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The Responsibility to Protect and the rise of China.
Lessons from Australia's role as a 'pragmatic' norm entrepreneur.

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Abstract

The purpose of this article is to explore the development of a norm that emerged during a period of unqualified American hegemony - the Responsibility to Protect (R2P) - and, to ask what the rise of China means for R2P norm entrepreneurs like Australia. It argues that by underpinning great power identity claims, which are instantiated by the assertion of normative positions occasionally at odds with liberal states, the rise of China has helped to highlight the contested nature of the R2P norm, in particular the license it notionally gives to the pursuit of externally imposed regime change. Drawing an innovative combination of critical constructivism and philosophical pragmatism the paper argues that liberal states can better promote R2P in this increasingly pluralist international order by adopting a pragmatic approach to norm diffusion. This balances the demands of a dialogue that is sensitive to Chinese concerns with the defence of the substantive core of the norm, human protection. It is further argued that Australia's geopolitical position to Chinese power and an embedded identity narrative of Australia as a 'middle power' demonstrates a potential to act as a pragmatic norm entrepreneur. Indeed, Australia's recent activity on the UN Security Council can be characterised in these terms.

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Introduction

The possibility that the near future will be a 'Chinese Century' (Scott 2008) has prompted much discussion about the sustainability of the contemporary international normative order (Gaskarth 2015). Analysts may question when, if at all, the Chinese economy will surpass that of the US, and whether this new found material wealth will translate into a military challenge to American supremacy (Layne 2012; Layne, Wohlforth, and Brooks 2012), but China's status as 'a rising power' has long been recognized (Ikenberry 2008; Callahan 2005). For those who adopt a Realist approach to explain international relations, the rise of China will have a profound impact on the norms that emerged under American hegemony. This is because rising powers challenge the norms that emerged when they were weak; norms that neither reflects their ideology or interests, nor their new found status (Gilpin 1981; Mearsheimer 2010; Friedberg 2012; Tellis 2013). This is questioned by liberals (Ikenberry 2008) and constructivists (Johnston 2008; Larson 2015), who argue the norms embedded within the hegemonic order can incentivize or socialize the rising power to refrain from revisionist practice.

The purpose of this article is twofold: first, to explore the development of a norm that emerged during a period of unqualified American hegemony - the Responsibility to Protect (R2P); and, second, to ask what the rise of China means for R2P norm entrepreneurs like Australia. R2P insists that when states 'manifestly fail' to protect their populations from mass atrocity crimes, international society should intervene by acting through the United Nations Security Council 'in a timely and decisive manner' (United Nations 2005, para.139). Adopting a Realist position, Robert Murray and Aidan Hehir (2012, 387) argue that 'the severe constraints of a multipolar structure and rise of powers like Russia and China are bound to limit the future efficacy of R2P'. Their assumption (2012, 398) that the rise of 'considerably less democratic states' will reverse the normative development associated with R2P is, however, too simplistic. Suspicions about R2P correlate with post-colonial, rather than non-democratic, identities, which are illustrated most obviously by the position of India (Gaskarth 2015); and indeed non-democratic states like China are not necessarily opposed to the R2P norm. Both R2P and China's position is more complex than realists suggest. Unpacking that complexity can better inform the advocacy of those who remain committed to the implementation of R2P in a multipolar system that is normatively pluralist.

There is evidence that China's material rise is having an impact on R2P's development but only in an indirect and contingent way. Concerns that China has economic leverage over liberal states, and that this will be used to dissuade the promotion and implementation of human rights norms like R2P, are overstated. From the realist perspective of Murray and Hehir one would expect to see evidence of this kind of leverage in, for example, Australia's relations with China. Given the increasing levels of economic dependency commentators regularly consider the possibility that China will somehow

'decouple' Australia from its alliance with western states (Dupont 2014; Perlez 2014; Liu and Hao 2014, 375; Dittmer and He 2014, 216; Johnson and Smyth 2015). However, there is no evidence that Australian support for R2P has invited Chinese economic retaliation or that Australia has been deterred from promoting R2P because of these links. Yet China's rise does present a more subtle challenge because it underpins great power identity claims (Hao 2015; Manning 2016), which are instantiated by the assertion of normative positions that are occasionally at odds with liberal states. In the R2P area, for instance, China has vetoed western-led resolutions on the Syria situation and it has opposed putting North Korea's human rights situation on the Council's agenda (Gifkins 2012; Bellamy 2015).

This constructivist-inspired, identity-based, argument may sound-like a realist one: China's rise is leading to obstructionist behavior. As Deborah Welch Larson (2015) recently noted, liberal international norms may have the potential to socialize rising powers but that process is contested within, and revisionist positions may very well emerge. But the emphasis on contestation highlights the contingency of that conclusion. It is not inevitable that China as a rising power will adopt obstructionist positions; and of course whether China as a rising power adopts obstructionist positions is contingent on whether western-led processes of promoting and implementing liberal international norms like R2P can accommodate China's concerns (Brown 2015, 145). It is argued in this article that R2P norm entrepreneurs among liberal states can avoid Chinese obstructionism but only by adopting a 'pragmatic' approach that is sensitive to the concerns China's rising power narrative has helped to highlight. This does not mean compromising on the substantive moral ends embedded within R2P but it does mean finding creative ways of delinking 'human protection' from 'regime change' as this is necessary if the UN Security Council is to act collectively (Western and Goldstein 2013). It is further argued that Australia's recent activity on the UN Security Council offers important insights into the role of a pragmatic norm entrepreneur.

To advance this argument, the paper is structured by five sections. The first two sections establish what is meant by the term 'pragmatic' norm entrepreneur. This draws on the insights of critical constructivist accounts of norm diffusion and philosophical pragmatism, in particular the shared understanding that a norm's meaning cannot be fixed to concrete foundations or norm-maker/norm-taker hierarchies; and that its persuasive power is tied to its legitimacy, which flows from processes of deliberation and compromise, as well as the confidence created by a commitment to practical problem solving. The third section elaborates on the particular challenge liberal advocates of R2P face as China becomes more confident acting according to its normative preference for an international order based on state sovereignty and national self-determination. The key implication here is that there are limitations to what the R2P norm articulated by the 2005 World Summit Outcome Document

can legitimize because there are some actions – such as externally enforced regime change – that China is disposed to veto. This does not mean R2P has no future in a Chinese century, but it does require a pragmatic approach that is open to accepting alternative arguments on how best to achieve human protection, while also being prepared to expose behavior that uses these arguments simply to advance China's (or any other state's) national interest. The fourth and fifth sections illustrate Australia's potential to play the role of pragmatic norm entrepreneur and draws on elite interview data to assess its two year period on the Security Council in these terms, especially its leadership on the Syria and North Korea issues.

Norm promotion in theory

The R2P norm, which insists the UN Security Council has a collective responsibility to consider, and if necessary authorize, humanitarian intervention when states manifestly fail to protect their own populations from atrocity crimes is a product of post-Cold War American hegemony. In some respects, it emerged as a defensive reaction to the threat US interventionism posed to the Security Council and its place in the liberal international order. Freed from the political checks of the bipolar system, the US was able (although not always willing) to act on a moral imperative to stop such crimes. The concern was that Security Council indifference would only add legitimacy to unilateral action despite the threat that posed to relations between states. The characterisation of the 1999 US-led Kosovo intervention as 'illegal but legitimate' illustrated the problem (Kosovo 2000). Likewise, the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS) – which was called *The Responsibility to Protect* - stated clearly that '[i]f the Council – and the five permanent members in particular - fail to make the Council relevant to the critical issues of the day then they can only expect that the Council will diminish in significance, stature and authority' (ICISS 2011, para. 6.22). It addressed the problem by articulating international society's residual responsibility, which can be invoked when states manifestly fail to fulfil the primary responsibility to protect their populations.

International society acknowledged this responsibility in the 2005 World Summit Outcome Document, which specified that military intervention to protect – what has subsequently been referred to as 'pillar III' action - could only be authorized by the UN Security Council.² Since then the R2P norm has been embedded in 'robust' peacekeeping mandates, and referenced R2P in numerous Resolutions,

² In his 2009 report the UN Secretary General's adviser on R2P, Edward Luck, argued the R2P norm rested on three pillars: (I) the responsibility to protect one's own population; (II) the responsibility to assist states to protect their own population; (III) the responsibility to intervene when states manifestly fail to protect.

including Resolution 1973 (2011), which authorised military action to protect the Libyan population from the Gaddafi regime (Bellamy 2015a). As the situations in Syria and North Korea demonstrate, however, the Security Council does not always act collectively in situations involving mass atrocity crimes. A collective response cannot be 'taken-for-granted'; and, in the context of constructivist norm-life cycle theory (Finnemore and Sikkink 1998), this suggests R2P has not been fully internalized by the Security Council. It is the purpose of this section to draw on this theory as a means of informing practice that can move international society beyond the impasse. Its main contribution is to draw attention to critical constructivist (Hopf 1998) accounts of norm diffusion, which, it is argued, are better placed to deal with the challenges of an increasingly pluralist international society.

In conventional constructivist accounts of norm-diffusion, norm entrepreneurs (like ICISS) introduce a new standard of international behaviour (like R2P) and try to convince a critical mass of states to embrace it (Finnemore and Sikkink 1998, 895). Through a process of socialization, which involves 'a combination of pressure for conformity, desire to enhance legitimation, and the desire of state leaders to enhance their self-esteem', the norm life cycle enters what they call the 'norm cascade' phase. Norm 'internalization' occurs 'at the far end of the norm cascade', where 'norms acquire a taken-for-granted quality and are no longer a matter of broad public debate' (Finnemore and Sikkink 1998, 895). Implicit in this account, is an understanding that the meaning of the norm is fixed to firm moral foundations and that it is clear and determinate. Normative contestation in this sense tends to be interpreted by norm entrepreneurs as rhetoric that aims to disguise non-compliance. The progressive response exposes this opposition as shameful. This is especially the case if those opposing the norm-entrepreneur have previously indicated their commitment to the norm by, for instance, signing a statement or treaty. In this instance, contestation is exposed as hypocrisy, which, according to the conventional constructivist logic of norm life cycle theory, has the social power to change behaviour and encourage compliance (Risse-Kappen, C. Ropp, and Sikkink 1999; Thomas 2001; Lebovic and Voeten 2006).

Critical constructivists take issue with this account of norm diffusion in ways that are pertinent to our purpose. Firstly, critical constructivism is less inclined to see the meaning of a norm as fixed, even after the moment of institutionalization. It presupposes in Antje Wiener's (2004, 200) words, 'that meanings – while stable over long periods of time and within particular contexts – are always in principle contested'. This has important implications for the manner in which norm entrepreneurs respond to normative contestation. As noted above, there is a tendency within the conventional accounts to interpret contestation as a cover for non-compliance and to expose that by shaming alternative views. In contrast, the critical (or 'reflexive') constructivist approach of Antje Wiener, for instance, argues that contestation should be encouraged within deliberative contexts. This stems

from a concern that a norm lacks legitimacy (and thus stability) if stakeholders (i.e. those impacted by its social power) are denied an opportunity to contest it (Wiener 2014; Gould and Onuf 2009, 37; Hofmann 2015). Acharya (2013, 468) writes in similar vein, noting that the 'receptivity to a new international norm is likely to be higher if the responsibility for its creation and diffusion is seen to be more broadly shared than being credited with any particular group'; and indeed Marc Lynch (2012, 217) observes that the norms that emerge out of dialogue with China are stronger because '[p]ut bluntly, those who have a say in making the rules are more likely to follow them'.

Secondly, and following on from this, critical constructivists have exposed the extent to which conventional norm life cycle theory rests on – and helps constitute – a norm-maker / norm-taker hierarchy. This is linked to the assumption that the meaning of the norm is fixed because that then empowers the norm-entrepreneur to decide whether others are in compliance with the norm. This may not, by itself, be a threat to the diffusion of a particular norm. A norm entrepreneur may have the kind of legitimacy that encourages others to accept their judgment; but to the extent international hierarchies are problematic then practices that reconstitute a norm maker / norm-taker hierarchy may hinder the promotion of a norm. Indeed, critical accounts have illustrated how the norm-maker / norm-taker hierarchy implicit in norm life-cycle models encourages normative resistance where there may not otherwise have been any (Acharya 2004). This is particularly acute if the norm entrepreneur responds to contestation by representing normative contestation as shameful. Such strategies risk merely 'infantilizing' (Epstein 2012) the concerns of states and reconstituting the unstable hierarchies associated with the age of European imperialism. Of course, this narrative further alienates post-colonial state making them less inclined to adopt a norm they may otherwise have seen as appropriate. The recent interest in norm-subsidiarity and norm-localization builds on such concerns (Acharya 2013, 2004, 2009, 2011; Kenkel and De Rosa 2015)

The argument here is that the insights provided by the critical constructivist approach to norm diffusion are especially pertinent to R2P in the context of a rising China. This is for two reasons: first, R2P's meaning *is* indeterminate, especially with respect to processes of implementing its substantive core, human protection (Welsh 2013; Rotmann, Kurtz, and Brockmeier 2014). The norm demands a collective response, but it does not say exactly what that response is. It thus invites contestation and deliberation before compromise and decision. Any state that approaches an R2P situation with an assumption that it knows how best to protect a population under threat, is unwilling to countenance other views and dismisses them as shameful does not fully appreciate the importance of collective decision-making to R2P; it relies too heavily on self-prescribed hierarchies that elevate its view above others. Second, where these hierarchies are associated with Western hegemony they are significant. This is because material power shifts are encouraging non-Western emerging states like China to be

more assertive. As the section below illustrates, China has been comfortable with R2P's development because it is committed to human protection and, as a permanent member of the Security Council, it understood that its voice on pillar III interventions would not be ignored. That was up to the 2011 Libya intervention, when the claims that NATO was ignoring UN mandates to pursue regime change ran up against claims that China was a great power whose normative positions should not be ignored. The point for now, however, is that a critical approach to norm-diffusion is seemingly more sensitive to the challenges set by these specific circumstances and the issues raised by China's great power behaviour. It follows that such an approach can better inform R2P norm-entrepreneurship. Indeed, the UN Secretary-General's Special Adviser on R2P, Jennifer Welsh (2013), recently made a similar point.

Philosophical pragmatism and its implication for norm entrepreneurship

An approach to norm entrepreneurship that is informed by a critical constructivist account of norm diffusion may be better suited to the emerging international order but it is not without its problems. Accepting that the meaning of a norm is contested and that deliberation is necessary can lead to a situation where the substantive core of a norm is essentially hollowed out. Critical constructivism informs dialogic approaches that encourage consensus on how best to protect populations, but the risk is that this consensus comes at the expense of humanitarian protection. The first response to this argument is that it does not necessarily characterise China's concerns about R2P post-Libya. It does not contest the importance of human protection. Rather, the manner in which western powers implemented the Security Council mandate to intervene in Libya – it was interpreted by them as licensing regime change – revived suspicions that R2P rested on international hierarchies that excluded post-colonial states (Ralph and Gallagher 2015). The not unreasonable argument that regime change was implied in the mandate does little to address this concern because it is based on the claim that those with the military capacity to intervene are also empowered to determine the scope of that intervention. The backlash against R2P post-Libya informed the Chinese and Russian veto proposed resolutions on the Syria crisis. The more specific point, however, is this: the challenge to formulating a collective Security Council response to mass atrocity post-Libya is informed by an unwarranted confidence on the part of the western powers that they *know* how best to implement the norm and other approaches are shameful. Critical constructivist insights can correct this. That being said, the weakness of the critical constructivist position remains: compromise to China's anti regime change position may facilitate consensus but it may also contradict the imperative to protect populations at risk. The argument in this section is that this weakness can be addressed by adding the insights of philosophical pragmatism.

Philosophical pragmatism has had less of an influence on International Relations than social constructivism. A summary of the whole tradition – and the variations within it – is clearly beyond the scope of one article (see Malachowski 2013). The focus here, therefore, is on drawing the pertinent points from the work of those theorists who have imported pragmatism into IR (Bauer and Brighi 2009; Bray 2013, 2009; Brown 1994, 1999; Cochran 1999; Festenstein 2009; Owen 2002; Hellmann 2009; Hellmann et al. 2009; Kaag and Kreps 2012; Kratochwil 2009). Three key points are important for our purposes. The first is the shared understanding of the contested and contingent character of truth and knowledge claims. For philosophical pragmatists, the search for moral foundations is irrelevant. Norms exist as ideas that articulate appropriate behaviour and they are (as constructivism confirms) consequential. They motivate human action regardless of whether their origins are found in foundational, abstract or communitarian thinking. The challenge is not to prove that one of these ideas is somehow right, true, correct or authentic because they correspond to ‘reality’. That is an ‘unprofitable’ (Bray 2009, 686) or ‘futile’ (Friedrichs and Kratochwil 2009, 701) exercise from the pragmatist’s perspective. Philosophy and IR has to ‘demystify’ (Bauer and Brighi 2009a, 2) and ‘get over’ (Kratochwil 2011, 44) or ‘brush aside’ (Rorty 1989, 54) such questions, but that does not mean normative action is condemned by the relativism that seemingly follows. The challenge instead is to acquire the kind of ‘useful and reliable knowledge’ (Friedrichs and Kratochwil 2009, 702) that enables us to ‘cope’ with the problems created by the worlds these ideas help to construct (Hellmann 2009, 640; Cochran 1999; Kratochwil 2011, 46).

The second key point follows on from this. Accepting that norms, understood as standards of appropriate behaviour, do not rest on incontrovertible foundations conditions the manner in which norms should be promoted. Philosophical pragmatists argue that any claim to know what is right is necessarily ‘fallible’, (Cochran 1999; Bellamy 2002, 488-9; Festenstein 2009, 148) and for that reason it must be offered as a suggestion and with a degree of ‘irony’ (Rorty 1989). Here the parallels with the critical approach to norm development are obvious. Contestation and dialogue as a route to knowledge is important to both approaches. Yet pragmatism differs to the critical approaches inspired by a Habermasian commitment to open dialogue (Hoffmann 2009, 243; Bray 2013, 468). It is more problem-focused and less about communicative exercise of freedom. This means for example, in terms relevant to this paper, accepting as a political reality the Security Council veto, even though it tends to distort communicative action at the United Nations, and finding practical ways of protecting populations in ways that do not invite the veto. Proposals for wholesale reform may not be inappropriate but in an R2P situation they are idealistic and unsatisfactory.

Of course, this potentially returns us to the possibility that consensus on how to implement a norm is unachievable, what pragmatist Richard Rorty called an ‘argumentative standoff’. The third key point

– the pragmatist’s commitment to ‘critical intelligence’ - addresses this. Critical intelligence is, in Daniel Bray’s words (2013, 467), ‘a method of reaching practical judgments about problematic situations in which connections are found between old habits, institutions, beliefs, and new conditions’. Where new conditions expose a persistent problem – such as an argumentative standoff instantiated through repeated Security Council vetoes – the pragmatic approach requires normative agents to reflect critically on their own practices (rather than assuming that the other side’s approach is shameful) and imagine alternative ways of solving that (Bray 2013, 467). From this perspective, normative pluralism is to be valued, not as an end in itself, but because it challenges otherwise fixed practices to prove they are fit for purpose. Again, in terms relevant to this paper, a pragmatic approach would not let the norm entrepreneur hide behind the practice of blaming the other for the failure to respond collectively, especially when such tactics are accompanied by shaming language that is unwarranted and unhelpful. Where, for example, a resolution authorising humanitarian intervention is blocked, the norm entrepreneur must imagine alternative means of implementing humanitarian protection. It has been argued, for instance, that a more generous policy of granting asylum to Syrian refugees offers R2P advocates a pragmatic alternative to humanitarian intervention (Ralph and Souter 2015).

Finding alternative means of implementing R2P reduces the risk that the compromise necessary to guarantee a collective response will hollow out the substantive core of the norm. Agreeing with China that military intervention is an inappropriate response to atrocity crimes does not necessarily mean the Security Council has failed to implement R2P. That conclusion would follow, however, if that collective response was accompanied by inaction in other areas, such as the provision of aid and asylum. In this instance, it is still possible that the shaming tactics that figure so prominently in the conventional constructivist approach to norm diffusion are appropriate. At its core, the R2P norm is about states having global responsibilities that can only be met by sacrificing national interests. It is reasonable to expect states to disagree on how best to meet those global responsibilities because the question of how best to protect populations in complex situations is a difficult one; and China’s post-Libya position demonstrates that. Russian policy on Syria may have been influenced by an unwarranted commitment to narrow national interests, but there is less reason to suppose that is the case with China. R2P advocacy thus demands humility. But when an argumentative standoff is the consequence of a position that defends the national interest at the expense of human protection then it may well warrant the charge of hypocrisy; and, crucially, this will only be appropriate if the state levelling the charge can reasonably claim that its position is consistent with the norm and the multiple ways of implementing it. From a pragmatic perspective, this not a question of being ‘right’, rather it

is a matter of being 'effective'. The charge of hypocrisy will not have the practical impact if it can be thrown back at the accuser.

The argument thus far then is that the implementation of R2P, especially so-called Pillar III operations, is contested. This is as it should be because R2P demands states only consider intervention on a case-by-case basis and deliberation is required to test whether and what kind of intervention effectively protects populations. However, there is still an expectation that the Council responds collectively and the vetoes on Syria illustrates this is not always the case. While casting a veto is a radical step it is not necessarily an unreasonable one, especially if the intention behind it is a disagreement on how best to protect. As the following section illustrates, China's position on R2P post-Libya does not necessarily mark a hollowing out of the norm's substantive core. It does not contest the principle of human protection; rather it obstructs processes of implementation that do not address its concerns. That makes relevant the pragmatic approach to norm entrepreneurship as outlined in this section.

Constituting normative pluralism. China's challenge to R2P.

R2P defines sovereignty as responsibility (Glanville 2014). Specifically, the sovereign state's claim to the exclusive right to manage its own internal affairs is made contingent on meeting its responsibility to protect populations from atrocity crimes. As the ICISS report put it, 'the principle of non-intervention yields to the responsibility to protect'. More specifically, ICISS argued that when a state is 'unwilling or unable' to protect their populations, 'that responsibility must be borne by the broader community of states' (ICISS 2001). Whereas Australia embraced and promoted the ICISS report (Bellamy 2010), China opposed it (Job and Shesterinina 2014, 144, 151). This is because, as Andrew Garwood-Gowers (Garwood-Gowers 2012, 376) writes, the 2001 iteration of R2P presented 'a direct challenge to China's traditional foreign policy emphasis on the twin principles of non-intervention in the domestic affairs of other states and non-use of military force' (see also Teitt 2009, 211-2). These principles are products of historical experience. In particular, the 'semi-colonization by the great powers (Britain, France, Germany, Russia) and Japan in the nineteenth and twentieth centuries, as well as the border disputes with Russia and India during the Cold War era, made China extremely sensitive to any unwanted involvement by external powers' (Prantl and Nakano 2011, 212; Chin and Thakur 2010, 122; Wacker 2013, 184-5; Liu and Zhang 2014, 406).

NATO's bombing of the Chinese embassy during the 1999 Kosovo intervention did little to ease these sensitivities (Wacker 2013, 178); and as Teitt (2009, 235) notes, R2P did not get off to a good start in China in part because the ICISS roundtable consultations held in Beijing in 2001 focused on the question of military intervention. While this reflected the ICISS mandate, Teitt argues that it did not

'reflect the current tenor of thinking on the core conceptual and practical implications of R2P'. However, China's engagement with the R2P concept following 2001 demonstrated it was not immune to the normative power of atrocity prevention. Indeed, it has been argued that China's growing engagement in global economic and security institutions made it more sensitive to promoting and maintaining the international image of 'a responsible great power' (Foot 2000, 2; Chin and Thakur 2010, 120; Prantl and Nakano 2011; Teitt 2011; Wu 2010; Liu and Zhang 2014, 406, 423). It could not, therefore, vote against the international adoption of R2P at the 2005 World Summit, especially as its primary concern - that the Security Council remain the body that authorises intervention - had been taken into account (Job and Shesterinina 2014, 148-50).³ In fact, China has gone beyond rhetorical endorsement of R2P, most notably with its contribution to peacekeeping missions with civilian protection mandates (Teitt 2009, 231-3, Chin and Thakur 2010, 128, Job and Shesterinina 2014, 153-4).

Despite its opposition to the 2001 ICISS report, therefore, it is perhaps misleading to label China as a 'rejectionist' state. Even Claes, who used that label, acknowledges that China has refrained from 'openly rejecting R2P' (Claes 2012, 71). Instead of adopting a policy of indifference or outright opposition, China has in fact pursued 'a pro-active strategy of norm containment'. It sought to make R2P 'compatible with the normative core of its foreign policy' (Prantl and Nakano 2011, 214). Befitting its position on the Security Council, however, this strategy was characterised by the kind of defensiveness that is implied in the literature on 'localization' (Acharya 2004). For Job and Shesterinina the top-down logics of 'norm containment' and 'localization' do not adequately characterise China's relationship with R2P. China has, they argue, 'used international, rather than exclusively local normative frameworks', to help shape R2P's meaning. It has neither been a norm-maker or norm-taker. It has instead been 'norm-shaper' and R2P has evolved through a process of contestation and compromise that they characterise by a 'bottom-up-and-back' process of advocacy (Job and Shesterinina 2014, 157; see also Chin and Thakur 2010, 130). In other words, China participates in what Acharya (2013) calls in his later work 'norm circulation', or what Prantl and Nakano (2011, 210) call a 'feedback loop', whereby stakeholders actually 'alter the properties of the global norm'. This process has helped to legitimise the norm's claim to be 'global'.

This openness to dialogue on what it means to implement the norm was stated explicitly by Ambassador Liu Zhenmin (2009) in his contribution to the 2009 General Assembly plenary on R2P. Two points in that address are worth noting because they offer important background to the current

³ Other significant concession included changing the trigger for a timely and decisive international intervention from 'unwilling and unable' to 'manifestly failing' - the latter was thought to be more objective (Gallagher 2014). See generally Teitt 2011, 6, 10-11, Teitt 2009, 215-9, Chin and Thakur 2010, 129.

impasse on Pillar III interventions. The first is that Pillar III action 'must strictly abide by the provisions of the UN Charter, and respect the views of the government and regional organizations concerned'. This was significant in persuading China not to obstruct Resolution 1973 (2011) on Libya. It was persuaded of the case for intervention both by the defection of the Libyan permanent representative to the UN and by the support of the Arab League and the African Union (Garwood-Gowers 2015, 11; Liu and Zhang 2014, 417). The second point made by Zhenmin was that a crisis 'must be addressed in the framework of the UN, and all peaceful means must be exhausted'. Tellingly, he added that it was 'necessary to prevent any state from unilaterally implementing R2P'. This too is significant because it anticipated China's toward the NATO's implementation of Resolution 1973, especially after it lost the support of the African Union, which claimed that its efforts to protect the civilian population through peaceful regime change had been ignored in favour of regime change enforced by foreign militaries.

Liu and Zhang's (2014, p.418) review of Chinese opinion on R2P illustrates the depth of concern caused by the NATO-led intervention against the Gaddafi regime. It is described as a 'deception', 'betrayal', 'conspiracy' and 'trick'; the unstated contract – that R2P would not be unilaterally implemented – appeared to have been broken and this has influenced China's position since 2011. While it continued to support R2P-inspired Security Council resolutions where there was not the possibility of western-led regime change, it responded to situations where there is such a possibility – namely Syria - by blocking Security Council endorsement. In fact it joined Russia in contesting Western leadership on this question. Behind its veto was a position that contested the claim that foreign led regime change was an appropriate means of implementing human protection. It is of course possible that China would have cast its veto had there not been the diplomatic fallout from the Libya operation. As noted, Russia's interests were invested in the Assad regime and there is a pattern of China and Russia voting together (Gifkins 2012; Xuotong 2012). Yet there is a case for arguing, as Archaya (2013, 478) does, that what happened in Libya meant some states were 'unwilling to even foreshadow non-military measures [in Syria] ... because of their concern military coercion would be the inevitable next step' (see also Sun 2012). Moreover, what happened in Libya *after* the intervention reinforced the Chinese argument that their concerns about western-led regime in Syria were well-founded. Instability, violence and extremism replaced the Gaddafi regime, which suggested that alternative ways needed to be found to protect the Syrian people.

Despite these concerns, the western powers among the permanent members on the Security Council responded by publically framing the vetos as shameful. Along with Russia, China was accused of giving 'cover to a brutal regime' and engaging in a 'cheap ruse' to advance their interests (United Nations S/PV.6627). They were said to be 'complicit in the policy of repression' and had 'without scruple aligned themselves with a regime slaughters its own people' (United Nations S/PV.6711). The US was

'disgusted' that the P2 would 'stand behind empty arguments and individual interests', and the UK joined the US in describing the P2 action as 'shameful' (United Nations S/PV.6711). The veto of the resolution referring the situation to the ICC was described by the British as 'disgraceful' (United Nations S/PV.7180). Of course such language is often meant for domestic audiences rather than counterparts on the Council, but that does not necessarily lessen its impact because it indicates that western governments are themselves bound by a deeply embedded public view that western intervention is appropriate and to deny that is shameful. This is not without practical consequence. As Jennifer Mitzen (2015, 118, 136-7) argues, blunt talk such as this can undermine the possibility that deliberation through diplomacy makes space in which a useful consensus can emerge.

These shaming strategies are in line with conventional constructivist model of norm diffusion, but as the previous sections argue this is not necessarily appropriate for promoting the R2P norm, which demands deliberation; nor, as this section has argued, does it learn the lessons of China's involvement in R2P, which suggests a continuing commitment if it can represent itself as a *norm-shaper*. This then appeals to a more pragmatic approach to norm diffusion. Indeed, the following sections demonstrate how such a strategy was both possible for a state like Australia and how it in fact guided its time on the Security Council, especially in respect to the leadership role it played on Syria and North Korea.

Australia's promotion of R2P and the latent pragmatism of a 'middle power'

Mitzen's argument that shaming strategies are not necessarily appropriate is addressed in the specific context of how to engage China by Marc Lynch (Lynch 2002). He notes that because in some liberal states there is political capital to be gained by shaming China, politicians regularly seek to 'outbid' each other in the issue. This is particularly the case in the US. Communicative action was, he argued, distorted by political discourse in that country, which meant 'participants are more interested in playing to the passions of their audience than in reaching rational consensus'. Lynch writes that the 'spectacle of American politicians falling over themselves to be tougher on China than their opponents does not raise the possibility of reasonable discussion' (Lynch 2002, p.199; see also 219-20). Indeed, the very idea of American exceptionalism depends in part on the idea that the US is a leader in human rights promotion and that other states (especially China) are necessarily followers. In this context, the norm maker/norm taker hierarchy that alienates China, making it suspicious of R2P, works perfectly for American politicians who reconstitute the image of American exceptionalism by publically shaming China when it disagrees with the US. It is argued in this section that as a 'middle power' (Ungerer 2007; Cooper 1997; Cooper, Higgott, and Nossal 1993; Cooper 2011; Nossal 2010; Carr 2015) located between a Western and Asian identity, Australia can help mitigate the damage done by this approach

to norm diffusion. This is because the situation of Australia in relation to China's material wealth and the 'middle power' identity narrative combine to facilitate the pragmatic approach identified in the first part of the article.

It was noted at the outset that Australia's growing dependency on Chinese markets has not impacted on its commitment to promote the norms China expresses reservations about, such as R2P. But the growing economic dependency is significant. Australia has been the number one destination for outbound foreign direct investment from China (Bisley 2014, 301-2). In addition a third of Australia's exports go to China, including 70 per cent of all of Australia's iron-ore exports (Lim 2014). These proportions are set to rise with the signing of the Chinese-Australia Free Trade Agreement (ChAFTA) in November 2014. According to the Australian Minister for Trade and Investment, more than 85 per cent of Australian goods exports will be tariff free upon entry into force, rising to 93 per cent in four years (Robb 2014). This economic relationship, does not determine Australia's normative position but the material benefits of not alienating China reinforce a longstanding Australian argument that China responds better to political dialogue rather than diplomatic coercion. This argument was influential, for instance, in 1989 after the Tiananmen Square massacre, when, in Colin Mackerras's words, it 'appeared Australia would give primacy to helping China improve rather than hectoring it' (Mackerras 2014, 241; Liu and Hao 2014, 377; Manicom and O'Neil 2012, 211).

Australia's material circumstances thus make it suited to pragmatic norm entrepreneurship. This is reinforced by an influential identity narrative that sees Australia as a 'middle power'. This identity is more than a reflection of the state's position in the rankings of material power. Middle powers, Andrew Carr (2015) explains, can influence the normative structure of international society through the diplomatic activism that is associated with the norm entrepreneur and norm diffuser. Initially associated with the concept of 'good international citizenship', which was developed by the then Labor foreign minister (and R2P norm entrepreneur) Gareth Evans, Australia's role as an active and pragmatic middle power has transcended party politics. Carr (2015, 5), for instance, quotes Alexander Downer, Australia's longest serving foreign minister under the Liberal-National government of John Howard. For him, Australia was a 'pivotal' power with 'a vital capacity to ... help link diverse views and perspectives to achieve practical outcomes.'

Given the limited resources available to the middle power, its activism is often limited to 'niche diplomacy', or a focus on a particular norm where it is thought concentrated efforts can make a difference. Australia's support of R2P reflects this. For instance, its early commitment to the norm was demonstrated by its Permanent Representative to the UN, John Dauth, who 'played a critically important role' in getting it in the 2005 World Summit Outcome Document (Bellamy 2010, p.438, quoting Dauth). Beyond that, 'Australia has been one of the most outspoken advocates of the

principle'. Its commitment has been 'bipartisan and enduring' and, according to Bellamy, it has had 'a pronounced and positive impact' (Bellamy 2010, 438-9). It is a member of the Friends of R2P grouping at the United Nations, a co-facilitator of the Global Network of R2P Focal Points and a key contributor to the creation of the Global Action Against Mass Atrocity Crimes initiative. In addition, the Australian government has provided financial assistance to: the Asia Pacific Centre for R2P; the Global Centre for R2P; and the Joint Office of the UN Special Advisers on the Prevention of Genocide and the Responsibility to Protect to advance R2P research and activities (Department of Foreign Affairs and Trade 2015). In contrast to other states, for example the UK (Ralph 2014), Australia's National Security Strategy commits to preventing conflict *and* atrocities (the two being distinct); and indeed, an ethos of protection is key to the distribution of AusAID, which is guided by the Protection in Humanitarian Action Framework (AusAID 2013).

Indeed, 'middle power' language featured strongly in the 2012 White Paper *Australia in the Asian Century*, which emphasized the focus 'on practical problem solving' (Commonwealth of Australia 2012). This was echoed in the 2008 and 2013 National Security Strategies. The former, for instance, stated that Australia is seen as having 'a proud record of contribution to global security ... We are widely respected for our ideas and our action. We can, and do, make a positive difference to the world.' While the latter explicitly identified Australia as 'a middle power with global interests, ... a supporter of a rules-based international order'. It recognized the 2013-14 membership of the UN Security Council as a 'major opportunity', which gave 'Australia a more influential hand in shaping world events that are of importance to us'. Australia would use that opportunity to, among other things,

support and encourage Council efforts to prevent conflict and atrocities, and work to ensure peacekeepers are empowered to protect civilians; support the Council's efforts to ensure that those who commit serious crimes are held to account; and encourage greater transparency in UNSC work and closer engagement with regional organisations.

There exists then, in both its material situation and its identity discourse, the potential for a pragmatic approach to R2P norm-entrepreneurship, one that can help to address the Security Council impasse, which reached crisis point following the Libya intervention. Indeed the need to address this was articulated by former Australian Foreign Minister Gareth Evans, who as co-chair of ICISS, can rightly be regarded as an R2P norm-entrepreneur. Although he was not in office, his many contributions to the discourse surrounding R2P carry weight. His view was that despite the post-Libya 'neuralgia' it was possible 'to see the beginning of a new dynamic in the Security Council that would enable the consensus that matters most – how to react in the Council on the hardest of cases – to be re-created in the future' (Evans 2014). In this regard, he referenced the Brazilian 'Responsibility While Protecting'

concept as an initiative that should be pursued. This has been written about elsewhere (Kenkel and De Rosa 2015). The purpose of the final section is to demonstrate how Australia contributed to this dynamic by using its time on the Security Council and relationship with China to transcend the deadlock on Syria and lead the process of formulating a collective (if not timely or decisive) response to the humanitarian crisis. It did this by recognising, as Evans puts it, that 'R2P is a framework for action for pragmatists, not purists' (Evans 2015).

Pragmatism in practice. Australia on the Security Council.

Australia joined the Security Council in January 2013. At that point China, together with Russia, had vetoed three western-led resolutions on Syria. Against this backdrop, it is remarkable that Australia would seek a leadership role on Syria. Indeed, data gathered from interviewing Security Council practitioners and observers suggests a degree of surprise and scepticism among the Council membership. Yet there was also a sense that having been elected to the Council, Australia needed to play a constructive role, especially in light of the doubts expressed in Canberra about membership. Tony Abbott, who became Prime Minister in September 2013, had previously criticised former Prime Ministers Kevin Rudd and Julia Gillard for wasting taxpayer's money by campaigning for a seat (Norington 2012; Ricci 2014). UN reports of the worsening humanitarian situation in Syria provided a focus for the delegation in New York and again interview data suggests that delegation was well placed to help transcend the divide between Russia and China on the one hand and the so-called permanent 3 (France, UK and US) on the other.

There were two aspects to this. Firstly, Australian leadership was not tainted by the Libya experience in same way as the P3 were. There was a realisation here that having the non-P3 member draft a resolution could facilitate consensus. After all, the vetoes of prior resolutions had been influenced by perceptions of the intentions of those drafting them. Arguing that those perceptions were wrong was irrelevant; they could be better addressed by changing the drafting practice. This view was shared by the P3, even if they were sceptical about the possibility of an elected member negotiating such a resolution on Syria. Secondly, the Australian delegation to the UN was well staffed, with a number of well-placed observers remarking that they were 'very good at reading the Chinese on this issue' and 'extremely clever in picking up on the nuances of the Chinese position'. This was in part because of their regional ties. As one interviewee put it, 'Australia is dealing with China more in a range of contexts, there's an expanding relationship. ... There is a depth to the relationship that perhaps other states do not have'. Clearly, there is a limit to the impact this has on diplomacy at the UN, where personal ties and everyday practices often make a significant difference; although on this, it was also

noted that Australia's Ambassador to the UN, Gary Quinlan, had a very good relationship with his Chinese counterpart. Focusing their negotiating efforts on China was considered important to the extent it did not have the kind of national interests in Syria that Russia had, and its support would leave Russia isolated and therefore less willing to exercise its veto.

Changing drafting practices at the Security Council is the kind of imaginative move that the pragmatic approach counsels. Interview data suggests some nervousness on the part of the P3 in letting go of its role as the 'penholder' on Syria. There was in particular a concern that Australia (which was later joined in this role by Luxembourg and Jordan) would be manoeuvred by the Russians and Chinese in a way that put the P3 in the awkward position of having to cast a veto. Yet Australian pragmatism again helped transcend these concerns. Guided by the situation on the ground, it remained focused on the practical problem of securing access to Syria's vulnerable population so that humanitarian aid could be provided. This may not have been the 'decisive' response that the R2P norm demands but given the realities of the Council at that time it was the only way of securing 'collective' agreement on humanitarian intervention. Of course, Australia had condemned the Syrian authorities, but in resolving this practical problem the question of whether it was right to demand Assad's departure was irrelevant. As one diplomat serving on the Security Council put it, in pursuing a collective response the Australian focus was 'about practical results on the ground. It was not about rhetoric, it was not about political differences on the nature of the conflict – hopefully it would assist efforts to find a political solution - but this was about practical solutions.' This formulation is interesting because it bears hallmarks of the pragmatic approach: it was conscious of political realities; it was willing to compromise on otherwise fixed moral ends in order to achieve more limited practical goals; it saw achieving these practical goals as steps to build confidence among Security Council members.

This strategy was successful to the extent the Council voted unanimously to approve Resolutions 2139 in February 2014 and Resolution 2165 in July 2014. The latter was more demanding to the extent it decided UN humanitarian agencies and their implementing partners were authorized to cross conflict lines without the consent of the Syrian authorities. Despite this, it could be argued that the resolution was hardly decisive (and certainly not timely) in addressing the primary threat to the Syrian population, namely the Assad regime. In this light, it might be further argued that the resolution reflects Australian complicity in Russia's and China's shameful attempts to protect the Assad regime and, in the process, effectively hollow out the substantive core of the R2P norm. This conclusion would be unfair because the Security Council had previously tried and failed to pass tougher resolutions and while not perfect, these resolutions were R2P appropriate when the alternative of doing nothing was not. But it is also not the case that Australia's sensitivity to China's position and ability to work with it in isolating Russia leads to a position where it contradicts the moral core of the

R2P norm. As noted the World Summit Outcome Document calls the Security Council to assess the effectiveness of intervention on a case-by-case basis and in this sense it licenses to 'legitimate inconsistency' (Gallagher 2015). An illustration in our context is Australia's leadership on the question of North Korea's human rights situation.

In February 2014 the UN Human Rights Council had identified this as a crime against humanity and stated explicitly that North Korea had 'manifestly failed' in its responsibility to protect its population. Its report also criticised China for the manner in which it treated North Korean refugees (UNHRC 2014, p.9). These findings of course trigger the Security Council's residual responsibility to protect but China has tried to protect itself and the regime in Pyongyang from international criticism (Bellamy 2015). Despite this, Australia's Ambassador Quinlan introduced a letter to the Security Council requesting that the human rights situation in North Korea be placed on the agenda. It was co-signed by 10 members of the Council and the request was granted over the no votes of China and Russia (these are not vetoes on procedural matters). Chad and Nigeria abstained. Introducing the letter, Ambassador Quinlan directly addressed the Chinese argument, acknowledging that '[s]ome have asserted that the Council has no business considering this issue'. He added: 'Australia strongly disagrees' (Quinlan 2014, 7). Joining the co-signatories (apart from Argentina) he called on the Council to 'seriously consider' a referral to the ICC (Quinlan 2014, 8). Such a stance again demonstrates a pragmatic posture: Australia's cooperation with China on Syria did not preclude a confrontational approach on North Korea.

But of course the pragmatic approach is interested in practical results. If confronting China on North Korea leads to a change of the human rights situation in that country, or a change in Chinese treatment of North Korean refugees, then it is warranted. Here the pragmatic approach demands critical reflection on Australia's own treatment of refugees from R2P situations in the region, for instance Rohingya refugees from Myanmar. The charge that China's response to the North Korean situation is shameful lacks force when it is made by an Australian government that is criticised by the UN for its response to refugees, in particular its use of offshore detention facilities (Anonymous 2014). The cost of this hypocrisy increases when Australian politicians dismiss such criticism - former Prime Minister Abbott for instance complained he was 'tired of being lectured to by the United Nations' (Cox 2015). The point is not to undermine Australia's R2P diplomacy with claims of moral equivalence; the point instead is that from a pragmatic perspective a strategy based on shaming states into complying with the norm may be appropriate, but it is only as strong as the accuser's record implementing R2P in the various ways.

Conclusion

The purpose of this article was to explore the development of a norm that emerged during a period of unqualified American hegemony - the Responsibility to Protect (R2P) - and, to ask what the rise of China means for R2P norm entrepreneurs like Australia. It argued that by underpinning great power identity claims, which are instantiated by the assertion of normative positions occasionally at odds with liberal states, the rise of China has helped to highlight the contested nature of the R2P norm, in particular the license it notionally gives to the pursuit of externally imposed regime change. Drawing on an innovative combination of critical constructivism and philosophical pragmatism the article argued that liberal states can better promote R2P in this increasingly pluralist international order by adopting a pragmatic approach to norm diffusion. This balances the demands of a dialogue that is sensitive to Chinese concerns with the defence of the substantive core of the norm, human protection. It is further argued that Australia's geopolitical position in relation to Chinese power and an embedded identity narrative of Australia as a 'middle power' demonstrates potential to act as a pragmatic norm entrepreneur. This potential was fulfilled during Australia's recent spell on the UN Security Council, which illustrated an ability to break the diplomatic deadlock on Syria by focusing on the practical demands of human protection rather than an ideological commitment to regime change. Australian pragmatism was also evident in the manner in which it was able to confront China on the North Korean question having cooperated with it on the Syria situation.

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