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Changing Ideas, Changing Norms: the Case of ‘the Responsibility to Rebuild’

Whilst much has been written on emergence of new norms in international politics, we know significantly less about changes to the ideas and assumptions that underpin such norms. Examined at micro-level, most norms consist of a set of ideas and assumptions that form the basis of what is considered as appropriate, legitimate or even the required thing to do. Far from being stable, ideational constitutions of norms can undergo significant changes in the course of the norm emergence process. Enquiring into such changes is important if we are to move beyond static and linear accounts of norm evolution. Using changes in the ideational constitution of the R2P – specifically, the de-emphasis of the responsibility to rebuild - as its vantage point, the analysis seeks to answer the following question: what drives change in ideational constitutions of international norms? The chief argument advanced in this paper is that misalignments at the level of broader normative structures (external misalignments) and within norms (internal misalignments) result in changes in the ideational constitutions of emerging norms.

Keywords: R2P, responsibility to rebuild, emerging norms, normative structures

Introduction

More than a decade after the endorsement of the responsibility to protect (R2P) principle by the UN member states in the 2005 World Summit Outcome Document, the debate surrounding the principle’s status as a norm, its exact parameters and its implications to sovereignty have shown few signs of waning. While the 2011 intervention in Libya did little to settle such debates, its chaotic aftermath brought into sharp relief an overlooked aspect of the R2P: what happens after protection interventions? It is notable that the R2P

was initially premised on the notion of continuum of responsibilities, that not only entailed the responsibility to react to mass atrocities but also to ‘follow through’ and rebuild societies subject to protection interventions.¹ However, since its inception, the notion of responsibility to rebuild has been de-emphasized in the scholarly and policy discussions on the principle and R2P today is understood primarily as a set of preventative measures.² This shift away from distinct rebuilding element in the R2P framework poses not only a set of urgent policy questions relating to aftermaths of R2P interventions as illustrated by the case of Libya, but it also provides an opportunity to theorize changes in ideas that underpin norms (that is, their ideational constitutions).

Whereas a plethora of studies (Florini 1996; Risse-Kappen et al. 1999; Acharya 2004; Klotz 2002; Clapp and Swanston 2009; Clark 2010; McCoy 2001; Wheeler 2000; Sikkink 1993; Nadelmann 1990) have examined how international norms change over time as they are replaced by new norms proposing alternative standards of behavior, this discussion shifts the level of analysis from the macro-level of norms to micro-level investigation on what happens within norms. The basic premise is that norms, understood here as ‘standards of appropriate behavior for actors with a given identity’ (Finnemore and Sikkink 1998:891), are composed of a set of underpinning ideas and assumptions that constitute the norm. For example, sovereignty is constituted by a set of ideas – non-interference, territoriality, legitimacy of authority - that together form what is understood

¹ The R2P in its initial version was composed of the responsibility to prevent (pillar I), responsibility to react (pillar II) and responsibility to rebuild (pillar III).

² The argument here is not that rebuilding or peacebuilding has somehow disappeared out of practice or that international law contains no responsibilities of states in post-war contexts. The point here is to highlight how the distinct rebuilding element has disappeared from the revised version of the R2P principle.

to be the norm of sovereignty. This ideational makeup of norms is referred to here as ideational constitution. Far from being stable, ideational constitutions of norms can undergo significant changes in the course of the norm emergence process and thereafter (Hirsch 2014). This is particularly the case prior to the cascade stage of norm emergence. A ‘norm candidate’ (Wunderlich 2013:33), containing a set of ideas, may be promoted by norm entrepreneurs but a successful cascade often means changes to the norm’s ideational constitution as its precise meaning and content is negotiated by states and non-state actors (Van Kersbergen and Verbeek 2007:18) operating within normative structures defining appropriate and legitimate action within a given issue area. Needless to say, changes occurring in ideational architectures that underpin norms are of consequence to the meaning and application of norms. Yet, surprisingly little research going beyond the macro-level changes in one set of norms to another exists to date.

It is here - on changes in ideational constitutions of international norms - where the central interest of this paper lies. The analysis is motivated by the question of what drives norm content change. The existing research has focused on how norm ambiguity gives rise to contestation, negotiation and ultimately, change in ideas that underpin norms and the role of norm leaders and entrepreneurs in re-framing norms (Van Kersbergen and Verbeek 2007, Krook and True 2012, Coleman 2013, Wiener 2004). In doing so, it has convincingly answered the ‘how’ question of norm content change. However, the answers to the ‘why’ and ‘what’ questions pertaining to norm content change are less comprehensive. Why do the ideas constituting norms change? What prompts change? Again, norm interpretability and endeavors by norm entrepreneurs to render norms more

widely acceptable are likely to be a part of the story. Interpretability of norms creates opportunities for actors to promote their own conceptualizations of norms and can lead to change in the ideas that underpin them. Similarly, changing the content of norms can facilitate their dissemination. Yet, while norm interpretability and attempts to ensure successful diffusion of norms may drive change in the ideational constitutions of norms, such changes take place within a hierarchically-organized normative environment. Clashes with existing ideas, whether at the level of higher order or lower order norms, can result in recalibration of the ideas that constitute the proposed norm. At the same time, change in norms' ideational constitutions can be driven by dynamics operating within the proposed norm; misalignments of ideas underwriting norms tend to rise when ideas are not coherently linked to one another or dynamics between ideas become source of contention.

The above claims form the chief argument advanced in this paper; misalignments at the level of broader normative structures (external misalignments) and within norms (internal misalignments) drive changes in ideational constitutions of emerging norms. This argument is developed by examining the ideational constitution of the R2P; the analysis centers on the de-emphasis of the rebuilding pillar within the R2P framework. The explanation offered here for the change in the R2P's ideational content centers on two dynamics. The sequential link between the rebuilding pillar and the highly contentious 'reactive' component of the principle rendered the former unacceptable by association, whilst the principle emerged at a time when ideas and practice on rebuilding war-torn states was moving away from emphasis on responsibilities of external actors and towards

the notion of ‘local ownership’. In this way misalignments at the level of existing norms and among ideas constituting the norm are an important part of understanding the altered ideational constitution of the R2P. The analysis adds to the existing scholarship on international norms by directing attention to an un-investigated aspect of norm evolution; changes in the ideational constitutions of norms that can have significant implications of the meaning of the norm in question.

The main objective of this analysis is to improve our understanding of changes in emerging norms’ ideational constitution and in doing so, facilitate theory-building on the topic. The case of the ‘responsibility to rebuild’ provides a good opportunity to do. While entirely representative cases of complex social processes are arguably difficult to find (Gerring 2007:79), the emergence of the R2P exhibits characteristics typical of norm evolution. The principle was initiated by a group of ‘non-state actors’ (the ICISS), who developed the proposed norm on the basis of existing conventions and treaties on humanitarian operations. Its evolution thereafter has occurred in fits and starts and the ideational content has been shaped by a constellation of state, non-state and institutional actors, common to the evolution of international norms. As such, knowledge generated from the case may be applicable to the evolution of other international norms.

The analysis is organized as follows. The first section situates the paper in the existing research on norm content change by briefly reviewing the scholarship on the topic. It will then move on to setting out the theoretical assumptions guiding the analysis, followed by

a discussion of the case. The main part of the paper traces the external and internal misalignments that marked the emergence of the rebuilding pillar.

Existing Research

Dynamics of Normative Change

Few doubt that constructivist research has made great strides when it comes to our understanding of norms in international relations. Detailed analyses (e.g. Finnemore and Sikkink 1998, Risse et al 1999) of norm emergence and impact have enabled a move away from understanding norms solely through the lens of rationalism and towards a richer account of norms reflecting the logic of appropriateness. Although such studies have made a valuable contribution in terms of theory-building, they have produced a rather simplistic picture of norm evolution. Much of the first generation research on norms has tended to treat norms as stable constructs after having successfully followed a linear path to an established norm (Wunderlich 2013; Van Kersbergen and Verbeek 2007; Krook and True 2012). Norms are perceived either as being successful or unsuccessful; little attention is paid to the ways in which norms are adapted and changed in the course of their development and more importantly, how norm change can have a crucial impact on norm success and failure. This has resulted in a curious disconnect between the dynamic accounts of norm emergence and understandings of norm content as unchanging (Krook and True 2012:104).

Internal Dynamism

To remedy this gap in our understanding of norm evolution, a promising line of research taking a micro-level view of norms has emerged in the recent years (Wiener 2004, Wunderlich 2013; Van Kersbergen and Verbeek 2007; Krook and True 2012; Panke and Petersohn 2012, McKeown 2009, Coleman 2013, Hirsch 2014). This body of literature has enquired into a broad set of dynamics relating to norm evolution, ranging from studies on norm ‘degeneration’ and norm reversals (Panke and Petersohn 2012 and 2016, McKeown 2009) to the understanding how changes to the ideational content of norms enables norm diffusion (Hirsch 2014).

A common theme in this line of enquiry has been the interpretability of norms, or what Krook and True (2012:109) call ‘internal dynamism’.³ Whilst a degree of ambiguity is likely to ensure that more actors will adopt norms, it is also likely to result in contestation over their meaning and form. In this vein, Van Kersbergen and Verbeek (2007:219) point out that norm adoption rarely results in straightforward obedience or disobedience. Rather, what we tend to see is ‘a battle over the norm itself’. In certain cases norms may even wither away. Panke and Petersohn (2016) find that norms that are not institutionalized but exhibit high degree of precision are more likely to die than norms that are embedded in international institutions and are vague. At the same time, the relative power of norm supporters versus those challenging it determines whether the norm in question survives.

³ The concept of internal misalignment discussed in this paper differs from Krook and True’s ‘internal dynamism’ in that internal misalignment refers to the way in which the ideas that compose norms are organised. Internal misalignments may arise not only because of tensions and contradictions within norms that Krook and True allude to but can also be caused by how the ideas that form the norm are arranged as the case of R2P suggests.

Others have made observations on the negotiation among actors on the norm content. Coleman (2013:116), for one, suggests that states are unlikely to merely reject or outright endorse new norms but instead, engage in negotiation with norm entrepreneurs and other actors on the norms' content. In this process norms are shaped and re-negotiated through bargaining and compromise. While ambiguity prompts norm content change, such changes can facilitate norm diffusion. In demonstrating how changes in norm content enable its dissemination, Hirsch (2014) builds a typology of changes necessary for norm diffusion. This entails changes in the logic of consequences (anticipated gains obtained by applying the norm), logic of appropriateness (the morality underwriting the norm) and in the association between the norm and similar or competing practices.

Agent-Driven Change

If ambiguity or 'internal dynamism' generates norm instability, agency of norm entrepreneurs is necessary for bringing about norm content change. Norm leaders and entrepreneurs play a critical role in the process of recalibrating norms' ideational constitutions by engaging in strategic framing (Krook and True 2012:105; McKeown 2009; Lantis 2016). The activities of norm entrepreneurs in general and how their agency is implicated in norm content change in particular, has been a major focus of the aforementioned literature. For example, for Hirsch and Coleman changes in the ideal content of norms are driven by the actions of norm entrepreneurs and norm leaders seeking to ensure the diffusion of the norm in question. This is done through altering the ways in

which norms are framed and represented (Hirsch 2013) or through choosing venues for consultation about norms that favour certain types of outcomes (Coleman 2013). Lantis (2016), in turn, foregrounds the role of leaders of great powers who can bring about a change in norms through the processes of redefinition and substitution.

The above studies have generated important insights on norm negotiation and contestation but they have overlooked how misalignments of ideas that constitute norms may prompt norm content change. While external misalignments (i.e. lack of fit with other norms) are known to contribute to change in norm content, the argument here is that the way in which the ideas that constitute the norm are organized can also trigger change. Such internal misalignments are explained in detail in the following section. It is here, in the introduction of a new piece to the puzzle of norm change, where this discussion seeks to make its contribution to the existing scholarship on norm change. Moreover, the paper proposes an approach to examining external misalignments from the standpoint of hierarchically-organised normative structures. It is argued that doing so enables a more detailed understanding of how the existing and emerging norms interact.

.External and Internal Misalignments

It is useful to start the analysis by exploring the dynamics central to the discussion. External misalignment refers to an incompatibility between the proposed norm and existing normative structures. Structures in international relations can be defined, following Sewell (1992:19), as ‘sets of mutually sustaining schemas and resources that

empower and constrain social action and that tend to be reproduced by that social action'. They form a set of broad and relatively stable constraints on actors' behaviour. Long line of constructivist research examining norm emergence has shown how correspondence with existing normative structures is critical to norm cascade (Florini 1996, Bernstein 2001, Klotz 1999:22, Bjorkdahl 2006:215; Keck and Sikkink 1998). Keck and Sikkink (1998:204), for example, note how new ideas that successfully transition into norms fit 'existing ideas, ideologies' and 'belief systems' in a given historical context.

To be sure, agents can and often do transform structures in ways that create a better fit between a norm and existing normative structures. At the core of constructivist theorising is the co-constitution of structures and agents, opening up the possibility for change via agency of norm entrepreneurs and altered practices. However, to see normative structures solely as a creation of strategic action is to downplay the difficulty at which certain entrenched norms, particular those operating at the deeper level, can be changed. For example, in the context of the R2P, Edward Luck (2012:91) observes how an 'all-star team of norm entrepreneurs' were unable to convince those sceptical of the R2P that the principle complements rather than undermines state sovereignty. Not only do deeply embedded norms acquire 'taken for granted' quality but, as Bernstein (2000:483) suggests, norms become connected in 'networks of related functions' where change in one norm requires changes in other, related norms. This renders normative structures less malleable than suggested by accounts emphasising norm entrepreneur agency.

If we accept that normative structures condition the emergence of new norms, then they are likely to be an important part of explaining changes to the ideas that underpin such norms too. In other words, lack of fit with existing normative structures is likely to prompt revision to the ideational constitution of the norm in ways that align it more closely with the existing norms. This lack of fit, or misalignment, can be manifested at different ‘levels’ of norms. Normative structures, as Dessler (1989) and others have argued, are hierarchically organised. Certain rules enjoy the position of ‘higher-order’ norms, in contrast to less-deeply embedded ‘lower-order’ norms. Bernstein (2001:187), for example, distinguishes between three levels of norms in this hierarchy. Level I norms are the deepest, higher-order norms providing the constitutive rules for the conduct of international relations, establishing who the legitimate actors are. These can be regarded as ‘settled’ norms in international politics (Frost 1996:105). Level II norms set out the specific rules for interaction between actors; in doing so they identify ‘basic obligations owed to the society of states as a necessary and reciprocal requirement of membership’ (Bernstein 2001:187). They entail rules and principles such as diplomatic immunity. Finally, level III norms are those of the lower-order, regulating behaviour in specific issue areas of international politics, such as trade, human rights or security.

The higher-order or level I and II norms, as Dessler (1989:469) observes, reinforce lower-order (level III) norms; international agreements on the use of arms do not merely regulate the use of particular weapons by states but they fortify the underpinning norm of sovereignty which identifies states as the actors authorised to sign such treaties. ‘Surface-level’ norms (Dessler 1989:469) regulating state conduct in specific issues areas of

international politics are anchored in deeply entrenched higher-order rules. This hierarchy within normative structures provides a useful point of entry for thinking about external misalignments; it enables the development of specific claims about the type of misalignments that matter when it comes to norm content change.

While misalignments with existing higher order and lower order norms are likely to result in change in the ideational composition of emerging norms, the case at hand suggests that misalignments of ideas underpinning such norms ('internal misalignments') can also drive ideational change. Internal misalignment refers to the ways in which ideas underwriting a norm are organised and connected to one another; failure to align the ideational building blocks in a way that is logical, acceptable or unambiguous can result in changes in the ideational composition of the norm. In other words, internal misalignments occur if relations between ideas are ambiguous, hierarchy between ideas unclear or there are tensions between the different ideational building blocks that constitute the norm. This can undermine the credibility of the norm as a whole. International misalignments can also arise from the organisation of ideas within a norm. Ideas constituting a norm can be arranged in a range of different ways. For example, a norm prescribing a particular behaviour consists of ideas that may be represented as being contingent on one another ('if action x, then action y') or as stages in a given action ('action x should be followed first by action y and then action z'). Although it may be that internal misalignments are likely to affect norm evolution to a lesser degree than external misalignment, the case of R2P suggests that the seemingly mundane issue of how the ideational building blocks

constituting a norm are arranged can be of importance to the overall resonance of an emerging norm, as the case of R2P indicates.

Alternative Explanations

It is useful to juxtapose the argument advanced in this paper with explanations for norm content change derived from alternative theoretical perspectives. The purpose here is not to reject accounts of norm content change grounded in rationalism but rather to highlight why attention to the logic of appropriateness is necessary. For realist and liberal scholars of IR, change in ideational constitution of norms is expected to occur when it is in the interest of states, particularly the major powers. In the case of the responsibility to rebuild, the reluctance of states to establish an obligation to rebuild states where humanitarian interventions have taken place can be explained with reference to states' strategic interests. Although it may be in the interests of the major powers to engage in rebuilding missions in regions or states of strategic and/or security interest, major powers are unwilling to do so in instances where no such interests are at stake. On the other hand, from institutional perspective norms and broader regimes arise as a response to cooperation problems (Axelrod 1986). The emergence of norms is thus viewed as a demand-driven process. States follow the appropriate standards of behaviour prescribed by a given norm because it provides distinct functional benefits (Hurrell 1993:56). Their preferences on particular norms and their exact content may diverge and they seek to ensure that their preferences are reflected in the content of the norm. Changes in norm content are thus the outcome of bargaining between states.

In examining the assumption that ideas underpinning norms change when they do not reflect the strategic interests of states, it is noteworthy that states' strategic interests with regard to rebuilding operations have changed. Contrary to accounts that regard rebuilding missions as apolitical and strictly humanitarian practices, states' participation in peacebuilding and statebuilding missions is often not premised solely on humanitarian concerns but is also a function of strategic concerns and other interests. The critical literature on statebuilding makes the case that such operations are less interested in creating 'just peace' than bolstering their own security in an era where state fragility and failure has become securitised (Pugh et al. 2008). Particularly after the 9/11 attacks, the weakness and failure of developing countries have become to be seen as a security threat in Western capitals as underdevelopment has been linked to transnational terrorism, organized crime and migration.

From this perspective, the fundamental rationale of peacebuilding and statebuilding operations is to maintain stability and status quo rather fulfil humanitarian aspirations. This would lead us to expect that Western states would have endorsed the idea of responsibility to rebuild, as it would legitimize their quest to stabilize weak states deemed as security threats. The opposite was the case, however. In their statements on the draft Outcome Document in June 2005, for example, only Japan and EU expressed outright support to sequenced responsibilities while many other key donor governments such as Canada, Sweden and New Zealand emphasized the preventative element of the principle (International Coalition for the Responsibility to Protect, date unknown). One may argue

from strategic perspective that not all rebuilding missions are in states' interests which reduced the Western states' appetite for endorsing rebuilding obligations. Yet, if a humanitarian intervention is in the strategic interest of a state, it is hard to see how post-intervention stabilization is not.⁴

It is possible to understand the disappearance of the rebuilding component, and changes in ideational constitutions of norms more generally speaking, as a result of a negotiation between those states endorsing the norm in question and those opposing it. As in the case of the R2P the main controversy surrounded the reactive component, a compromise was struck whereby the less-controversial preventative component was brought to the forefront of the principle and the reactive element – and consequently, the follow-up rebuilding obligation - was de-emphasised. This enabled the norm to enjoy support among greater numbers of states. At the same time, however, the opposition by the emerging powers and developing states to the R2P was grounded in the perception that the principle would undermine the norm of sovereignty. A lack of fit, thus, between R2P and the higher order norm sovereignty indirectly led to the jettisoning of the R2P's rebuilding component, and the principle was refocused away from its military component and toward preventative action to make it acceptable to more states. This points to the fact acknowledged by scholars working from different theoretical perspectives that interest-based bargaining and norms cannot be disentangled in explanations of social action (e.g. Finnemore and Sikkink 1998, Mills and Lott 2007).

⁴ Here issues to do with resources might become relevant; statebuilding operations are highly resource-intensive which may factor into states' decision of which rebuilding operations to contribute.

Indeed, it is not the case that explanations of norm content change on the basis of bargaining on the one hand and the impact of existing normative structures on the other are incompatible. Negotiation and bargaining, after all, do not take place in a normative vacuum; the commonly accepted standards of behaviour define the universe of options available to actors. In this sense then normative structures provide the context in which actors engage in rational decision-making. This is reflected in the fact that the ideational content of the R2P was brought in line with the higher order norm sovereignty. Such recalibration of the R2P arguably reflected not only strategic interests of states but also the entrenched view of the norm of non-intervention as the foundational norm of international politics.

The Case Study of Responsibility to Protect

Having laid out the analytical basis for the discussion, this section will outline the R2P and ‘responsibility to rebuild’ idea. Emerging norms rarely represent entirely new ideas; they generally stem from collectively held beliefs (Wunderlich 2013:27). This is true in terms of the responsibility to protect principle. The conceptual roots of the responsibility to protect can be found in writings on humanitarian interventions and sovereignty. The former French foreign minister, Bernhard Kouchner, advocated more than two decades ago an obligation to intervene in situations of humanitarian emergency, while Francis Deng with his colleagues made a case for reconceptualising sovereignty as responsibility in the 1990s (Luck 2012:90). As Luck (2012:90) observes, the Canadian-initiated

International Commission of Intervention and State Sovereignty (ICISS) brought these strands of thinking together under the rubric of the responsibility to protect.

The ICISS was formed in response to the debates on humanitarian intervention; the NATO operation in Kosovo in 1999, dubbed illegal but legitimate, coupled with the failings to stop genocides in Bosnia and Rwanda brought questions surrounding the use of military force for humanitarian purposes to the fore of the global governance agenda (Bellamy 2009b). By proposing the notion of the responsibility to protect, the ICISS sought to distance the protection of civilians from the lexicon of humanitarian interventions and shift the debate away from the right to intervene and toward responsibility to do so.

The bottom line of the Commission's report, published in 2001, was that where states were unwilling or incapable of protecting populations from genocide and ethnic cleansing, the international community has the collective responsibility to do so. While much of the report – and scholarly and policy debate thereafter - was devoted to developing this line of argument, it also suggested two additional responsibilities for the international community. These were the responsibilities to prevent and rebuild. In terms of the preventative element, the ICISS outlined an obligation to 'address both the root causes and direct causes' of civil wars and conflicts where populations were subjected to atrocities (ICISS 2001:19). With respect to the latter, the Commission made a case for an obligation for the intervening forces to 'follow through' by ensuring security, justice and reconciliation as well as economic development (ICISS 2001: 39,40-43). Taken together,

these three pillars of R2P were seen to form a continuum of responsibilities held by states and the international community.

The norm, as proposed by the Commission composed of scholars and former statesmen, faced considerable opposition from states. The positions of the key states and the debates in the years following the publication of the ICISS report have been extensively scrutinized in the existing literature (Bellamy 2006, Wheeler 2005) and due to space constraints cannot be rehearsed in full here. In brief, the notion of responsibility to protect was unacceptable to many developing states as it was seen as a pretext for further Western interventionism and direct threat to sovereignty (Bellamy 2006:151-152, Cater and Malone 2016:122-124). Emerging powers such as China echoed the concerns over the R2P's impact on sovereignty and emphasized the role of the UN Security Council as the only body that could authorize humanitarian intervention (Bellamy 2009a:87). For Washington the commitment to protection tasks, even where no clear US interest was at stake, made the principle restrictive and as a result, unattractive (Bellamy 2006:151). Due to the reluctance by some of the major powers to endorse the notion of responsibility to react to mass atrocities, a modified version of the principle was endorsed in the 2005 UN World Summit (Bellamy 2006). In the Summit Outcome Document two paragraphs were dedicated to the R2P, where states declared their commitment to the principle. One of most significant changes from the ICISS' version of the R2P, and one that elicited great deal scholarly attention (Bellamy 2006, Weiss 2006, Hehir 2010), was the emphasis on states' responsibilities to protect their respective populations, at the expense of the

contentious idea of such responsibility residing in the international realm. This marked a move towards a more statist vision of protection responsibilities.

An aspect in the evolution of the R2P principle that has attracted less attention is the virtual disappearance of the rebuilding component of R2P. Although the responsibility to rebuild was never the central element of the initial, ICISS-developed R2P, it was nonetheless seen as an integral part of the continuum of shared responsibilities between international and domestic actors. ‘Following through’ (ICISS 2001; paragraph 5.1) interventions by those undertaking them was deemed necessary for creating self-sustaining peace and alleviating the need for future protection interventions. Ensuring security and facilitating the processes of transitional justice and economic development were regarded as the key tasks in this regard. The pillar outlining such responsibilities was notable in its absence in the 2005 World Summit Outcome Document that primarily emphasized conflict prevention. In the UN General Assembly discussion on the Outcome Document’s version of R2P, only handful of states referred to the ICISS’ three-stage idea of R2P (International Coalition for the Responsibility to Protect). Many remarks by state representatives foregrounded preventative action instead. The absence of the rebuilding component from the Outcome Document is all the more baffling in the light of the fact that the decision was taken in the Summit to establish the UN Peacebuilding Commission, designed to augment the UN’s peacebuilding capacity.

The rebuild pillar was omitted not only from the 2005 World Outcome Summit Outcome document but also from the subsequent UN Secretary General’s reports on R2P where the

principle has been further developed. The 2009 *Implementing the Responsibility to Protect* report and those following it have highlighted on the one hand the responsibilities of states over those of the international community and conflict prevention over the use of force to halt atrocity crimes, on the other. In the 2009 report, the Secretary General outlined a new version of R2P consisting of three pillars; the protection responsibilities of the state (pillar I), international assistance and capacity-building (pillar II) and, finally, timely and decisive response (pillar III).

In practice, the de-emphasis of the rebuilding component has been manifested in the case of Libya. Hailed often as a textbook case of R2P interventions, the UN Security Council authorized in March 2011 the use of force by NATO allies to protect civilians in Libya from mass atrocities committed by the Gaddafi regime. While the intervention prevented further atrocities by the regime, the post-intervention phase witnessed spiraling violence that has escalated into a civil war with two separate governments. The strategy of the international community has by and large been one of disengagement (Chorin 2013:377, Barfi and Pack 2012:19). The only major rebuilding agency present in the country has been UN Support Mission in Libya (UNSMIL). Its presence has been premised on the notion of national ownership; in practice this has meant domestic responsibility for rebuilding the state. Donor governments have similarly foregrounded domestic responsibilities; their priorities in Libya have largely centered on the security sector, with specific focus on border control.

Although the Libyan authorities initially rejected calls for UN peacekeeping forces as they feared that foreign troops on Libyan soil might undercut the legitimacy of the new government, they have since requested assistance (Lynch 2011). Limited aid has been delivered (such as the UK government's Security, Justice and Defense Programme in 2013) but it is no exaggeration to say that Libyans were ultimately left on their own devices in the immediate years after the intervention as no comprehensive rebuilding programme has been put in place by the intervening actors. It has only been in the context of the rise of the Islamic State in Libya from 2014 onwards that the Libyan rebuilding process – and the security vacuum – has made its way into the international policy agenda.

It could be argued that even though the rebuilding pillar no longer features explicitly in the R2P, it is implicitly embedded in its preventative capacity-building agenda. It is true that there is an overlap between preventative and rebuilding measures, such as good governance reforms. There are, however, concrete rebuilding tasks that are specific to the post-intervention phase that render the disassociation of the rebuilding element from the R2P framework more than a semantic change. Provision of post-intervention security and rebuilding damaged infrastructure, are examples here. These type of measures outlined in the ICISS report that have largely been dropped at the expense of preventative 'resilience-building', understood as the empowerment of weak states to develop their capability to thwart conflict through building the right kind of institutional infrastructure (A/67/929, para.11). Yet, while resilience-building focuses on longer-term peacebuilding measures, short-term rebuilding tasks such as addressing a security vacuum, carrying out disarmament of former combatants, undertaking de-mining operations, protecting

minorities and ensuring the return of displaced populations (ICISS 2001:paragraphs 7.42-7.49) are crucial to ensuring stability and paving the way for larger, longer-term institution-building processes. As the Libyan case illustrates, such measures have been absent in the aftermath of R2P interventions.

Explaining Change in the Ideational Constitution of the R2P

To begin explaining the fate of the rebuilding pillar, it is necessary to place it in the context of the existing normative structures so as to identify external misalignments. As argued earlier, the agency of norm entrepreneurs is necessary for norm content change but such change takes place in the context of existing norms. Normative structures can be discerned from the prevalent discourses and practices as well as legal principles in the issue area (Coe 2015:277, Bernstein and Cashore 2007:352). An additional criterion is the extent to which actions that contravene the norm require justification (Bernstein 2000:467). In applying the first two of the above criteria – prevalent discourses and practices – to the ideational environment within which the responsibility to rebuild emerged, the so-called ‘liberal peace’ merits attention. It was the ideas and thinking associated with liberal peace that represented the existing normative structures that the responsibility to rebuild idea needed to align with.

Liberal peace refers to a set of assumptions held by donor governments, aid agencies and other actors pertaining to the political and economic organisation of societies emerging

from conflict. At the heart of post-conflict reconstruction missions led by international agencies is the attempt to transmit the norms of good governance and free markets (Paris 2002). Governance reforms regularly undertaken as a part of state-building missions entail (re)building of representative institutions, independent media, rule of law and civil society. Economic liberalisation, in turn, has generally entailed privatisation, reforms to the labour market and financial liberalisation, inter alia. In unpacking the liberal peace further, sovereignty and territorial statehood serve as the higher order norms underwriting it. Although norms regarding the actors considered legitimate agents in statebuilding operations point towards a myriad of non-state actors, the projected outcome of statebuilding is a sovereign, territorial state. Statebuilding operations can be conceived as ‘sovereignty-building’ missions (Piiparinen 2012) in that they seek to strengthen the capacity of states to act as sovereign governments both domestically and at the international level.⁵ At the same time, contemporary peacebuilding and statebuilding missions are premised on the goal of building functional and stable territorial state. This is because states able to deliver public goods and alleviate conflict through institutional structures are seen as drivers of peaceful co-existence (World Bank 2011:2).

A related norm informing the practice of statebuilding pertains to agency. Much of the critique of statebuilding missions has focused on the illiberal means through which internationally led statebuilding projects have sought to liberalise war-torn and fragile

⁵ Critics argue that the norm of sovereignty in the context of rebuilding missions is often violated, as the cases of Bosnia and Herzegovina, Kosovo and East Timor, demonstrate. Yet, the well-established axiom in constructivist research is that violations of norms do not preclude their existence (Bernstein 2000:468). Detailed justifications by international authorities of temporary suspension or ‘sharing’ of sovereignty can be found in the above cases which indicates acknowledgement that a norm has been violated.

states. Partly as a response to such charges and partly due to the failure of the liberal peace model to produce quick results, thinking on rebuilding missions in international organisations and donor governments began to change in the late 1990s. The norm of ‘local ownership’ or ‘local responsibility’, referring to the emphasis on domestic leadership in statebuilding missions, has since emerged. The scholarly critiques of the concept (Donais 2009, Narten 2008) aside, local ownership has become the one of key operating principles of the majority of peacebuilding agencies. Together these higher and lower-order norms – sovereignty, territoriality and local ownership - form the wider normative structures in the issue area of reconstruction missions within which agents operate. More importantly, these norms constituted the normative environment within which the notion of responsibility to rebuild emerged. As is argued below, misalignment with the existing norms of sovereignty and local ownership contributed to the demise of the rebuilding component of the R2P.

As noted above, sovereignty undergirds rebuilding missions in that the activities of external rebuilding agents are constrained by the principle of non-interference. Moreover, the aim of statebuilding missions today is to consolidate the sovereignty of the target state. Even though sovereignty in the conventional sense has been far from inviolable norm in the context of peace operations, it is the reference point against which actions are justified. It is, of course, precisely this tension between traditional notions of sovereignty and protection of civilians from mass atrocities that gave impetus to the R2P principle and the notion of ‘responsibility as sovereignty’ in the first place. These ideas, however, were received with considerable scepticism by some of the major powers and developing

countries, as documented by Luck (2012:90) and Bellamy (2009a:68-70). It is in these sovereignty-based objections to the R2P that an important part of the explanation for the disappearance of the rebuilding idea can be found; its sequential link with the controversial 'reactive' pillar rendered the rebuilding pillar unattractive by association. In the early version of the R2P the three responsibilities (to prevent, react and rebuild) were seen as a continuum of responsibilities. Rebuilding responsibilities would become relevant only after the 'reactive' phase is activated. However, as the reactive pillar was seen as an affront to sovereignty, wider support for the R2P became contingent upon downplaying the reactive element and as a consequence, the rebuilding pillar (Schnabel 2012:53, Hilpold 2014:9-10; Luck 2012:95).

Although these changes to the ideational architecture of the R2P did not spell an end to the idea of 'responsibility to react', they rendered it much less prominent. What ultimately enabled the reactive pillar to retain its place in the R2P agenda was its reinterpretation along more statist lines.⁶ While demonstrating a qualified support for the principle, the United States for example emphasized the responsibilities of sovereign states. This was evident in the influential Gingrich-Mitchell report on US policy on UN reform. It stated that 'the United States should endorse and call on the UN Security Council and General Assembly to affirm a responsibility of every sovereign government to protect its own citizens and those within its borders from genocide, mass killing and massive and sustained human rights violations' (Task Force on the United Nations 2005:29). The G77 similarly called for an understanding of R2P that foregrounded territorial integrity and

⁶ Similar argument is made by Chesterman (2011:280), Weiss (2012:127), Bellamy (2006:155), Stahn (2007:108-110, 117) and Badescu and Bergholm (2009:291).

sovereignty (Cater and Malone 2016:124). For states skeptical of the R2P, the notion of ‘sovereignty as a responsibility’ reaffirmed the existing obligations by states rather than the international community to protect their respective populations from mass atrocities.

This recalibration of the reactive component, discernible in the 2005 Summit Outcome Document (paragraphs 138-139), was closer to the existing understandings of sovereignty. That the R2P proved incompatible with traditional conceptions of sovereignty is hardly a surprising observation. What is more noteworthy is the internal misalignment that rendered the rebuilding pillar unappealing. Not only did the rebuilding pillar, through its association with the reactive pillar, indirectly challenge the higher order norm of sovereignty, but internal misalignment occurred as a result of its sequential relation to the reactive component of the principle. As noted earlier, the ICISS saw the rebuilding pillar as a stage in a sequence of obligations that would become relevant only after the activation of the reactive pillar, in other words when military force was used to protect civilians. The rebuilding pillar, therefore, was conceptually and temporally tied to the reactive component which, in turn, was highly controversial among governments. This sequential association between the reactive and rebuilding pillars represented an internal misalignment in that the way in which the ideas constituting R2P were organized became problematic. In order to make the principle acceptable to greater number of governments, the internal reorganization of ideas constituting R2P (prevention, reaction and rebuilding) became necessary. As the rebuilding pillar was seen as temporally linked to the reactive pillar and as the controversial reactive pillar was toned down to generate consensus, the rebuilding component was also significantly de-emphasized. This contributed to the

eschewing of the rebuilding pillar from the framework and led the way for the focus on the preventative pillar.

If the association with an idea that clashed with a higher-order norm and the organisation of the ideas within the R2P framework rendered the rebuilding pillar short-lived, there was also an external misalignment at a level of lower-order norms. As suggested earlier, the lower-order norms prevalent in the domain of statebuilding in post-conflict or fragile states are those associated with the liberal peace. The specific post-intervention tasks outlined in the ICISS report posed no challenge to the existing norms; economic liberalization, transitional justice, judicial reform and security sector reform proposed by the Commission are consistent with the prevailing discourse and practice on rebuilding.

The fit between the responsibility to rebuild as conceptualized by the ICISS and existing norms on statebuilding is less clear, however, when it comes to the question of who ought to bear the responsibility for rebuilding. To this end, the notion of local ownership is critical. Local ownership refers to the idea that the shape and course of rebuilding of fragile and war-torn states should be determined by national and local actors rather than external statebuilding agents. As noted earlier, statebuilding operations in the 1990s were characterized by top-down, externally-imposed strategies and agendas. While they were mostly successful in preventing further violence, these missions were critiqued for creating what Galtung (1969) called ‘negative peace’ and restoring the pre-conflict status quo.

At the same time, similar critiques of externally-driven development projects emerged in the wider development community. As a response, organisations such as the OECD's Development Assistance Committee (1996) declared sustainable development to be premised on local ownership. A decade later the Paris Principles for Aid Effectiveness (2005), emphasizing domestic responsibility for development, were endorsed by major donor governments and international aid agencies. 'Local ownership' has since become an integral part of discourse on post-conflict rebuilding discourse and practice, evident in the peacebuilding activities of organisations such as the African Union (2006:para.15) and the UN Peacebuilding Commission (Jenkins 2008:9). This suggests that the idea of the responsibility to rebuild was developed at the time when the ideational currents were flowing to a different direction: the emphasis of statebuilding activities was moving away from internationally-led missions to those underwritten by the notion of local ownership. Indeed, national ownership, in the context of development, was also emphasized in the 2005 World Summit Outcome Document (para. 22). One should not overstate the disconnect between the ICISS's notion of rebuilding and local ownership; the report, after all, takes partnership between international and domestic actors as its starting point. Yet, the frequent emphasis on the distinct obligations of intervening actors sits rather uncomfortably with the discursive shift towards locally-driven rebuilding missions. In this sense the linking of the rebuilding pillar to the extant lower-order norms is likely to have lacked resonance.

While the changes in R2P's ideational constitution are but one example and as such do not enable making deterministic claims on all norm evolution processes, similar patterns of change can be observed beyond the R2P. For example, the anti-torture norm has

undergone what might be considered as an ideational change in the recent decades. Although no state today rejects the validity of the anti-torture norm, enshrined in the Universal Declaration of Human Rights, the Geneva Conventions and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the exact meaning of torture has been challenged by certain governments (Liese 2009). The Landau Commission set up by the Israeli government, for example, suggested that subjecting an individual to pain and suffering did not necessarily amount to torture (ibid:31). This position was echoed by others, most notably the US government (ibid).

An internal misalignment can be found in the blurred distinction between torture and mistreatment. As there is no clear-cut definition of torture in (what is arguably the key document on the issue) the Convention against Torture (Harper 2009) and as it does not categorically prohibit ill-treatment (Liese 2009:26-27), governments have undertaken acts that many would consider torture, categorizing them as instances of ill-treatment rather than torture (ibid.). This ambiguity at the heart of the Convention against Torture has left governments considerable room for interpretation (Harper 2009:895). As noted earlier, internal misalignments arise when the ideas that constitute a norm lack clarity; in this case the absence of definitional clarity represents such a misalignment. An external misalignment, on the other hand, is evident in the tension between the human rights norms and the obligation of governments to protect their citizens. This, as it is often argued (Allhoff 2003, Hoffman 2004), pits the rights of perpetrators of terrorist acts against the right to life by citizens of the country in question.

Conclusion

This paper has sought to complement the existing accounts of norm content change through an inductive study of changes in the R2P norm. A norm candidate, R2P, that initially consisted of three interlinked and sequential responsibilities to prevent, react and rebuild is today understood primarily in terms of its preventative pillar. Whereas the responsibility to react was de-emphasized due to the concerns over state sovereignty, the rebuilding phase was dropped altogether. Not only was the rebuilding element sequentially associated with the controversial reactive pillar, but it also emerged at a time when the discourse and practice surrounding statebuilding missions was moving away from internationally-led missions to locally or nationally-owned processes. This has had implications on the ground, as the Libyan case illustrates, where post-intervention responsibilities have largely been operationalized as domestic responsibility to rebuild. The analysis of the R2P and the responsibility to rebuild reveals two distinct dynamics operating at the broader, structural level and within the emerging norms themselves respectively; the incompatibility with existing ideas on the one hand and how an organisation of the ideational building blocks can result in recalibration of the entire norm, on the other.

The above findings enable a more refined understanding of ‘internal’ and ‘external dynamisms’ of international norms (Krook and True 2012). At the same time, the paper has proposed approaching external sources of dynamism from the perspective of

hierarchically-organised normative structures. This can facilitate a more detailed analysis and understanding of the normative environment emerging norms face. Importantly, the analysis suggests that misalignments even with lower-order, surface-level norms can prompt norm content change. It is of course the case that complex social process such as the evolution of international norms defy mono-causal reasoning. With this in mind, the dynamics highlighted in the discussion are best seen as necessary rather than sufficient causes for changes in ideational constitutions of international norms. Even so, they can bring us closer to capturing the intricate process of norm evolution in international politics.

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