement that, in principle, all norms are contested (p.114). In the norms literature, the deciding factor between contestation being a strengthening or weakening force

is disputed (Deitelhoff & Zimmermann, 2018, p.52). Since vague norms are also subject to contestation, it remains unclear how norm contestation shall affect the vague character of norms during their life cycle. Scholars within the critical constructivist school maintain that contestation in itself might not inform us about the scope of norm strength, but rather the *type* of contestation a norm faces matters (Deitelhoff & Zimmermann, 2018, p.52).



Contestation can either address the application of a norm (applicatory) or question its core normative obligations (validity) (Deitelhoff & Zimmermann, 2018, pp.52-56). Applicatory contestation is a result of the application of a norm in practice and has the capability of generating interpretive shifts which lead to the formulation of new interpretations of the norm's application (Deitelhoff & Zimmermann, 2018, p.56). Validity contestation attacks the core tenets of a norm or sometimes the norm itself (Deitelhoff & Zimmermann, 2018, p.52). Given the acceptance of contestation and disputes regarding norms as an inevitable stage in the life cycle of both emerging and entrenched norms (Wiener, 2004, 2014; Sandholtz, 2008; Acharya, 2004, 2013; Lantis, 2018), norms are considered dynamic in the international sphere. To empirically distinguish between the two types of contestations, this project adopts Deitelhoff and Zimmermann's (2018) concept of a '*norm core*' (p.59). They define norm core as the fundamental claims a norm makes. The contestation shall be of the *applicatory* dimension if it does not question the norm core, that is the shared normative expectations (Deitelhoff & Zimmermann, 2018, p.59) On the other hand, *validity* contestation attacks the norm core by challenging its fundamental claims.

Another important critical approach to consider is the norm 'antipreneurs' model (Bloomfield, 2015) to study the dynamics of resistance in entrenched norms. Bloomfield (2015) defines *antipreneurs* as actors who defend the *entrenched* normative status quo and prevent norm change (p.321). Additionally, Bloomfield theorizes about *resistance* during the circulation stages, and in doing so clarifies the type of roles *actors* might play during norm

contestation processes (Bloomfield, 2015, p.331). Bloomfield's norm antipreneurs model relies on the *cyclic* nature of norm change studied by Sandholtz (2008) (Wunderlich, 2013, p.30). The categorization of norm contestation and norm change processes as cyclic remains exciting. Sandholtz (2008) observes how norm change is the result of practical disputes originating from state practice and not abstract arguments (p.103). Such practical disputes result in *arguments* which lead to the modification or redefinition of the norm under dispute (Sandholtz, 2008, pp.101-103).

Acharya's Norm Circulation Model (2013) also discusses the circulation/diffusion stages of a highly contested emerging norm: the R2P norm. In his model, he theorizes norm circulation as a two-way process. First, transnational norms offered by a variety of actors (western) are subject to contestation and subsequently localized to fit the cognitive priors of local actors undergoing a process of localization (Acharya, 2013, p.469). Secondly, this local feedback is sent back to the wider international context which helps modify and possibly strengthen or defend the transnational norm (Acharya, 2013, p.469). Acharya's norm circulation model seems to be a combination of his previous models of norm localization and subsidiarity. However, it is unclear if the actors who resist the transnational norm belong to the same normative community as the actors who create and circulate such norms (Bloomfield, 2015, pp.316-317). It is also unclear when and why the circulation model would apply and if it made his previous models superfluous (Bloomfield, 2015, p. 317).

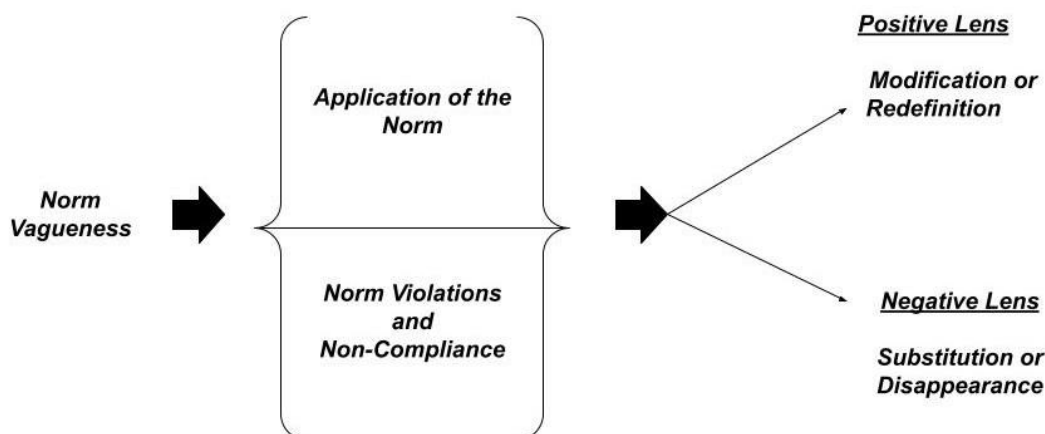
The critical approaches within the norm contestation literature discussed here provide the foundations to approach our explanations on the potential impact of vagueness on a norm's life cycle. They inform us that norms, whether *precise* or *vague*, will experience either or both *applicatory* or *validity* contestation during their life cycle and involve a diverse range of *actors*. However, even the critical approaches fail to adequately cover the exact site of contestation practices and their implications for norm strength or decay (Lantis, 2018, p.401).

Norms are vague

The norms scholarship has recently tried to engage with the dynamics of vagueness in international norms. Two studies must be taken into consideration to account for the existing dynamics of vagueness in the norms literature. Van Kersbergen and Verbeek (2007) posit that a norm's vague nature and wording may help achieve or maximize consensus over the norm by allowing states to stick to their own preferred interpretations of the norm (p.221). Vague

norms which produce multiple interpretations may also make it difficult to observe what constitutes a ‘violation’ or ‘noncompliance’ (Van Kersbergen & Verbeek, 2007). Although Van Kersbergen and Verbeek’s empirical research on the vague nature of norms by studying subsidiarity within the European Union (EU) is impressive, it provides strong results for the *emergence* of vague norms and not their *operation*. Widmaier & Glanville (2021) also note that vagueness or ambiguity contributes to consensus, flexibility and adjustment by developing ‘*norm feedback loops*’ (p.53). These *feedback loops* are contestation and reform mechanisms discursively expressed and mediated by political/norm leaders which shape debate amongst influential actors in the domestic and international sphere (Widmaier & Glanville, 2021, pp. 54-55). Widmaier and Glanville theorize ambiguity through a positive lens by highlighting several benefits and even conceptualizing a *feedback loop*. However, they fail to empirically demonstrate how this feedback impacts the subsequent life stages of a norm.

Norm vagueness may be explained due to vague wording arising from the intentionality of actors. This thesis strictly studies norm vagueness arising from two factors aside from vague wording: practical application of the norm and violations of/non-compliance towards the norm. Both factors are capable of inciting a norm’s vagueness after its creation and subsequently subject the norm to certain processes. Firstly, the *application of a norm* in specific instances can generate new understandings over its meaning and lead to debates over possible exceptions to the norm. State practice with respect to the norm determines how the norm is perceived in the international sphere. Therefore, vagueness can also be attributed to practical disputes arising from state practice. On the other hand, vagueness can be the product of norm *violations* or *non-compliance* in specific instances. While non-compliance usually triggers sanctions from other states, if left unpunished, a state can continue violating a norm. Norm violations, however, may turn into ‘non-compliance cascades’ when other states adjust their behavior and also start violating the norm (Panke & Petersohn, 2011, p.721). Repetitive unpunished norm violations have the capability to create *competing norms and understandings*.



Answers

The two explanations stated in this project considers the impact of vagueness on the diffusion and life cycle of norms in two competing ways. In the first section, I argue that vagueness may impact the life cycle of norms through a *positive* lens. Vagueness may lead to norm *re-definition* or *modification/ adjustment*. Norm redefinition and modification although similar are not the same processes. *Re- definition* processes take place in the domestic political arena of a state and redefines the norm parameters (Lantis, 2018, p.402). *Modification* processes take place in the international sphere where feedback and reform proposals as well as commission reports are tabled to modify/adjust the norm (Glanville & Widmaier, 2021).

In the second section, I argue that vagueness may lead to a norm's *substitution*. These *substitution* processes also depend on key variables such as the stability of the environment and character of the norm (Panke & Petersohn, 2011, pp.723-724). Substitution processes may lead to either *partial* or *complete* substitution in the presence of competing norms (Panke & Petersohn, 2011). If rival norms are absent, the norm will *disappear* (Panke & Petersohn, 2011, p.721). *Substitution* and *disappearance* are categorized as having a *negative* impact on the life cycle of norms in this project.

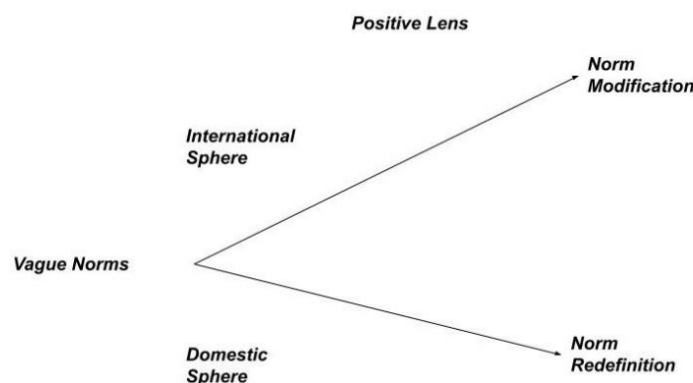
It is also imperative to note that *substitution* and *modification* are not the same processes. The actors and the context in which they are facilitated might be similar, but they are distinct. Substitution curbs or erases the scope of the norm while modification strengthens the scope of the norm. Substitution processes have been categorized by some scholars as norm degeneration or decay (Panke & Petersohn, 2011; Keating, 2014) whereas modification and

adjustment mechanisms are viewed as strengthening norm robustness and diffusion stages (Glanville & Widmaier, 2021; Acharya, 2014; Welsh, 2019).

Positive Lens

Redefinition refers to a process of “recalculating a state’s preferences towards a traditional norm or its interpretation of the meaning of the norm” (Lantis, 2018, p. 403.). Such processes take place in the sphere of national politics and the contesting actors are *state officials* with the jurisdiction to *allocate* state resources (Lantis, 2018, p. 403). This first part of the answer discussing norm *redefinition* draws its inspiration from the elite driven model of norm contestation proposed by Lantis (2018). Redefinition involves state leaders evaluating the ‘appropriateness’ and ‘effectiveness’ of existing international norms in context to their own assessment of national interests (Lantis, 2018, p.403).

Modification and Adjustment processes are observed *discursively* in reform and feedback proposals from states as well as reports and documents of international institutions (Widmaier & Glanville, 2021). The need for modification may arise due to shifts in behavior, resource constraints or tensions between values (Widmaier & Glanville, 2021, p.55). These feedback and reform proposals shall specify when the vague norm should be applied and how, but they do not by themselves question or reject its core normative claims (Deitelhoff & Zimmermann, 2018; Acharya, 2013; Widmaier & Glanville, 2021). Scholars have usually perceived ‘feedback’ as strengthening the life cycle of norms (Acharya, 2013; Widmaier & Glanville, 2021, Wunderlich, 2013).



Redefinition and *Modification* mechanisms stated in the first answer have been derived from the critical constructivist literature which *critically* evaluates norm contestation. Given the context and dynamics of international norms today, there are rarely any entrenched or emerging norms which are not subject to contestation. There are a few key points to consider from the positive lens. Firstly, *Actors* play a key role in the diffusion processes of vague norms. These actors may be norm *entrepreneurs*, who promote a new norm, as well as *antipreneurs* who defend the existing norm. Scholars regard diffusion and subsequent stages as an ‘ongoing negotiation process’ where actors have to work continuously for the consolidation of the new norm they propagate, while simultaneously defending the same norm against potential norm challengers (Wunderlich, 2013, p.29; Elgström, 2000). Additionally, the level of *compliance* is another important indicator to observe how a norm is diffusing in the international sphere (Wiener, 2004, 2017; Wunderlich 2013; Deitelhoff & Zimmermann, 2018; Lantis, 2018; Panke & Petersohn, 2011; Acharya, 2013). If states engage in sanctioning behavior to punish non-compliance or continue to comply with the norm themselves, it will not decay or weaken the norm (Panke & Petersohn, 2011, p.723). *High* levels of compliance are an important indicator of the successful circulation of norms and their embeddedness in state practice.

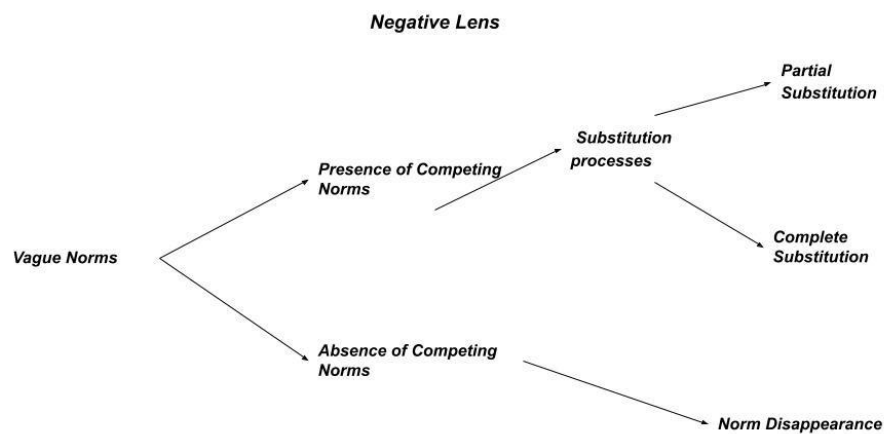
Negative lens

Norm *substitution* further involves partial and complete substitution. *Partial* substitution may involve the contents or scope of the norm being significantly altered. *Complete* substitution involves the norm being completely replaced with another competing norm. If competing norms are absent, norms simply disappear (Panke & Petersohn, 2011). *Substitution* processes are dependent on two other important variables in addition to compliance and actors. These include the *character of the norm* and *stability of the environment* (Panke & Petersohn, 2011, pp.723-724).

‘Character of the norm’ refers to the precision in the meaning of the norm, whether it entails precisely defined concepts and detailed procedures (Panke & Petersohn, 2011, p.724). At the same time, the character of the norm could also be less precise or vague. Vague norms bring with them complex undefined concepts and overlapping regulations that increase the interpretational leeway (Panke & Petersohn, 2011, pp. 723-724). Stability of the environment refers to various temporal, structural and contextual shifts driven endogenously or exogenously

to impact the contestation and norm change cycles (Panke and Petersohn, 2011, p.724; Wunderlich, 2013; Bloomfield, 2015).

The level of *compliance* introduced in the previous section is also capable of affecting the life cycle of norms negatively. While states frequently violate international norms, in the absence of actors willing or able to invest in sanctioning behavior to remedy the violation, a state can continue to violate the norm (Panke & Petersohn, 2011, p.721). Norm violations only develop into ‘*non-compliance cascades*’ when other actors also adjust their behavior and indulge in violating the norm (Panke & Petersohn, 2011, p.721). If non-compliance becomes the rule rather than exception, a norm loses its prescriptive status and is abolished (Panke & Petersohn, 2011, p.721).



Research Methodology and Design

Outline

This chapter explains the proposed methodology and design this thesis will follow. The question this study seeks to answer is: *how are norms impacted by vagueness after creation?* This study considers the dynamics of “vagueness” in *norms* originating from two factors: *practical application of the norm* and *violations/non-compliance towards the norm*. The project answers this question through two possible explanations. The first explanation posits that vagueness can affect the life cycle of norms through a *positive* lens where the norm may undergo *redefinition* in the domestic sphere or *modification/adjustment* in the international arena. A second possible answer states that vagueness affects the life stages of norms through a *negative* lens and leads to their *substitution*. The particular norm in question might be *completely/partially substituted* if competing norms are present. If rival norms are absent, the vague norm *disappears*. Both answers seek to unpack the impact of vagueness on both entrenched and emerging norms undergoing *contestation* and *resistance* at different stages after creation.

Case Selection

Type of Norm	Exemption to the Norm	Competing Norms
<ul style="list-style-type: none"> ◆ Norm Against Coercive Intervention 	<ul style="list-style-type: none"> ◆ Right of Self Defence ◆ Authority of UNSC under Chapter VII 	<ul style="list-style-type: none"> ◆ The Responsibility to Protect Norm ◆ Humanitarian Intervention Norm

We can recognize two relevant categories of cases in vague norms: *entrenched and emerging*. This project draws upon the case study of the *Norm Against Coercive Intervention* as a vague norm to proceed with our inquiry. The norm against coercive intervention enshrined in the UN Charter is also referred to as the ‘*non-intervention norm*’. The aforementioned norms are identical in their scope and precision. The norm against coercive intervention is an

entrenched norm in the international sphere, with state and non-state actors firmly embedding it in uniform state practice and rendering it a customary international law. Non-Intervention therefore emerges as the necessary condition for sovereignty of states to exist. This project further draws upon the case studies of *Humanitarian Intervention (HI)* and *Responsibility to Protect (R2P)* as *competing norms* to the non-intervention norm. Both are *emerging norms* in the international sphere, with states routinely indulging in practices associated with both the norms. The R2P norm is differentiated from the humanitarian intervention norm in terms of its scope and implementing agency, that is the UN Security Council (UNSC). Both emerging norms are *competing norms* to the norm against coercive intervention because they prescribe interventions under some conditions which curbs the scope of our entrenched norm. Furthermore, the humanitarian intervention and R2P norms are also evidence that state sovereignty is not absolute and can be challenged during gross humanitarian massacres which amount to mass atrocities.

Method of Analysis and Design

This thesis adopts a narrative case study analysis method to test the two explanations in the selected cases of entrenched and emerging norms. A narrative component to this study shall explore and subsequently construct the connection between the norm against coercive intervention and its two competing norms. The case analysis chapter proceeds to explore how vagueness impacted our cases selected and whether we expect to see processes of *modification/redefinition* (positive lens) or *partial or complete substitution/disappearance* (negative lens). Narrative analysis will help us identify the unique sequential, temporal and contextual evolution of events within our cases selected (Van der Maat, 2011, p.205). Additionally, performing a narrative analysis can be useful for analyzing cases where particular or special events are involved (Mahoney, 1999, p.1164). These particular or special events are what the path dependence literature refers to as *critical junctures* (Mahoney & Thelen, 2010; Capoccia & Kelemen, 2007).

Critical junctures are defined as “relatively short periods of time during which there is a substantially high probability that actors' choices will affect or influence the outcome of interest” (Capoccia and Kelemen, 2007, p.348). The arrival of critical junctures sets course for new processes and configurations that may create a new path dependence (Chafer, et al., 2020). The study of critical junctures comes from the Historical Institutional (H.I.) approach which focuses on both *formal* and *informal* institutions (Capoccia & Kelemen, 2007; Chafer, et al., 2020; Mahoney & Thelen, 2010). Informal institutions can consist of established practices,

norms, rules and regulations (Capoccia & Kelemen, 2007; Mahoney & Thelen, 2010). This study unequivocally *does not* adopt a historical institutionalist framework here. This is because the crux of my argument relies on the dynamic and evolving nature of (vague) norms even after the passage of critical junctures. This is not compatible with the historical institutionalist approach which assumes the static and stable nature of (informal) institutions once critical junctures have passed, and a new path dependence trajectory has been established. The concept of critical junctures is useful to this study as scholars have noted that norm leaders and activists must watch out for exogenous crisis situations and particular events which may trigger norm change processes (Wunderlich, 2013, p.30; Bloomfield, 2015, p.326). This is why this study utilizes the concept of *critical junctures* but only to constitute the story line and perform a narrative analysis on cases selected. Cases of entrenched and emerging norms will be studied, and their possible interconnectedness will be explored.

The narrative analysis proceeds chronologically beginning with a discussion of the entrenched norm and its rival emerging norms while incorporating critical junctures to construct the empirical background. The San Francisco Conference (1945), where the UN Charter was drafted, is considered the *critical juncture* for the norm against coercive intervention. This is because the creation of the UN Charter in the post-1945 world order solidified the establishment of the most fundamental norm in International Relations, the non-intervention norm. The critical junctures for the humanitarian intervention and the R2P norms are the North Atlantic Treaty Organization's (NATO) military interventions in Kosovo (1999) and Libya (2011) respectively. Most importantly, performing a narrative analysis guided by these critical junctures helps us assess whether vagueness triggers a positive or negative lens in the aftermath of these critical junctures where emerging norms (HI & R2P) are applied.

<i>Norm</i>	<i>Critical Juncture</i>	<i>Reason for labeling as Critical Juncture</i>
<i>The Norm Against Coercive Intervention</i>	<i>San Francisco Conference (1945)</i>	<i>Creation and Adoption of the UN Charter which codified and institutionalized this peremptory norm</i>
<i>The Humanitarian Intervention Norm</i>	<i>NATO's military intervention in Kosovo (1999)</i>	<i>Executed without UNSC authorisation</i>
<i>The Responsibility to Protect (R2P) Norm</i>	<i>NATO's military intervention in Libya (2011)</i>	<i>First practical implementation of the R2P Norm by UNSC against a functioning sovereign state</i>

Observable Implications

From our discussion in the Literature Review, the critical approaches to resistance and contestation reviewed in the previous chapter provide us with some general implications which concern both answers.

General Observable Implications

- ❖ Bloomfield's (2015) *norm antipreneurs* model provides us with the scope of actors who take part in norm development processes. *Actors* are no longer limited to *norm entrepreneurs/leaders* who socialize other states to adopt the new norm and contribute to diffusion stages through a *positive* lens. The scope of actors also includes *Antipreneurs* as actors and agents working to defend the entrenched norms and prevent norm change. Antipreneurs will contribute to the circulation stages through a *negative* lens.
- ❖ The earlier linear approaches and the new wave of critical approaches acknowledge and share common ground on the importance of '*organizational platforms*' in various norm development phases (Finnemore and Sikkink, 1999, p. 896). Organizational platforms shall incorporate *venues* and *forums* through which they promote but also apply the norm in practice. *International Organizations* (IOs) are perceived as organizational

platforms principally for diffusion processes in the international sphere (Park, 2005). Although IOs may reflect the unequal power relations between states through their design and functions, they also operate as *actors* in their own way (Park, 2005, p.113). IOs are perceived as “norm *consumers* as well as norm *diffusers*” (Park, 2005, p.112). They diffuse norms by establishing regimes, constructing international agendas and discourses, enforcing rules as well as mediating between states (Park, 2005, p.113).

- ❖ The level of *compliance* also informs us about the potential impact of vagueness in norms. Some of the most entrenched norms (territorial integrity) in international relations are violated by states frequently. If norm violations are met with sanctions from states and other actors, the level of compliance remains *high* (Panke & Petersohn, 2011, p.721). If norm violations continue to be overt with no central enforcement authority or states willing or able to punish violations, a state can continue violating the norm. However, it will only trigger “*non-compliance cascades*” when other states also adjust their behavior and indulge in norm violations (Panke & Petersohn, 2011, pp.721-722). Non-compliance cascades indicate compliance levels remain *low* or may even cease to exist. *Low levels* of compliance may further indicate the emergence of competing norms and understandings.
- ❖ The impact of vagueness on the “*norm core*” (Deitelhoff & Zimmermann, 2018) depends on the type of contestation the norm usually provokes the most. This can be further classified into validity and applicatory contestation. Validity contestation directly attacks the norm core whereas applicatory contestation is capable of strengthening the norm core (Deitelhoff & Zimmermann, 2018, p.59).

Positive Lens

<i>Norm Redefinition</i>	<i>Norm Modification/Adjustment</i>
<i>Actors: policy makers in the domestic political arena.</i>	<i>Actors: policy makers and states in the international arena.</i>
<i>Organizational platforms: venues and forums within the State Legislature and Executive organs.</i>	<i>Organizational platforms: IOs like the United Nations Security Council and the UN General Assembly.</i>
<i>Re-definition procedures will result in the amendment of domestic laws/acts/regulations to alter state preferences with respect to the norm.</i>	<i>Modification procedures involve discursive instruments including commission reports, reform and feedback proposals from states.</i>
<i>Presence of both norm entrepreneurs and antipreneurs.</i>	<i>Presence of both norm entrepreneurs and antipreneurs.</i>
<i>Triggered by leaders and actors with the authority to allocate government resources</i>	<i>Triggered by the application of the norm in practice, as well as consensual preferences shared by a number of states</i>

Negative Lens

<i>Norm Substitution</i>	<i>Norm Disappearance</i>
<i>Involves partial or complete substitution in the presence of competing norms.</i>	<i>If competing norms are absent, norms will simply disappear.</i>
<i>Level of compliance triggers substitution. Norm violations if unpunished may trigger non-compliance cascades and substitution processes.</i>	<i>Norm violations become the rule rather than the exception, the norm loses its prescriptive status.</i>
<i>Presence of both norm entrepreneurs and antipreneurs.</i>	<i>Presence of both norm entrepreneurs and antipreneurs.</i>

Case Chapter

Non- Intervention and State Sovereignty

The practice of non-intervention serves as the pillar upon which *state sovereignty* is constituted. It guides the rules and institutions at the local, regional and international level of contemporary international relations (Finnemore, 2003; Ayoob, 2002). The concept of an international community or society privileges the *state* as the sole depositary of sovereign authority (Ayoob, 2002, p.81.). State sovereignty has been defined in the literature as comprising of two components: internal control and external autonomy (Ayoob, 2002, p.82). While the degrees of control and autonomy can vary in particular instances and generate ambiguity, it remains unclear when a state's sovereignty ceases to exist. This project adopts Ayoob's (2002) definition of sovereignty as the "right to rule over a delimited territory and the population residing within it" (p.82). In this sense, while control and autonomy can show drastic variations in certain cases where control might be reduced and autonomy weakened, the "right to rule" remains the constant component which formulates state sovereignty (Ayoob, 2002, p.82). The right to rule component is also dependent on the substantial recognition of the state by the international community. Given this context, recognition also constitutes state sovereignty. The Montevideo Convention (1934), responsible for codifying the declarative theory of statehood, also recognized the following four necessary components for statehood: population, defined territory, government and the capacity to conduct foreign relations (recognition). The ability of the state sovereignty norm to prevent external interventions should not be ignored (Ayoob, 2002, p.82). The practice of *Non-Intervention* is the necessary condition for *state sovereignty* to exist (Finnemore, 2003, p.7).

Vagueness in the Norm Against Coercive Intervention and two exemptions

The non-intervention norm has been codified through multiple sources at the regional and international level. This study particularly emphasizes the United Nations Charter which incorporates the non-intervention norm as one of the core principles of the Charter and international law. Article 2(4) of the UN Charter prohibits any use or threat of use of force against the "territorial integrity or political independence of a state" (U.N. Charter art.2, para 4). Similarly, Article 2(7) disallows intervention in the domestic affairs of a state. The 'overlapping' scope of Article 2(4) and 2(7) in the UN Charter has a very clear and precise aim: no coercive foreign intervention in the domestic affairs and territory of a state (Panke &

Petersohn, 2011, p.732). Furthermore, the norm against the use of force is recognized by all states and there remains no room for alteration. However, vagueness persists in the non-intervention norm. This vagueness is a product of multiple sources, precedents and practical disputes arising from state practice. Additionally, the ‘vagueness’ in the non-intervention norm is further strengthened by two exemptions stipulated in the UN Charter (Panke & Petersohn, 2011, p.732).

The first exemption stems from the *right of self-defense* under Article 51 of the UN Charter. This provision gives states the right to indulge in self-defense when an armed attack occurs against it. The state has the right to indulge in individual or collective self-defense until the UNSC has taken measures to restore international peace and security (U.N. Charter art.51). The provision in itself seems to generate further vagueness as it remains unclear whether the right to self– defense is restricted to ongoing attacks or if states can also indulge in anticipatory/ pre-emptive self- defense where an armed attack is imminent but has not yet taken place (Panke & Petersohn, 2011).

The second *exemption* stems from the *authority and responsibility* given to the UN UNSC under Article 39 in *Chapter VII of the UN Charter*. The UNSC has the sole authority to determine the existence of any threat to international peace and security and act in accordance with Articles 41 and 42 in the Charter. Furthermore, the Council shall authorize either/both non-coercive measures (Article 41) or coercive measures (Article 42) to restore international peace and security. Non- coercive measures are generally understood to include but not limited to asset freeze, economic sanctions as well as travel bans and arms embargos. Coercive measures can amount to the use of force involving military operations against a functioning sovereign state. It is the prerogative of the UNSC to determine what constitutes a ‘threat’ and how it shall respond to restore international peace and security. However, the General Assembly’s powers and functions under the Uniting for Peace Resolution (UFP) make this provision slightly vague (Panke & Petersohn, 2011, p.732). The 1950 Uniting for Peace Resolution claims that the General Assembly also has a voice on potential threats to international peace and security. The empirical record for Uniting for Peace resolution suggests that an emergency special session of the General Assembly has been called on eleven separate occasions. These include the Suez Crisis (1956), the Middle East (1967, 1980, 1982, 1997), the Lebanon (1958), Afghanistan (1980), Namibia (1981) and Ukraine (2022) (Panke & Petersohn, 2011, p.732). Moreover, there have been instances when regional organizations and sub-regional arrangements have bypassed the authority of UNSC to execute measures equivalent

to the use of force to restore international peace and security. Examples include the military interventions authorized by the Economic Community of West African States (ECOWAS) in Liberia (1990) and Sierra Leone (1998). Therefore, the norm against coercive intervention seems ambiguous because it incorporates various exemptions that deviate from the general rules without any set guidelines (Panke & Petersohn, 2011, p.732).

Humanitarian Intervention Norm

In this project, the Humanitarian intervention norm is considered a *competing norm* to the norm against coercive intervention. There are two reasons for this: first, the practice of humanitarian intervention does permit interventions under some conditions, and therefore it *curbs* the scope of the non-intervention norm (Panke & Petersohn, 2011, pp. 732-734). Second, these types of interventions further reflect the changes in the states' preferences regarding the purposes to "which they can and should use force" (Finnemore, 2003, p.3). This project accepts Finnemore's (2003) definition of humanitarian intervention as the "practice of deploying military force across borders for the purpose of protecting foreign nationals from *manmade* violence" (p.53).

Two notable early precedents associated with humanitarian intervention include India's military intervention in East Pakistan (now Bangladesh) and Vietnam's use of military force to overthrow Pol Pot's Government in Cambodia. Indian actions were justified on grounds of halting the brutal repression of the Bengali population by Pakistan's President Yahya Khan's regime. Vietnamese intervention aimed to put an end to the widespread massacres in Cambodia. While in the former instance over "300,000 civilians had been killed and millions had crossed into India as refugees" (Ayoob, 2002, p.86), Pol Pot's reign saw the massacre of over one million people to create his vision for Cambodia. However, both interventions received widespread international condemnation at the time due to the rationale that it was "impossible to determine the predominance of humanitarian concerns in a state's decision to intervene" (Ayoob, 2002, p.86; Wheeler, 2002). Additionally, strategic interest and the practice of humanitarian interventions are closely connected. States are unlikely to sanction or associate themselves with military operations to protect populations where their national interests are not directly or indirectly involved (Ayoob, 2002, p.85; Finnemore, 2003; Wheeler, 2002; Paris, 2014). Given the hostile relations between India and Pakistan as well as between Vietnam and the Cambodian regime, the strategic interests of both India and Vietnam were clearly involved (Ayoob, 2002, p.86; Wheeler, 2002). Most importantly, these cases served as evidence that

state sovereignty through the norm against coercive intervention took precedence over humanitarian concerns and the enforcement of human rights.

The Cold War era entailed an overarching emphasis on state sovereignty as absolute in many regions, along with the notion that state interests were of primary importance. However, with the arrival of the 1990s, this changed in three ways. The norm against coercive intervention began its shift from an *absolutist* view of sovereignty to a *responsible* view of sovereignty. This can be observed in the interventions undertaken since the 1990's.

Firstly, interventions have been increasingly defined in terms of primary goals that are not territorial or strategic but *humanitarian* and *universal* (Finnemore, 2003, p.52; Ayooob, 2002, p.83). Secondly, how we intervene has also changed. States constantly seek to project the intervention as being undertaken at the behest of the international community and therefore having a *multilateral* character (Ayooob, 2002, pp.83-84; Finnemore, 2003, p.53; Wheeler, 2002). Lastly, *who is human* and entitled to protection has also changed (Finnemore, 2003, p.53). During the 19th century, only White Christians were granted protection while the mistreatment and atrocities against other sections of population did not evoke the same concern. (Finnemore, 2003, pp.52-54). However, by the end of the 20th century, most of the populations being protected were non-white and non-Christian groups (p.53). The traditional notion of sovereignty as an inalienable right began to be questioned as human rights and protection of civilians became emerging practices for multilateralism. Former UN Secretary General Boutros Ghali also noted in his *Agenda for Peace* that sovereignty is not absolute and can be restricted and even overridden in some cases (Ayooob, 2002, p.83; Ghali, 1992).

The literature perceives the 1990s as the dawn of a new and *optimistic* era in international politics with regard to the enforcement of human rights (Berdal, 2003; Barnett, 2010; Chesterman, 2002; Hehir, 2019). This new optimistic wave was first observed during the humanitarian crisis in Iraq (1991) followed by Somalia (1992). As highlighted previously in this thesis, the UNSC has the jurisdiction to authorize coercive measures including the use of force if international peace and security are at risk. The Council used its powers under Article 39 of the UN Charter to redefine threats to international peace and security to include humanitarian emergencies and subsequently authorized enforcement action in Resolution 688 against Iraq's invasion of Kuwait. The American, British and French efforts were integral to protect the Kurdish and Shiite populations in Iraq following the Gulf War (Finnemore, 2003, p.78). Similarly, the enforcement action to respond to the civil war in Somalia under Resolution

751 saw the establishment of a multilateral peacekeeping operation. This operation encountered many of its own problems before being incorporated into the US led Intervention - *Operation Restore Hope* (Hehir, 2019). However, Somalia also demonstrated that the threshold of suffering for states (USA) undertaking interventions where their national interests are not significantly involved will be small (Ayoob, 2002, p.86).

Additionally, this 'optimistic' wave further encountered problems due to inaction in the cases of the Rwandan Genocide (1994) and the violent dissolution of the Socialist Federal Republic of Yugoslavia resulting in the Srebrenica Massacre (1995). The *critical juncture* for the humanitarian intervention norm came through NATO's humanitarian intervention in Kosovo (1999). The event highlighted the vagueness over the existing practices surrounding the protection of state sovereignty under the norm against coercive intervention. The Kosovo intervention conducted by NATO *without* UNSC authorization (fearing Russian and Chinese veto) further reignited debates around sovereignty, human protection and the existing international law (Hehir, 2019, p. 32). NATO Secretary General, when asked about the enforcement action in Kosovo without clear UNSC approval, stated, "it is a serious organization that takes a decision by consensus among serious countries with democratic governments" (Ayoob, 2002, p. 91). NATO's actions in Kosovo presented a dilemma between "legality" and "legitimacy" (Chesterman, 2002). They presented a notion in the international society that some interventions undertaken may be legitimate but not legal. Kosovo also further necessitated the clarification on the potential rules and norms which govern the pillars of humanitarian intervention.

We categorize it as a humanitarian intervention precisely because it was carried out *without* the consent of UNSC. Furthermore, Kosovo became the immediate stimuli for the creation of an International Commission on Intervention and State Sovereignty (ICISS) which indulged in various *modification/ adjustment* strategies to the existing humanitarian intervention norm. It was with the ICISS Panel's report, titled *Responsibility to Protect* (ICISS, 2001), that constructive efforts began towards promoting a new notion of sovereignty as the responsibility to protect populations within the state's territory.

Responsibility to Protect (R2P) Norm

The R2P norm was the product of ICISS Panel's report titled '*Responsibility to Protect*'. The ICISS Panel's report published in the wake of 9/11 terror attacks unsurprisingly found itself "overshadowed" by the War on Terror (Hehir, 2019, p.35). The unilateral actions undertaken in Afghanistan and Iraq only increased hostility towards this new norm. With a clear preference for "counter terrorism agenda over human rights" related projects such as R2P (Welsh, 2013, p.369), this emerging norm had to wait for a significant number of years before its formal adoption and institutionalization within the United Nations. Key entrepreneurs for the R2P Principle included Gareth Evans who was co-chair of the ICISS Commission and Former UN Secretary General Kofi Annan who worked with activist states including Canada and core members of the EU to push for a General Assembly Resolution embracing the R2P's norm core (Welsh, 2013, p.370). Such a resolution from General Assembly finally came at the conclusion of the 2005 World Summit with the adoption of the World Summit Outcome Document (WSOD) that codified the R2P norm in paragraphs 138-139. But what exactly was the R2P norm, and how is it related to the norm against coercive intervention?

Paragraph 138 of WSOD clarified the scope of R2P as limited to four types of mass atrocities: war crimes, crimes against humanity, genocide and ethnic cleansing. Furthermore, it stated that each state had the primary responsibility to protect its populations from the four mass atrocity crimes (UNGA, 2005, paragraph 138). It further clarified that the 'international community' also shares the responsibility to assist states in meeting their protection responsibilities. On the other hand, paragraph 139 stressed on the responsibility of UNSC to act under Chapter VI and Chapter VIII provisions of the UN Charter to take measures enforcing R2P. Additionally, paragraph 139 also highlighted the 'preparedness' of UNSC to take collective action under Chapter VII on a "case-by-case basis should peaceful means be inadequate" (UNGA, 2005, paragraph 139). The WSOD was endorsed by more than 150 member states of UN, and this is usually perceived as a "tipping point" for the R2P norm in the literature (Welsh, 2013; Hehir, 2019). Nevertheless, a vocal group of states from Global South including India, Cuba, Pakistan and Algeria shared deep reservations about the principle (Welsh, 2013, p.378). These reservations directly concerned the *norm against coercive intervention* which constitutes *state sovereignty*.

The R2P principle/norm has been perceived in the literature as a "complex norm" (Welsh, 2013); "norm in formation" (Negrón-Gonzales & Contarino, 2014); "policy agenda or political commitment" (Bellamy, 2011); "emerging norm" (Deitelhoff & Zimmermann, 2018);

“hollow norm” (Hehir, 2019) and even an “exception” (Panke & Petersohn, 2011). The most persistent problem encountered in the R2P literature is the Global North-South divide (Welsh, 2013; Thakur & Weiss, 2009; Luck, 2009; Bellamy, 2011).

The crux of R2P involves the provision of use of force as enforcement actions against atrocity crimes. Given their contentious history with great powers, developing states and post-colonial states remain skeptical about the R2P norm. Former First Special Advisor to UN Secretary General on R2P, Edward Luck succinctly captures this by highlighting the different interpretations of ‘sovereignty’ between the developing and developed states in respect to the R2P norm (Luck, 2009). Luck (2009) asserts that developing states are more likely to interpret sovereignty in territorial terms, whereas western coalitions are more likely to concern themselves with decision making sovereignty where there is a freedom of policy choice and not an automaticity of response (p.11).

Luck and Former UN Secretary General Ban Ki Moon acted in their capacity as key norm leaders for R2P by conceptually clarifying the consensus achieved in the WSOD and further classifying the norms in terms of ‘pillars’. The UN Secretary General’s 2009 Report on Implementing the R2P categorized the norm broadly into three non-sequential pillars. Pillar I emphasized state responsibilities, the second pillar emphasized the responsibilities of the international community while the third pillar demanded a timely and decisive response should other means be exhausted.

The relationship between the humanitarian intervention and the R2P norm can be deduced through the constant attempts of the ICISS Panel to squeeze the idea of using military force to protect populations more coherently within the U.N. system. According to the ICISS Report, the UNSC has the “primary but not sole or exclusive responsibility” for using military force to avert mass atrocities (ICISS, 2001, p.48). This is important as the ICISS Panel also argued that in case of a possible deadlock or veto standoff within UNSC, such enforcement actions could then be implemented by regional or sub-regional arrangements. Furthermore, the question of *approval* or *consent* for conducting such an intervention remained central. Humanitarian intervention norm was premised on “non-approval” whereas the R2P norm adopts a consensus based multilateral approach to using force to protect populations. The relationship between the two competing norms with respect to the entrenched norm under study will be taken up in the case analysis chapter.

Before proceeding to the case analysis chapter, it is imperative to also assess the empirical record of R2P briefly as a competing norm. This section shall interpret the application of the R2P norm until the introduction of the Brazilian proposal to reform R2P, that is November 2011. This is primarily because interpretive shifts and contestation in the R2P norm became visible after Libya (2011), allowing for a more comprehensive assessment of using force to avert mass atrocities under Chapter VII. Gifkins (2015) demonstrated the UNSC's engagement with the R2P norm by analyzing the inclusion of R2P language in country specific resolutions passed by UNSC. Gifkins (2015) noted that the first country-specific case and resolution for the R2P norm came with Sudan in 2006 (p.149). While most of the killings and crimes which constituted mass atrocities had already been conducted in 2003-04, there was no practical enforcement action until 2007. Measures which often constitute the "R2P toolkit" (Bellamy, 2011; Widmaier & Glanville, 2021) present coercive and non-coercive instruments available to the enforcement authority (UNSC) for the practical implementation of this norm. The attempt to apply this 'R2P toolkit' through a consent-based UN peacekeeping operation was met with fierce resistance from the Sudanese Government under President Omar Al Bashir who directly echoed concerns of state sovereignty (Gifkins, 2015, pp.156-157). Additionally, while there were constant attempts to include R2P language in council resolutions on Sudan, these were rejected and deemed "too controversial" by China and Sudan (Gifkins, 2015, p.157).

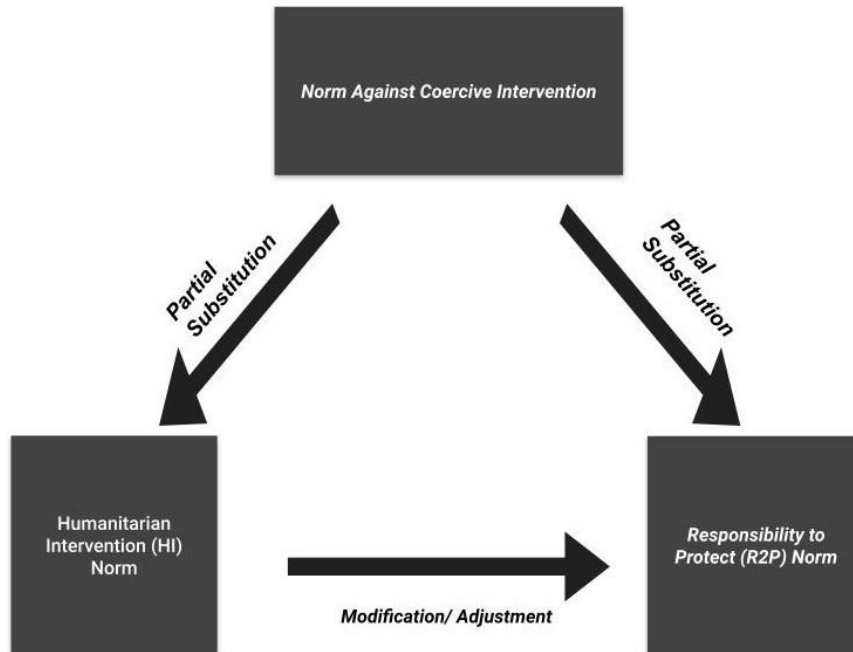
After Sudan, there were two specific attempts to misapply the R2P norm in 2008. The first of these involved Myanmar's response to Cyclone Nargis (2008) where the French delegation under Foreign Minister Bernard Kouchner argued for the application of the R2P norm citing obstruction of humanitarian aid by the military junta in Myanmar (Bellamy, 2011; Gifkins, 2015; Badescu & Weiss, 2010; Reinold, 2010, p. 53). Secondly, there were malicious attempts from the Russian Federation to justify its intervention in South Ossetia on grounds of possible genocide (Badescu & Weiss, 2010). Both cases establish that the R2P norm is known and recognized by states and its misuse is prevented as norm leaders or activists engage in conceptually clarifying the norm from time to time (Badescu & Weiss, 2010, p.354).

Despite being the first country specific case for R2P, Sudan failed to demonstrate the enforcement capability of this norm due to explicit concerns over the breach of Sudan's sovereignty. This view was echoed by some permanent members such as China and Russian Federation who remain skeptical about the provision of use of force under the R2P norm. The *critical juncture* for the R2P norm came with NATO's intervention in Libya which was hailed as a "protective humanitarian intervention" under Pillar III of the norm (Paris, 2014). Libya

(2011) demonstrated the first practical implementation of the R2P norm and the exercise of use of force against a functioning sovereign state to protect populations (Brockmeier et al., 2015; Bellamy & Williams, 2011). The mandate for NATO's intervention came from Resolution 1973. While non-coercive measures through Resolution 1970 were preferred; including sanctions, asset freeze, arms embargo and travel bans; these were ineffective. Gaddafi decided to ignore the demands enshrined in Resolution 1970 and threatened to cleanse Libya house by house to get rid of the "rats" and "cockroaches" to crush the rebellion (Bellamy & Williams, 2011, p.838, Gifkins, 2015; Brockmeier et al., 2015; Kasaija, 2013). This rhetoric was similar to the one used in Rwanda (1994) and drove the UNSC to pass Resolution 1973 which mandated the use of military force in Libya under Chapter VII as well as the establishment of a contentious 'no fly zone'.

The practical implementation of this no-fly zone resulted in the brutal unanticipated killing of deposed President Muammar Gaddafi by rebel forces. These rebel forces were aided by the aerial military supremacy of NATO which had an enforcement mandate for the protection of civilians. The blatant abuse of this enforcement mandate given by the UNSC sparked the regime change debate and raised important questions about how force should be used to protect populations. States like China, India, Russia and Brazil, the coalition known as BRICS, expressed deep reservations about the implementation of Resolution 1973. In the immediate aftermath of the Libyan intervention, the Brazilian Government came out with the Responsibility While Protecting (RWP) Proposal which was seen as an attempt to reform the R2P norm (Widmaier & Glanville, 2021; Welsh, 2013, 2019; Hehir, 2019). The Brazilian RWP proposal aims at specifying when and how the R2P norm should be applied, but it does not contest its core claims (Deitelhoff & Zimmermann, 2018, p.63). Furthermore, the RWP proposal constantly emphasizes on a "criterion" for using military force and greater accountability from states that use of military force under UNSC mandate (Brockmeier et al., 2015, p. 129). The RWP Proposal created more feedback proposals from states which will not be discussed in detail here.

Case Analysis



Positive Lens

The Norm Against Coercive Intervention

The first explanation posits that vagueness impacts the life cycle of norms after creation through a *positive* lens. For a positive course of action, we expect to see the mechanisms of redefinition in the domestic sphere or modification in the international sphere. It is also imperative to state that the non-intervention norm constitutes a peremptory (*jus cogens*) norm signifying that no derogation is permitted. While states violate international norms in practice, and even occasionally detract from the most entrenched norms such as the norm against coercive intervention, state behavior with respect to norm violations is vital.

States who sanction norm violations or continue to comply with the norm themselves provide evidence for the non-derogatory nature of the non-intervention norm. This reaffirms the position of the non-intervention norm as a fundamental premise in international relations in the post-1945 world order alongside other recognized entrenched norms and practices such as decolonization, women's suffrage and territorial integrity. Long term fluidity and compliance are expected from the entrenched norm against coercive intervention with such possible exceptions applicable only to peremptory norms. This section concludes that the processes of *norm redefinition* and *modification* are *absent* for the norm against coercive intervention. Additionally, in the case of our peremptory norm, we expect to see widespread compliance regardless of modification or redefinition. This is because states respect the sovereign status of other states and do not intervene forcibly in their domestic affairs. This intersubjectively held belief solidifies the norm's position in state practice and makes it a peremptory norm. To conclude this section, we posit that the norm against coercive intervention will be impacted by vagueness through a positive lens by increasing the norm's robustness after its practical application or instances of non-compliance. However, redefinition and modification mechanisms will be absent due to the given nature of the non-intervention norm being *peremptory*.

Humanitarian Intervention Norm

The Humanitarian Intervention (HI), and later the Responsibility to Protect (R2P), norms both emerged as direct competing norms to the norm against coercive intervention as they prescribe interventions in the domestic affairs of a state under certain situations. We expect to see redefinition and modification mechanisms in respect to both emerging norms. First, the optimistic turn in the 1990s, and specifically the critical juncture of NATO's humanitarian intervention in Kosovo (1999), demonstrated the notion that state sovereignty could be *challenged* to prevent humanitarian manmade emergencies without UNSC approval. This remains the core distinguishing principle of the humanitarian intervention norm in contrast to the R2P norm: the question of central enforcement authority. The agency responsible for the R2P norm's practical implementation remains the UNSC. Additionally, while attempts to strengthen the parameters of humanitarian intervention norm have taken place in the *international sphere* and not the domestic political arena of states, this study does not find evidence for redefinition with respect to the humanitarian intervention norm. In sum, this leads us to state that the humanitarian intervention norm has been *modified* into the R2P norm. The question remains what has been modified or changed to create R2P?

The core of the humanitarian intervention norm was solely premised on the use of military force to protect foreign populations. Whereas the succeeding R2P norm's core incorporates a wide toolkit of coercive and non-coercive measures commonly referred to as the 'R2P toolkit' available to states and actors within the UNSC, as well as regional and sub-regional arrangements. More importantly, the modification of the humanitarian intervention norm into R2P was meant to diffuse the tension between intervention and state sovereignty created because of the practices of humanitarian intervention in the 1990s.

Before the R2P norm, actors such as the UN Development Program and transnational non-governmental organizations like Oxfam and Amnesty International proposed the idea of 'human security' to challenge the traditional absolutist view of sovereignty. Human security highlighted "safety from threats such as repression, diseases and hunger as well as protection from disruptions in daily life" (Panke & Petersohn, 2011, p.732). The idea of human security emphasized the connection between state and its citizens as well as attempted to integrate the notion of human security into sovereignty. This can be observed in the 1994 Human Development Report of the UN Development Program. States such as Norway, Canada and Switzerland emerged as norm leaders who endorsed the new idea and even went further to create a Human Security Network in 1999 (Panke and Petersohn, 2011, pp.732-733). After this, the *International Commission of Intervention of and State Sovereignty (ICISS)* Panel was responsible for the modification of the humanitarian intervention norm and creation of the R2P norm through their 2001 report titled *Responsibility to Protect*.

It was not until the creation of the ICISS Panel that constructive efforts to integrate the idea of state sovereignty and responsibility to protect began. These modification mechanisms which contained the principles of the R2P norm were further expressed discursively through reports of UN High Level Panel on Threats and Challenges (2004) and the Former UN Secretary General Kofi Annan's *In Larger Freedom* Report (2005). The participating norm leaders and activist states in the creation of the R2P norm included Canada, which funded the ICISS from the outset and was constantly supported in their campaign by UK, Australia, New Zealand, Rwanda and South Africa (Coleman, 2011, p.179). Therefore, the aforementioned states in conjunction with key norm leaders such as Kofi Annan and Gareth Evans (Co-Chair, ICISS) socialized other states within the UN to endorse the R2P norm at the 2005 World Summit through paragraphs 138-139 of the WSOD.

Responsibility to Protect Norm

As demonstrated earlier, this project considers the evolution of the humanitarian intervention norm into R2P as modification. However, this does not imply that the R2P norm cannot undergo further modification. As R2P's track record suggests, the norm has encountered significant interpretive shifts and contestation from states in the aftermath of its application in Libya (2011). The Libyan case represents the first practical implementation of the R2P norm where military force was used non-consensually against a sovereign state. The debates over Libya created the Brazilian *Responsibility While Protecting Proposal (RWP)*, the first overt attempt to modify the R2P norm. The proposal recommended that R2P should follow a strict line of "chronological sequencing" and "political subordination" (Brazil, 2011, p.2). This was arguably contrary to the very spirit and essence of the R2P norm which is premised on the non-sequencing of the three pillars and advocated by the norm leaders within the UN.

The Brazilian proposal also called for a clear distinction between collective responsibility and collective security. Collective responsibility could be undertaken through non-coercive measures while collective security implied that a situation was a threat to international peace and security which demanded coercive measures (Brazil, 2011, p.2). The RWP Proposal recommended more accountability while carrying out enforcement measures authorized by UNSC. It also prioritized non-coercive measures as its first preference and the use of military force as a means of last resort. The emergence of RWP proposal has led to conceptual clarification for enforcing the R2P norm as well as created new norm leaders and activists such as Brazil, China, France in addition to traditional norm leaders such as Canada and UK. The Brazilian proposal has created additional contestation mechanisms and proposals such as the Responsible Protection (RP) Concept and the French Mexican Joint Declaration on the Suspension of Veto During Mass Atrocities. These proposals incorporate lessons from the previous applications of R2P as well as missed opportunities.

This section concludes with the observation that it remains difficult to evaluate whether RWP proposal is solely responsible for the modification of the R2P norm. However, it can be acknowledged as the most overt attempt at *modifying* the R2P norm. The behavior of UNSC after Libya indicates that the R2P norm has been consistently and systematically applied to construct an R2P lens in Mali, Yemen, Central African Republic, Sudan and South Sudan amongst others. Non-consensual use of force under R2P norm has never taken place after the conclusion of the Libyan intervention. R2P has since been enacted with a strong emphasis on Pillar I (state responsibility) and occasionally, Pillar II (international community

responsibilities) provisions of the norm (Gifkins, 2015; Hehir, 2019, Brockmeier et al., 2015). Therefore, indicating that modification of the R2P norm has made the application of Pillar III, involving non-consensual use of force, superfluous. This modified character of the R2P norm after 2011 was best observed through the events in the Syrian crisis where lack of political will within UNSC (particularly Russia and China) to authorize nonconsensual use of force was evident.

Negative Lens

The Norm Against Coercive Intervention

Vagueness can also impact the life cycle of norms through a *negative* lens. In a negative lens, we expect to see the norm's scope and provisions being curbed or erased. Norm substitution takes place in the presence of competing norms. Substitution mechanisms involve partial or complete substitution where the scope or contents of the norm are significantly or completely altered. The second possibility of *norm disappearance* does not apply to the norm against coercive intervention as both HI and R2P norm emerged as direct competing norms to our peremptory norm. Additionally, we find that the HI and R2P norm *do not* replace the norm against coercive intervention but *do restrict* its scope under certain conditions (Panke & Petersohn, 2011, p.734).

While state sovereignty and the practice of non-intervention remains the fundamental premise within IR, during instances of mass atrocities and gross human rights violations, the transgressor state is called upon to meet its protection responsibilities under the R2P norm. If the transgressor state fails to cooperate or manifestly fails to protect populations from the four stated mass atrocity crimes under the R2P norm, its position in the international community will be compromised and it forfeits its protection against coercive intervention (Panke & Petersohn, 2011, p.734). Subsequently, the international community might subject the sovereign character of the transgressor state to non-consensual coercive measures which may include the use of force against the transgressor state. The HI and R2P norms necessitate interventions under some conditions and therefore construct pathways through which the norm against coercive intervention can be breached. Thus, after R2P's official endorsement in 2005, the measures amounting to the use of military force to protect foreign populations can no longer be classified as 'non-compliance'. Furthermore, norm violations *do not* develop into 'non-compliance cascades' because states other than the transgressor state do not adjust their

behavior and violate the norm against coercive intervention. In conclusion, both competing norms (HI & R2P), *partially* curb the scope of the non-intervention norm but do not replace the entrenched norm.

Humanitarian Intervention Norm

This study regards the R2P norm as a modification of the Humanitarian Intervention norm (HI). The limitation in the scope of the HI norm was rectified by expanding the scope of R2P norm to include an *authorization-based* approach through UNSC as well as regional and sub regional arrangements. While it could be argued that the HI norm was substituted by the R2P norm, there are two strong arguments to support its categorization as modification and *not substitution*.

Firstly, the practices and measures associated with humanitarian intervention in the 1990's are described as strong precedents for the existence of both HI and R2P norm in the literature. If we employ Deitelhoff & Zimmermann's (2018) concept of *norm core*, both the HI and R2P norm share a similar norm core that demands enforcement action through interventions and other measures to avert mass atrocities. The norm core in this case *has not* been substituted but broadened in scope to include non-coercive and semi coercive measures including but not limited to: ICC referrals, economic sanctions, assets freeze and arms embargo. The core of the *modified* humanitarian intervention norm (R2P) is no longer limited to the use of military force but also includes preventive and early warning measures that tackle the problem at the grassroot level.

Secondly, the just war principle, which constitutes a core tenet of the humanitarian intervention norm, asserts that states recognize moral justifications to resort to war. The just war tradition's sixfold criteria for intervention (*jus ad bellum*) are identical to the ICISS Panel's sixfold criteria for intervention under the R2P norm. These include right authority, just cause, reasonable prospects, proportional means, right intention and last resort (Acharya, 2013, p.474). This proves that the classification of modification rather than substitution is more applicable to describe the effect of vagueness on the HI norm.

Responsibility to Protect Norm

When trying to explore the R2P norm through a negative lens, we expect to see substitution or disappearance mechanisms. The effect of vagueness in the application and enforcement of the R2P norm becomes evident in the aftermath of Libya. Even the staunchest opponents of the use of non-consensual coercive measures under the R2P norm (China, Russian Federation, Brazil and India) do not dispute that sovereignty implies the responsibility to

protect populations as the core tenet of R2P. In this case, norm opponents or resisters engage in *applicatory contestation*. Applicatory contestation strengthens the robustness of a norm as it conceptually clarifies the scope and further dictates how and when the norm should be applied. Although the Pillar III of the R2P norm was made superfluous in the aftermath of the Libyan intervention, applicatory contestation *does not* question R2P's norm core.

Proposals like Responsibility While Protecting, R.P Concept and the French- Mexican Proposal are contestation mechanisms to clarify the method of R2P's application, but do not question or contest the norm in itself. Post-Libya the R2P norm was also applied in Mali, Central African Republic and South Sudan. However, in these instances, there was a clear preference for the use of instruments under Pillar II over non-consensual measures under Pillar III. Therefore, it can conclusively be argued that the R2P norm has *neither* undergone substitution nor disappeared.

Conclusion

There is extensive scholarship on international norms and their life cycles, however, a selection bias that favors a norm's precision and neglects vagueness persists. This project has tried to move beyond the traditional linear approaches in norms scholarship and employed critical approaches as the inspiration for its explanations. The question driving this thesis is *how are norms impacted by vagueness after creation?* The study develops two answers to evaluate the impact of norm vagueness through a positive lens and a negative lens.

The construction of a positive lens requires norms to undergo either redefinition in the domestic political sphere of states or modification in the international sphere. On the other hand, the construction of a negative lens requires norms to experience substitution, either partial or complete in the presence of competing norms. In the absence of rival norms, the particular norm disappears. For this thesis, two factors accounting for vagueness, other than vague wording, have been considered: practical application of the norm, and norm violations/non-compliance.

This thesis project considers two categories of norms to examine the impact of vagueness: entrenched and emerging. The case selection incorporates the norm against coercive intervention as the entrenched norm and the Humanitarian Intervention (HI) and Responsibility to Protect (R2P) as emerging norms. Both emerging norms are direct competing norms to the entrenched norm as they prescribe interventions under certain conditions and partially curb the entrenched norm's scope. This thesis employs a narrative analysis, guided by critical junctures, to assess whether vagueness triggers a positive or negative lens in the rival HI and R2P norms in the aftermath of said critical junctures. The evaluation of vagueness on the examined cases suggests the following findings.

Type of Norm	Positive Lens		Negative Lens	
	Norm Redefinition	Norm Modification	Partial/ Complete Substitution	Norm Disappearance
<i>The Norm Against Coercive Intervention</i>	X	X	I (P)	X
<i>Humanitarian Intervention (HI) Norm</i>	X	I	X	X
<i>Responsibility to Protect (R2P) Norm</i>	X	I	X	X

The norm against coercive intervention being an entrenched preemptory norm remains the fundamental governing premise in international relations. While states frequently violate the norm against coercive intervention, the scope of the entrenched norm remains non-derogatory. States seek to punish norm violations or continue to comply with the norm themselves to emphasize the non-derogatory nature of the entrenched norm. Since the nature of the norm against coercive intervention is jus cogens, it does not experience either modification or redefinition. The emergence of the humanitarian intervention and R2P norms as direct competing norms causes partial substitution of the norm against coercive intervention in situations of gross human rights violations and human repression which constitute as mass atrocities. Vagueness will therefore impact the norm against coercive intervention more through a negative lens than a positive lens.

This thesis finds that norm redefinition mechanisms are absent for the humanitarian intervention norm since the processes for norm adjustment and modification have taken place in the international sphere and not the domestic political arena of states. Furthermore, this study finds that the practices associated with the humanitarian intervention norm have been modified after the critical juncture of NATO's humanitarian intervention in Kosovo (1999). Various states led by the ICISS Panel refined the humanitarian intervention norm into a newly formulated R2P norm which received endorsement in 2005. Additionally, the limitations evident in the HI norm were resolved in the R2P norm due to the inclusion of an authorization-based approach with a central enforcement authority (UNSC) as well as a toolkit of coercive and non-coercive measures commonly referred to as the R2P toolkit. The findings show that the humanitarian intervention norm does not undergo substitution because its norm core is strengthened, rather than weakened, by the inclusion of non-coercive measures and a central enforcement authority. The Humanitarian Intervention (HI) norm is therefore impacted by vagueness strictly through a positive lens and not a negative lens.

Lastly, the emerging R2P norm accounts for modification mechanisms in the aftermath of the critical juncture of Libya (2011). These modification mechanisms were expressed in reform and feedback proposals tabled in the aftermath of the Libyan intervention. Brazil's Responsibility While Protecting (RWP) proposal is the first reform proposal to modify the R2P norm. The RWP Proposal further led to the creation of more feedback mechanisms to enforce the R2P norm. These include the R.P. Concept and the French-Mexican Political Declaration. These contestation and reform mechanisms have been tabled in organizational platforms (including UNSC) in the international sphere and not the domestic sphere of states. Redefinition mechanisms are absent for the R2P norm. Furthermore, this study does not find evidence of vagueness impacting the R2P norm through a negative lens. Hence, substitution or disappearance are ruled out as possible explanations. Therefore, we conclude that vagueness impacts the R2P norm strictly through a positive lens and not a negative lens.

This thesis also takes into consideration the limitations to approaching the study of norm vagueness. While the norms literature has produced rich literature studying the dynamics of norm creation, socialization and diffusion, norm vagueness remains under-theorized. Moreover, there is no consensus within the norms literature over what constitutes "norm vagueness". Few studies have tried to approach norm vagueness by providing the explanation of vague wording (Widmaier & Glanville, 2021; Van Kersbergen & Verbeek, 2007). These posit that norm vagueness helps states maximize consensus and develop their own interpretations of the norm. This thesis has studied norm vagueness in light of the practical application of emerging norms and violations/non-compliance towards the selected cases. The ambiguity over the conceptual definition of norm vagueness is an opportunity which merits further research within the norms scholarship.

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