

China as a Global Norm-Shaper: Institutionalization and Implementation of the Responsibility to Protect

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Paper prepared for presentation at the

International Studies Association Annual Convention
San Diego, April 1 – 5, 2012

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Introduction¹

This chapter reflects upon and extends the Betts and Orchard theoretical framework by considering the case of China's engagement with the emerging international norm, the Responsibility to Protect (the R2P). We examine the case by looking at the development of the R2P norm generally and the three stages of its evolution to date. These stages include preliminary debate and framing, institutionalization of the R2P, and ongoing contestation regarding its implementation. We expose the tensions embedded in the R2P as a composite norm (a "principled norm" for Betts and Orchard.) Attention is focused on the ways in which China has devised its response to the R2P, attempting to juxtapose inherent tensions between contending conceptions of sovereignty and non-interference, while at the same time not seeking to reject the R2P outright.

Consideration of alternative explanations helps us understand China's engagement with the R2P. Is China's engagement merely rhetorical? an accepted contradiction? a strategy of proactive norm-shaping? or a reasoned commitment to the norm and/or its components? We find that each of these applies in part to the ways in which China has addressed the tensions in the R2P. The strongest alternative, however, is that of norm-shaping. Having accepted the norm as it was institutionalized with the World Summit 2005, we argue, China has consistently advanced a particular interpretation of the R2P, impacting the evolution in the understanding of the norm and conditioning its implementation.

China's norm-shaping behaviour with regard to the R2P poses challenges to elements of Betts and Orchard's institutionalization-implementation framework but also opens interesting opportunities for broadening it. Three aspects of their framework warrant further development – first, taking into account the complexities of complex,

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composite norms; second, realizing that contestation of implementation occurs at the international (not just the national) level; and finally, appreciating that a greater range of the processes and strategies that actors employ in their engagement over norms needs to be incorporated into the framework. In particular, we seek to show that by incorporation of the nuances of the “bottom up and back” processes of norm-shaping adopted by China regarding the R2P, we can theorize a more dynamic and complex relationship between norm institutionalization and implementation than that posited in the Betts and Orchard prototypic framework.

This chapter is organized as follows. The first section reviews Betts and Orchard’s consideration of implementation and institutionalization of international norms, pointing out the difficulties confronted when dealing with what they term “principled norms” such as the Responsibility to Protect. This is followed by a charting of the evolution of the R2P norm from its inception with the norm entrepreneurship that yielded the 2001 International Commission on Intervention and State Sovereignty (ICISS) report, to its institutionalization by the UN World Summit in 2005, and into its current phase of continued contestation over both institutionalization and implementation. The behaviour of China throughout these phases is then taken up in detail, this examination providing more detailed insights into processes of debate and contestation over norms and into its utilization of strategies of norm-shaping by a key international actor.

Betts and Orchard’s Framework: Caveats and Extensions

Betts and Orchard argue that understanding of the extent to which important international norms “make any difference or not in terms of outcome” requires attention to if and how the precepts of a norm or set of norms are translated into prescribed actions at the national level. Their framework is formulated around a prototypic situation involving two stages: institutionalization, i.e., a process in which agreement is negotiated at the international level with the parties involved accepting the precepts of a norm or group of norms and agreeing to undertake specific actions, policy changes, and regulation at the domestic level; and implementation—an intrastate, domestic level process involving contention among domestic actors over the policy and regulation changes warranted in response to the state’s international commitment. Thus, norm implementation can be empirically ascertained through monitoring the extent to which the relevant actors at the domestic level follow through on their commitments. Betts and Orchard see institutionalization and implementation as analytically distinct processes—institutionalization as an international process and implementation as a domestic process. Compliance thus involves “clear and observable standards” of rule following—an “absolute property, either the state complies or it does not.” (Betts and Orchard, x)

Exploration and application of their framework serves to advance our understanding of normative change in the international system in several ways. Most generally it provides analytical purchase on the important and vexing issues of whether or not norms make a difference. By drawing a distinction between compliance and implementation, they highlight the different characteristics of processes of norm evolution involved at the international (systemic) and national levels, thus adding nuance to the accepted standard formulations of norm development offered, for example, by

Finnemore and Sikkink (1998). Betts and Orchard further suggest that the differences among the institutional structures of states' domestic political systems, and the key forces and actors that contest in policy making, will impact upon implementation of international norms (an insight confirmed through the studies in this volume.) Additionally, to account for the diversity of international norms, they set out a typology of three categories of norms, treaty norms, policy norms, and principled norms, and envisage differing dynamics of institutionalization and implementation for each (again confirmed by chapter authors.)

Notwithstanding these contributions, further scrutiny reveals challenges to their framework in terms of both concept and application. Basically these arise because Betts and Orchard's institutionalization-implementation prototype is one of dichotomies and absolute properties. Hence, a state complies or it does not. The international is analytically distinct from the domestic. Institutionalization is characterized by agreement, in contrast to the contestation that pervades implementation. In their prototype, norm diffusion is a top-down process. "Normative understandings are transmitted downwards into the state and organizations." (Betts and Orchard, xx) Contestation occurs "horizontally" as it were at the domestic level not over the norm or norms themselves but rather over how to meet commitments agreed upon at the international level.

This formulation largely glosses over the more nuanced dynamics that prevail in the current environment of international norm development. In particular, three concerns arise. The first relates to a failure to fully appreciate the complexity of the norms involved, especially those concerning issues of human rights, protection of civilians, and humanitarian crises (Betts and Orchard's stated priority areas). These fall into the category of "principled norms"—norms that lack the precision of commitments involved in legal agreements (treaties) or the specific institutional mandates and actions involved with largely accepted, i.e., "settled", policy norms. While appreciating their significance, Betts and Orchard struggle to define and demarcate "principled norms", characterizing them as "bundles" or "complexes" of the set of norms that are brought to bear in contention over a matter such as humanitarian intervention. Principled norms thus are more complex because those advancing them seek to combine competing norms; replace existing, established norms; and create new standards of responsibilities and obligations for individual or collective action. Principled norms, such as the responsibility to protect, may bring into contestation fundamental principles of sovereignty and state responsibilities—the "metanorms" of international order. (Sandholtz, 2007) By challenging these foundations, principled norms can themselves be seen as designed to establish what scholars term "fundamental norms". (Wiener, 2007, 9)

Betts and Orchard acknowledge that the institutionalization of principled norms will not be straightforward, noting that their progress will be marked by reinterpretations of customary and 'soft' international law, UN resolutions, statements by the Secretary General, heads of state statements, etc. But, this does not fully capture either the central relevance of principled norms or the full extent of the intensity of controversy surrounding them. As Wiener (*ibid.*) notes: "It follows logically that the most contested norms are the least specific, that is, the fundamental norms, while the least contested [treaty and policy norms for Betts and Orchard] are the most specific."

Our second concern is that norm institutionalization and implementation must necessarily be viewed as dynamic, continuous, and interrelated processes, rather than as static and discreet steps that would permit precise delineation of obligations and of appropriate policy responses. Betts and Orchard underappreciate the imprecision and inexactitude that prevail within and across international and domestic levels. Circumstances involving international institutionalization through treaties and conventions that prescribe specific acts of implementation by signators are the exception rather than the rule, e.g., bringing national legislation into compliance with provisions of the International Criminal Court established by the Rome Statute. While they assert that the “implementation process results in clear and observable standards” (Betts and Orchard, x), in practice, norms are seldom articulated definitively; they are constantly in flux. In turn, exact definition and determination of implementation becomes problematic. Legalization, *per se*, does not resolve matters, other than perhaps through internationally binding treaties.

Further complicating matters is that for many international norms implementation is not realized through domestic action, but rather through international actions, e.g. enforcing UNSC resolutions imposing sanctions, or providing humanitarian relief. In other instances, states’ obligations under certain so-called prohibitory norms (Legro, 1997) mandate non-action, e.g. the Genocide Convention, or with the responsibility to protect which calls upon states to protect their populations from mass atrocities crimes, thus complicating assessment of implementation.

As Betts and Orchard emphasize, contestation prevails at the domestic level, but this contestation is not limited to debate over implementation. Domestic forces are likely to contend among themselves over the nature of the norms in question as well as to prompt their government to resist or advance the establishment of the norms at the international level. Especially for principled norms that may challenge traditional notions of state authority, states are likely to be involved in a continual process of engagement with the aim of (re)shaping international norms to suit their national interests and cultural contexts. (Acharya, 2011)

Our third caveat concerning Betts and Orchard’s prototype extends the above argument to point out that a greater range of norm engagement processes needs to be considered for it to reflect adequately the contemporary dynamics of international norm development. For Betts and Orchard, there are substantial, idiosyncratic, “local” forces at play in determining the manner in which an internationally institutionalized norm is to be implemented. The particular configurations of constitutional forms and institutional structures—the bureaucratic and political contention within and among them—determine if and how a state undertakes any implementation policies. This is essentially a top-down process, predicated first on a normative shift in which domestic normative understandings are brought into alignment with international norms, subsequently followed by the contestation over implementation that Betts and Orchard concentrate upon. This underlying normative transfer from international to domestic context has been referred to as “localization” by scholars such as Acharya (2004) and viewed as an important factor in the successful dissemination of universal norms of human rights in recent decades. (Keck and Sikkink, 1998)

More recently, however, has been the realization that such a top-down perspective ignores a significant complementary, bottom-up dynamic, one that acknowledges the

powerful agency of states and domestic forces can assert to influence the (re)interpretation of international norms to better represent their “local” views. Prantl and Nakano (2011) describe these processes as following a “feedback loop” from the national to the international level. Acharya (2011) has referred to a dynamic of ‘subsidiarity’ in which local actors seek to “preserve their autonomy” by seeking to ensure that international regimes come to reflect and operate with normative frameworks in which they are comfortable.

Increasingly key states such as China and India, not encompassed within the prevailing western liberal order, are seeking to become norm-makers rather than accept their traditional roles as norm-takers. Indeed, in what follows, we envisage dynamic of norm formation and evolution that involves simultaneous top-down and bottom-up processes, what we label a “bottom-up and back” dynamic. While specifically applied to consideration of China and its engagement with the norm(s) of the R2P, we believe such more complex models better reflect the “dynamic tensions that are inherent in normative systems”. Our perspective therefore resonates with Sandholtz’s(2007) “cycle theory of international norm change”.

Responsibility to Protect as a “Principled norm”

Over the last decade, since the International Commission on Intervention and State Sovereignty launched its report in 2001, the Responsibility to Protect has been the focal point for international debate about the core norms that should animate state behavior and the international community. The Responsibility to Protect attempts to reconcile the conflicting principles and norms of state sovereignty, equality, and non-interference, as centred in the UN Charter, with the norms and principles of the protection of human rights, and protection of civilians under duress, also as centred in the Charter, the UN Declaration on Human Rights, UN Development Reports, and international humanitarian and criminal law—advancement on one dimension interpreted as at the expense of the other.

The impetus for the Commission (specifically set up to work outside the institutional framework of the United Nations) arose from the profound frustration over international responses in the 1990s to civilians caught in deadly conflict—Rwanda on the one hand (inaction and genocide) in contrast, on the other hand, to Somalia and Yugoslavia (failed and frustrated UN missions) and Kosovo (non-UN authorized use of force judged to be “illegal but justified”).

With the inauguration of the ICISS, at the prompting of then UN Secretary General, Kofi Annan, (a key norm entrepreneur for the R2P), international debate among states became seized with what was termed at the time as “humanitarian intervention.” The contentious issues then and since concerning such actions, have been those of authority to authorize, responsibility to act, criteria for action, and nature and timing of appropriate responses, in particular nonconsensual actions proceeding in the absence of host state approval.

Within Betts and Orchard’s perspective, the R2P sits firmly within their typology as a principled norm. From its initiation, through phases of institutionalization and implementation, the R2P has been defined and refined through non-official reports, UN General Assembly statements, and UN Security Council resolutions, but has not been

codified in any form akin to a treaty or convention. Furthermore, the R2P by its very nature cannot be articulated in a straightforward or singular fashion. By attempting to reconcile and rationalize complementary and competing norms and principles, it functions as a “composite norm” (Paddon, forthcoming), a rubric under which interpretations of its various sub-components are “nested”. This in turn substantially complicates the business of unraveling processes of institutionalization and implementation. Instead of proceeding from a clear statement of agreement about purpose and commitments about an agreed upon issue (as with a treaty norm), the analyst confronts a record of recurring contention between the R2P’s norm entrepreneurs, seeking to strike new norms and reorient priorities among existing norms, and those who seek to resist challenges to traditional understandings and priorities among them. The evolution of the R2P as a principled norm and composite norm, thus, involves contention among its champions with those playing roles (often shifting from one to the other) of norm rejecters, norm resisters and constrainers, and norm shapers. (See Prantl and Nakano, 2011; Badescu and Weiss, 2010.)

Indeed, the extent to whether or not the R2P qualifies as an international norm—a widely accepted standard of expected behavior, as for example humanitarian disaster assistance—has been debated by some states, such as China, who seek to classify it as a “concept” whose terms are yet decided, and certainly not as a “principle”, as applies to principles of international law. (See Bellamy, 2009, 4-7; 2010, 160-62; also Bruneel and Toope, 2010, 323-342)

The story of the R2P has been charted in detail by many authors, prominent among them Evans (2009), Thakur (2011), and Bellamy (2009), the former two having served on the ICISS itself, the last a central figure in the international Responsibility to Protect Project agenda).

Viewed from the Betts and Orchard perspective, development of the responsibility to protect has involved three stages. In chronological terms, these are a preliminary debate and framing phase commencing in the 1990s and leading to the seminal statement of the ICISS Report in 2001, an institutionalization phase over the next five years culminating in the World Summit Statement of 2005 and UNSC 1674 soon after, and an implementation phase from then through to the present demarcated by the 2009 report of the Secretary General and the recent authorization by UNSC 1973 of intervention in the Libyan conflict under an the R2P mandate. (citations below). However, the sequential benchmarks stages in this timeline should not be seen as implying clear distinctions of implementation and institutionalization. Instead, as Betts and Orchard admit (page 3, current introduction), “institutionalization and implementation processes are dynamic, with one feeding into the other and vice versa.” Thus, intense contestation surrounding the R2P prevails over all stages, and contestation over institutionalization remains a vital agenda for key players (including China), in the post-World Summit “implementation” period.

The R2P preliminary debate and framing

The 1990s saw international attention seized with controversies surrounding humanitarian intervention, ethnic conflict and cleansing, genocide, and war crimes. In this context, the series of regional consultations with the launching of the International

Commission in 2000 became a focal point for the genesis and framing of the conceptual foundations of the R2P. Strong objections were raised, mainly by developing states, to any Western effort that would erode Charter guarantees of sovereignty and permit non-consensual, non-UN sanctioned intervention. However, at the same time, a general realization of the need to provide avenues for redress for the killing of civilian populations, often by their own governments, prevailed. The resolution of this tension, for the ICISS, was to reorient thinking around two key premises: first, that state sovereignty entailed a primary positive responsibility for a state to provide for the well-being of its civilian populations; and second, that the international community bore a responsibility to protect these populations (through prevention, rebuilding, and reaction, i.e., intervention) should states fail to do so. The notion of humanitarian intervention thus was defused, but the report left open the prospect for non-consensual action by a state or states in circumstances of indecision or inaction by the Security Council, provided that certain criteria of “just cause”, “right authority,” and “precautionary principles” were followed. (ICISS, 2001, *in passim*)

Institutionalization of the R2P

The ICISS Report was a critical first step towards institutionalization of the principled norm of the responsibility to protect. The four years following were ones of vigorous contestation by both supporters and critics—a minority of the latter seeking abandonment of the entire notion, while others sought to blunt key objectionable provisions that allowed for interventionary action beyond Charter provisions. Both they and the UN Secretary General sought to bring the R2P into the institutional ambit of United Nations. Annan advanced this process of institutionalization by commissioning the High Level Panel on Threats, Challenges, and Change composed of regionally representative notables, whose report (*A More Secure World: Our Shared Responsibility*, 2004) declared “a collective international responsibility to protect” and characterized the R2P as “an emerging norm.” This was followed by his own report (*In Larger Freedom*, 2005), a document that reflected further refinement in response to critics by advancing the R2P as a component collective action for shared development and governance, rather than as a global peace and security strategy. This process towards institutionalization of the R2P culminated with the UN World Summit of 2005.

The Summit Outcome Document (A/Res/60/1, 2005), notably paragraphs 138 and 139, provided the “precision” of the R2P that Betts and Orchard associate with the international institutionalization of a norm. Concerning responsibility, the primary role of the state to provide for and protect its population was established as fundamental. The international community’s responsibilities, on the other hand, were substantially qualified, to be focused upon assistance to states meeting their responsibilities to protect citizens from four designated crimes (genocide, war crimes, ethnic cleansing, and crimes against humanity). Should a state “manifestly fail” in its responsibilities, the international community has an obligation to consider peaceful means to protect populations from the designated perils, on a “case by case basis and in cooperation with relevant regional organizations” and further international action, should peaceful means be inadequate, but *only* in accordance with the Charter, i.e., with UNSC approval. The final stamp of institutionalization was provided by UNSC 1674, which unanimously

reaffirmed the Outcome Statement provisions and became the sole authoritative statement of the R2P.

Thus, the R2P as originally advanced by the ICISS is affirmed as formal recognition that state sovereignty places a primary responsibility upon the state to protect its population—“an important milestone in normative development of international society.” (Bellamy, 2009, 91) However, the effects of the contestation by skeptics and critics are also apparent. Protection and response are delimited to the four specified crimes, all of which are previously covered by international law. All mention of precautionary principles and criteria for intervention has been eliminated. The authority to respond is exclusively reserved for the UNSC; there is no positive obligation for the Council to act, only to consider. Furthermore, any debate concerning the provisions of the R2P is delegated to the General Assembly, thus requiring international consensus for any decision. As a result, on the one hand, the R2P advocates dissatisfied with the watering down of the World Summit’s institutionalization regard it as “the R2P lite.” On the other hand, states wary of any infringement on sovereignty (such as China, discussed below) regard the R2P of the Outcome Document as providing the protections they were seeking, while at the same time affirming a concern for the need to act to prevent mass killing in failed states—in effect, a positive outcome of their efforts to shape and reorient the R2P norm in a manner consistent with their perspectives and interests.

Continued contestation over implementation and institutionalization

From 2005 to the present, two distinct processes of contestation prevail—one around the implementation of the R2P, but the other an ongoing, residual process of contention over institutionalization, i.e., one of further refinement and qualification of the norm.

As noted earlier, implementation of the R2P, as a principled norm and composite norm, is necessarily a complex process, not easily assessed, because at the domestic level it functions essentially as a prohibitory norm or norms, and at the international level it does not prescribe specific actions or policy steps. Concerning the former: while individual states have a positive responsibility to protect their populations, there are no agreed upon minimal standards of provision of safety and security. In effect, the state’s obligation is to not subject its population to ethnic cleansing, crimes against humanity, war crimes, or genocide; compliance translates into states’ non-action.

Controversies have arisen over the applicability of the R2P to a variety of situations where states have placed their populations at risk or engaged in deadly campaigns against them. Thus, the Burmese regime’s denial of immediate humanitarian assistance to victims of the 2008 Nargis flood gave rise to calls for an the R2P international response. (See R2PCS, 2008) The North Korea’s repression of its population imposing starvation and malnutrition, in addition to brutal violation of human rights, has also been vetted as qualifying under the R2P. (Park, 2011) However, as even its key supporters (Evans and Thakur, for example) have confirmed in disallowing the validity of these claims, the R2P has never been envisaged to extend beyond a limited set of circumstances in which civilians suffer immediate and extensive violence and death. Even then, with the criteria for application of the R2P being the state’s “manifest failure” of protection of its citizens from the four stated crimes, effectively repressive states are

seen as capable of remedying their domestic situations, and thus beyond the purview of the R2P.

At the international level, one can point to the implementation of the R2P in several ways, most significantly through the Secretary General's report, *Implementing the Responsibility to Protect* (A/63/677, 2009) and the ensuing General Assembly debates in July 2009. With his report, the Secretary General focused attention on the less controversial aspects of international engagement with the R2P, emphasizing the primary role of the state in protecting its people and the responsibility of the international community to provide assistance and capacity building to facilitate states meeting their responsibilities. Reformulating the R2P agenda around three pillars, these two responses were given central priority, effectively ahead of the third pillar—the provision of time and decisive measures to prevent or halt atrocities.

In the ensuing General Assembly debates, the R2P was challenged, some states such as Venezuela, Cuba, Sudan, and Nicaragua (the General Assembly president at the time), contesting the existence of a consensus on the Outcome Document and denying its validity. However, with the vast majority of states reaffirming their support for the R2P, as articulated in its 2005 statement (and in UNSC 1674), the institutionalization of the norm was reinforced rather than weakened. (See GCR2P Report, 2009.)

On matters of implementation, per the title of the Secretary General's report, key states, including the US and China, have been careful to ensure that the interpretation of the obligations to invoke and respond under an R2P mandate remain strictly delimited, per the letter of the Outcome Document. The Security Council has been reluctant to invoke the term when authorizing peacekeeping missions.² Besides, the R2P per se provides no guidance as to operationalization, matters of implementation to protect populations at risk, relate to authorization of specific deployments and operational goals. Contestation over implementation thus has morphed into three associated domains: protection of civilians in conflict, the robustness of peacekeeping operations, and the role of regional institutions in sanctioning and carrying out UN missions. In each of these domains, one sees states seeking to couch what they regard as the community's responsibility to act on behalf of civilians within defined operational constraints that do not violate Charter prohibitions on non-consensual intervention. Exploration of China's strategies along these lines, as treated below, provides a picture of how a key actor, can maneuver through adept diplomacy to shape the understanding and implementation of the broader the R2P concept in ways compatible with its conception of the principles of international relations.

In sum, charting the course of the Responsibility to Protect demonstrates the difficulty in any straightforward effort to delineate institutionalization and implementation phases concerning the evolution of international norms. It further reinforces the understanding that institutionalization of a composite norm like the R2P cannot be treated as a static moment. "Norms remain flexible by definition," and not surprisingly the most contested norms are those that concern fundamental understandings of international relations, such as the R2P. (Weiner, 2007)

² UNSC 1706 concerning Darfur did link THE R2P to that particular conflict. The very recent UNSC 1973 authorizing a response to conflict in Libya was the notable exception in its explicit citing of their action as an THE R2P response.

China and the Responsibility to Protect

China has actively participated in all three stages of the evolution of the Responsibility to Protect and addressed the tensions embedded in the norm throughout its development. China fiercely opposed the idea of the R2P during the preliminary debate on the emerging norm within the framework of the International Commission on Intervention and State Sovereignty (ICISS) in 2001; endorsed the R2P during its institutionalization at the World Summit (WS) in 2005 and in further United Nations (UN) resolutions; and has engaged in an ongoing agenda of “policing” and norm-shaping that involves both implementation and institutionalization.

At the 2001 ICISS roundtable consultation with non-governmental organizations in Beijing, the Chinese side attacked the concept of humanitarian intervention implied in the idea of the R2P as a “total fallacy” lacking the legal basis (ICISS, 2001, p. 392). The Chinese representatives argued that permitting the use of force for moral reasons, such as for civilian protection, as opposed to national defence or the maintenance of international peace and security as stipulated in the UN Charter, invites chronic unilateral intervention and imperils the primacy of peaceful mediation. The Chinese called for a clear distinction between humanitarian intervention and humanitarian assistance, to preclude a politicized, double standard treatment of human rights issues and ensure precedence of the principles that, according to China, guide the contemporary international relations. These principles incorporate above all sovereignty, consent of the target state, and authorization of the UN Security Council. Steps for humanitarian assistance, the Chinese argued, should be drawn from these principles.

Given its general position on the contemporary international relations, China’s initial reaction to the idea of the R2P was not surprising. China repeatedly alluded to this stance prior to the 2001 ICISS debate. For example, in his statement at the Millenium Summit on September 6, 2000, President Zemin, as often before, emphasized the Five Principles of Peaceful Coexistence,³ primarily sovereignty, and compliance with the UN Charter as the foundation of the contemporary international relations. Representatives of China frequently condemned double standards of the Cold War and new interventionism that places human rights above sovereignty and the use of force above peaceful means of conflict resolution, including immediate mediation and more long-term solutions, such as economic development (see, for example, Chu, 2001). Ambassador Guofang captured this overall position in his speech at the 55th session of the General Assembly on human rights on October 26, 2000. He argued “for maintaining peace and security and promoting and protecting human rights of all people, respect for state sovereignty [and the Charter of the UN] is an important principle to follow, dialogue and cooperation are the effective means while prosperity and development constitute the necessary basis.”

China abided by this position in its response to the situations in Iraq, Yugoslavia, Somalia, Rwanda, Haiti, and Kosovo, where it opposed non-consensual and unauthorized

³ The Principles underpin China’s foreign policy; they include mutual respect for sovereignty and territorial integrity, mutual nonaggression, non-interference in each other’s internal affairs, equality and mutual benefit, and peaceful coexistence (*UN Treaty Series*, 1958: 57-81; see also Speech by Wen Jiabao, June 28, 2004).

intervention even in light of massive civilian suffering (see ICISS Research, 2001). China persistently called for peaceful means of conflict resolution in relation to Israel/Palestine, Afghanistan, and the conflicts in Africa, among others, and argued that broader economic development goals should be pursued in attainment of peace (see, for example, Statement by Ambassador Wang Yingfan on Armed Conflict Prevention, September 12, 2001).

In 2005, however, China endorsed the WS Outcome Document that specified the broad parameters of the R2P. China did not clarify its position on these parameters in the immediate follow-up discussions to the WS (see, for example, A/C.3/60/SR.36, 2005).

China's position became clear in its subsequent statements. Ambassador Yishan, for example, stressed at the open debate on the protection of civilians in armed conflict on December 9, 2005, that "Individual States have the primary responsibility to protect their own citizens" and that the international community "should provide constructive assistance in order to avoid violating State sovereignty and respect the will of the parties concerned." He maintained that "further comprehensive and in-depth discussions" on the R2P are necessary and that "[a] cautious approach should be taken in determining whether a Government is able or willing to protect its citizens."

With this clarification in mind, China endorsed the subsequent Security Council Resolution 1674 in 2006, which reaffirmed the provisions of the WS Outcome Document regarding the R2P. Ambassador Zhenmin stated that this resolution established a "legal framework" for the work of the Security Council on the protection of civilians in armed conflict (S/PV.5476, 2006). He went on to request the General Assembly to continue to explore the R2P and the Security Council to continue to approach it with caution. Mr. Zhenmin concluded, "it is not appropriate to expand, wilfully interpret or even abuse this concept" (S/PV.5577, 2006). Similar statements by the Chinese representatives were repeatedly voiced in the UN (see, for example, S/PV.5703, 2007). Importantly, the R2P, for China, was established as a concept, rather than a principle or a norm of international law, and, therefore, had to "be interpreted and applied in a prudent and accurate manner" (S/PV.5781, 2007; for a broader discussion on the status of the R2P, see Bellamy, 2009).

China, as a result, welcomed the decision of the General Assembly to continue its consideration of the R2P and partook actively in the forthcoming debates (A/RES/63/308, 2009). At the plenary session of the General Assembly on the question of the R2P on July 24, 2009, Mr. Zhenmin reiterated China's position on the meaning and implementation of the R2P. He underlined that the government of a state bears the primary responsibility for protecting its citizens; that the concept applies only to the four crimes specified in the WS Outcome Document and should not be arbitrarily and unilaterally interpreted or extended; that state consent and Security Council authorization are required for taking action, which must not be pursued by any one state; that the Security Council must act with caution and only if the breaches of the four crimes threaten international peace and security, as set out by the Charter. Mr. Zhenmin further stressed the importance of dialogue and cooperation, and especially regional organizations in the process. He concluded by reaffirming China's general position on the R2P as a concept, and argued that due to this status, the R2P lacks the force of the international law, and therefore "states must refrain from using the "the R2P" as a diplomatic tool to exert pressure on others" (A/63/PV.98, 2009).

Despite, China endorsed this this critical and restrictive view of the R2P in its support for Security Council Resolution 1894 in 2009. Following this resolution, the Secretary-General clarified the implementation of the R2P, including the three pillars.

China, however, continued to insist that “Governments bear the primary responsibility for protecting their own citizens” and that the protection of civilians must be pursued “in line with the Fourth Geneva Convention, international humanitarian law, and the principle of respect for State sovereignty, political independence and territorial integrity as enshrined in the Charter” (S/PV.6427, 2010). China’s response to the crises in Darfur and Myanmar, the characteristic the R2P cases, closely followed this logic (see Teitt, 2008).

Explaining China’s Response

Consideration of a number of alternative explanations helps us better understand China’s engagement with the R2P. First, China’s position on the norm could be viewed as merely rhetorical (Focarely, 2008; for a general discussion of this line of argument, see Stahn, 2007). In this view, China’s official support for the general parameters of the R2P is not substantiated by its statements and actions on the practical implementation of the norm. This particularly applies to the advancements of the R2P regarding the obligation of the international community to pursue collective coercive action in fulfillment of the responsibility to protect civilian populations where an individual state fails to do so.

According to the rhetoric line of argument, China opposes this obligation due to its strong position on sovereignty and territorial integrity and non-interference in states’ internal affairs. This position is grounded in the principles underpinning China’s foreign policy, in particular the Five Principles of Peaceful Coexistence,⁴ and traced back to its domestic human rights issues and fears of external intervention in Taiwan, Tibet, or Xinjiang (see, for example, Letter from Mr. Yingfan on the Question of Taiwan, August 4, 2000; Statement by Ambassador Yishan at the 60th General Assembly Session, September 13, 2005; see also A/HRC/11/25, 2009).

The central principle, sovereignty, is, above all, for China, a right of an individual state to be free from interference in internal affairs, with internal affairs defined broadly to include human rights issues. This understanding of sovereignty appears to be at odds with the idea of sovereignty as a responsibility advanced in the R2P, and the obligations of the international community that follow from it (Bellamy and Davies, 2009, p. 556). As opposed to sovereignty, a principle established in the UN Charter, the R2P, for China, is a concept without the legal force. China, therefore, does not perceive the advancements of the R2P as obligations (Bellamy, 2009). The notion of sovereignty as non-interference prevails for China when it comes to the implementation of the R2P.

China’s ongoing external affairs further shape its position on the implementation of the norm. China’s interests with regard to particular states-violators, or states unable or unwilling to protect their own citizens from the four crimes specified in the WS Outcome Document or engaged in the perpetration of these crimes, often reinforce its opposition to the use of collective force in fulfillment of the R2P (on China’s interests in Sudan see, for example, Large, 2007).

As a result, regardless of the endorsement of the R2P rhetorically, China has been unwilling to support collective coercive action against individual states that have failed to protect their populations, and its powerful position in the Security Council has guaranteed that the collective use of force will in most cases not be pursued in fulfillment of the R2P.

⁴ See footnote 3; see also “China’s Independent Foreign Policy of Peace,” August 18, 2003.

This state of affairs, the advocates of this logic argue, is likely to prevail unless extremely serious violations take place and China's interests converge with those of other members of the Security Council (Focarely, 2008, p. 212). Examples illustrating this logic include China's response to the situations in Darfur and Myanmar (see, for example, Grono, 2006 on Darfur; Shukla, 2008 and APCRP, 2008 on Myanmar).

The view of China's position on the R2P as merely rhetorical is overly simplistic, however. China's participation in the development of the norm presents contradictions in this line of argument. Neither can it be argued that China has been fully committed to the norm, that is, committed to all its components.

If China has merely engaged in the rhetoric regarding the R2P, there would have been no rationale for its changing its position on the norm from the initial rejection in 2001 to the official endorsement in 2005 and thereafter? Moreover, why would China sign the WS Outcome Document in 2005 and further Security Council resolutions if it was not at all committed to the idea of the R2P embedded in these documents? Conversely, if China has been fully committed, why has it selectively applied its support for the R2P-related collective action at the implementation stage? For example, why has China supported the establishment of UNAMID, the joint United Nations-African Union (AU) peacekeeping mission in Darfur, yet opposed the attempts to collectively address the situation in Myanmar?

These questions suggest a much more complex picture than that presented in the arguments based on rhetoric or commitment. An alternative view of China's engagement with the R2P sees China's strong position on non-intervention and its endorsement of the R2P, and the selectivity in China's approach to the implementation of the norm, as aspects of the same complex relationship. In this view, China's statements and actions regarding the R2P reflect what we call a dualcommitment to, first, non-intervention and, second, the R2P, rather than a contradiction between the two (Teitt, 2009; Bellamy and Davies, 2009; RSIS, 2010).

The dual commitment logic is based on the awareness of China's evolving treatment of sovereignty and intervention. The advocates of this logic argue that while China continues to advance a strong conception of sovereignty, its view on intervention has become more flexible and pragmatic (Davies, 2011).

First, China has supported and engaged in multilateral humanitarian interventions, where state consent and authorization of the Security Council were incontestably secured (Davies, 2011). An important example of such intervention is UNAMID in Darfur. China abstained from voting on the resolutions authorizing a UN deployment to Darfur without a clear statement of consent by the Sudanese government.⁵ As consent was not forthcoming while the situation deteriorated, China actively participated in securing Khartoum's consent to a deployment of the joint UN-AU force (Davies, 2011, p. 269). When consent was secured, China supported Resolution 1769, which authorized its deployment (S/RES/1769, 2007), and even contributed a multifunctional engineering unit in support to the hybrid operations (Ambassador Guijin, Briefing, September 18, 2007; S/2007/596, 2007).

⁵ See, for example, S/RES/1706, 2006, that expanded the United Nations Mission in Sudan (UNMIS), authorized with the Sudanese government's consent in 2005 (S/RES/1590), to support the implementation of the Darfur peace agreements). China requested that a requirement of Khartoum's consent be inserted into the resolutions (S/PV.5519, 2006).

China thus has been willing to use its influence in order to pressure governments for a solution to their humanitarian crises and/or secure their consent to intervention. This change in policy has emerged from an understanding that stability in its areas of influence is essential to the fulfillment of China's interests abroad (see Evans and Steinberg, 2007, on Sudan; Banda, 2007, on Africa more generally). In particular cases, the shift may have also been motivated by the pressure applied on China by the international community, in the case of Darfur, for example, with regard to the 2008 Beijing Olympics, which China was preparing for as the events unfolded in Darfur (Davies, 2011, p. 269).

China, furthermore, has become one of the major contributors of troops to the UN peacekeeping (Teitt, 2009). Its contributions have varied from engineering units in Darfur to civilian police in East Timor or military observers in Western Sahara (Gill and Huang, 2009). Its rising contributions reflect China's view on its role in the international system, which invites China to shift its stance on such issues as intervention to protect civilians.

Finally, throughout the evolution of the R2P, China has stressed the importance of regional organizations in addressing the current international peace and security problems (S/PV.4980, 2004; S/RES/1631, 2005; S/PV.5649, 2007; A/63/PV.98, 2009). China has strongly supported the leadership role played by the AU in stabilizing and resolving the crisis in Darfur (S/PV.5015, 2004; S/PV.5423, 2006). China argued that the 2006 Abuja Agreement "would not have been possible without the leadership of the African Union" (S/PV.5434, 2006). The role of the organization in the conflict influenced China's support for the hybrid UN-AU peacekeeping mission (Bellamy and Davies, 2009). As the mission was deployed, China called for the international community to share the "responsibility of the Secretariat, the African Union [and] the Government of the Sudan" and assist these parties in implementing Resolution 1769 (S/PV.5832, 2008). The backing of and collaboration with the relevant regional organizations, therefore, have been prominent in China's statements and actions with regard to the R2P-related situations (Teitt, 2008). Most recently, Arab League support for an interventionist UN response to the recent crisis in Libya apparently figured prominently in China's non-veto of UNSC 1973 authorizing the enforcement of a no-fly zone, this notably without Libyan consent. (Shesterinina and Job, forthcoming, and Teitt, 2012)

The principal conclusion for scholars looking at the relationship between China's commitment to non-intervention, on the one hand, and the R2P, on the other, is that the evolving understanding of the two has shaped China's "cautious and contained" approach to the R2P (Teitt, 2009, p. 31 in Bellamy and Davies, 2009). Although more complex than rhetoric and commitment-based arguments, the picture drawn from the dual commitment account is also not complete or satisfactory. It suggests that China appreciates and is comfortable advancing a policy of inherent contradiction. It does not recognize the dynamic whereby China actively seeks to shape the emerging norm of the R2P, so as to align the R2P within its broader conception of international relations.

An alternative view on China's engagement with the R2P, one that significantly adds to our understanding of this relationship, sees China as an active norm-shaper with regard to the R2P. According to scholars such as Chin and Thakur (2010) and Foot (2011), China has not simply reacted to the developments of the R2P with its evolving understanding of the norm and its components. It has been actively engaged, at all three of the R2P's stages, in seeking to shape the emerging norm.

This line of argument accepts that China's views have changed. "[T]he speed with which Beijing adapted to the rise of the [the R2P]" serves as an illustration of this evolution (Chin and Thakur, 2010, p. 129). Advocates of this argument emphasize the process of socialization whereby China's understanding of sovereignty and intervention in general and the R2P in particular has been tilted by its responsiveness to international pressures. The breadth of international support for the R2P influenced China's initial acceptance of the norm (Banda, 2007, p. 26). The changes brought by processes of socialization, softened China's subsequent position on the R2P (Prantland Nakano, 2011, p. 11). Within this line of argument, as a result, China's official endorsement of the R2P in 2005, 2006, and 2009 has represented China's "learning" of new global norms (Chin and Thakur, 2010, p. 129).

This argument does not stop at the top-down logic of socialization of China into new global norms, such as the R2P, but also adds a component of norm-shaping to China's engagement with the R2P. The advocates of the norm-shaping argument find that China has aimed to shape the R2P so as to preclude the breaches of the fundamental principles of sovereignty and non-interference in states' internal affairs on account of the R2P and by accentuating the preventative aspect of the norm (Foot, 2011). "This interpretation [of the R2P] is one way that China is shaping global norms and rules, interpreting Western Enlightenment principles through a Confucian lens of governance that stresses an essential unity between citizens and state, rather than giving primacy to human rights as claims against the state" (Chin and Thakur, p. 130).

China as a Norm-Shaper

Each of the alternative explanations presented above apply in important part to the ways in which China has addressed the tensions embedded in the emerging norm of the R2P. The strongest alternative is that of norm-shaping, however. Having rejected the R2P initially, yet subsequently accepted key elements of the R2P, China has persistently advanced a specific interpretation of the R2P, impacting the evolution in the general understanding of the norm and its components and conditioning its implementation.

Whereas the advocates of the norm-shaping argument put an emphasis on China's socialization, on the one hand, and its efforts to develop the R2P in line with its specific interpretation of the norm, on the other hand, and view this interpretation as one of localization, rooted in its local beliefs and practices (per Acharya, 2004; 2011), we advance a closely related but differing reading of China's engagement with the R2P. Our interpretation takes into account the dynamic relationship between China's understanding of international principles, norms, and concepts and its attempts to re-frame⁶ their underlying logics to accord with its understandings of international relations. Thus, our view does not rest with the top-down logic of socialization of China into new global

⁶ "Framing" is understood here as "a way of selecting, organizing, interpreting, and making sense of a complex reality to provide guideposts for knowing, analyzing, persuading, and acting" (Rein and Schön (1993, p. 146) in Frank Fischer and John Forester. Eds. *The Argumentative Turn in Policy Analysis and Planning*. Duke University Press, 1993, p. 11). "International frames" are defined as shared and commonly used understandings about the functioning of the international system that help states 'select, organize, interpret, and make sense' of the international system in which they operate. These understandings include guiding international principles, norms, and concepts, for example, sovereignty.

norms. Looking closely at China's involvement in the evolution of the R2P, we can see a *bottom-up-and-back* process of norm-shaping whereby developments in the interpretation and acceptance of international principles, norms, and concepts related to the R2P affect China's understanding of the norm, which then feeds back to China's attempts at shaping it. In this process, we argue, China is using particular international, rather than exclusively local, frames in order to push the R2P agenda into the direction consistent with its foreign policy goals and views on the contemporary international system. These frames comprise the UN Charter, the R2P specific advancements, and other components of the contemporary international system that China endorses.

In the post-2005 contestation "implementation-institutionalization" phase China has engaged in two activities. The first might be seen as "policing" in that China is attentive to ensuring that there is no expansion or encroachment upon the World Summit 2005 institutionalization of the R2P.

As we have shown in the discussion above, throughout the evolution of the norm, China has insisted on a strict adherence to the provisions of the UN Charter when considering the R2P in general and the R2P-related cases in particular. Two central components can be emphasized in this regard.

First, China has required that state consent and Security Council authorization are at all times treated as the necessary preconditions for the pursuit of collective coercive action in implementation of the R2P (A/63/PV.98, 2009; see also Chin and Thakur, 2010). This "greenlight" viewpoint posits "countries may proceed with military enforcement only if [state consent has been gained and] the Security Council has specifically authorized it" (ICISS, Supp. Vol., p. 170). Importantly for China, this "greenlight" requirement would preclude general abuse of the R2P and its application particularly for the purposes of unilateral intervention, China's serious and long-standing concern.

Second, in accordance with the UN Charter, a prerequisite for taking collective coercive action is "the existence of any threat to the peace, breach of the peace, or act of aggression" (UN Charter, Chapter VII, Article 39, 1985). China has, thus, insisted that action be pursued only with an aim of the maintenance of international peace and security and that "all peaceful means must be exhausted" beforehand (A/63/PV.98, 2009).

What constitutes threats to "international peace and security" is a matter of interpretation by the Security Council (ICISS, 2001, p. 387). Precedents established by cases in which attacks on civilians have been condemned as grave violations of the international law have sought to alter the interpretation of international peace and security (ICISS, 2001, p. 10). For example, the Security Council adopted Resolution 688 in 1991 that condemned "the repression of the Iraqi civilian population" within the framework of threats to international peace and security (ICISS, Supp. Vol., fn. 13, p. 12). Yet, China criticized the resolution for responding to a matter of internal affairs and abstained from voting. Similarly, with regard to the R2P-related situation in Myanmar, China argued that the humanitarian crises in the country constitute "an internal problem that does not pose any threat to international peace and security" (S/PV.5619, 2007).

A further institutionalization, norm-policing strategy of China is seen in its insistence that "all peaceful means must be exhausted" before considering UNSC's authorization of the use of force (A/63/PV.98, 2009). But, interpretation of when exactly a situation becomes one of last resort, regarding the use of force, can be problematic.

China's involvement in the crisis in Darfur provides some answers to how it seeks to shape UN responses to situations that could be viewed as qualifying under the R2P criteria. Thus, China acted to secure the Sudan's consent in order to deploy a peacekeeping force there only when the conflict spread to the Sudan's neighbouring Chad (S/2006/341, 2006; Davies, 2011, p. 269). China's view of the last resort, therefore, is closely related to its definition of a threat to international peace and security. China accepted collective coercive action with regard to Darfur only when the crisis diffused thus becoming more clearly a threat to international peace and security. Its insistence on taking action only for matters of "international peace and security" and if "all peaceful means are exhausted" results in persistent calls to the Security Council to "make its judgment and decisions in light of specific circumstances, and [to] act prudently" (A/63/PV.98, 2009).

As a result, regarding the R2P specific advancements, China has insisted on adhering to "a very cautious representation of the [the R2P]" adopted at the World Summit (Statement by Ambassador Liu Zhenmin on Protection of Civilians in Armed Conflict December 4, 2006; see also A/63/PV.98, 2009). This has meant keeping the scope of the R2P to the four crimes specified in the Outcome Document until further discussion of the concept in the General Assembly (S/PV.5577, 2006; S/PV.5476, 2006). China's requirement would prevent arbitrary expansion or interpretation of the R2P that China strongly opposes.

But, China's engagement with the R2P has an additional agenda. China has agreed with the first two pillars of the R2P and has been actively shaping their implementation. China has insisted on that the implementation of the R2P is a task primarily of the state, as affirmed in the WS Outcome Document (S/PV.6427, 2010). In this regard, China has worked to demonstrate that it has met its obligations for the "human rights treaties to which China has become a State party" and that other states must pursue their obligations as well (Statement by Mr. Yifan at the 59th General Assembly Session, October 25, 2004; see also A/C.6/59/SR.5, 2004).

China, however, has also asserted that stability of other states, especially Africa's, is "a common task of the international community" (Statement by Ambassador Guofang on Africa, October 15, 2004; S/PV.5655, 2007). Internationally, therefore, China has interpreted the implementation of the R2P as assistance for state capacity-building and insisted on this interpretation. This has meant that "priority must be accorded to prevention," particularly through preventative diplomacy and longer-term economic development, rather than coercive engagement with the states-violators of the R2P (S/PV.4980, 2004; S/PV.5577, 2006; S/PV.5898, 2008; Foot, 2011; see also RSIS, 2010).

Finally, China has insisted on cooperation with the relevant regional organizations in implementing the R2P.⁷ China's calls to seek the backing of and collaboration with the relevant regional organizations have been reflected in the implementation of the R2P, for example, in Darfur.

In this way, China has shaped both the cautious interpretation of the R2P at the stage of institutionalization of the norm at the World Summit and its interpretation at the implementation stage thereafter. China has succeeded in its "policing" efforts to see the

⁷ See China's statements in S/PV.4980, 28 May 2004; S/PV.5282, 17 Oct. 2005; S/PV. 5529, 20 Sep. 2006; S/PV.5649, 28 Mar. 2007; S/PV.5735, 28 Aug. 2007; S/PV.5868, 16 Apr. 2008; S/PV.6092, 18 Mar. 2009; A/63/PV.98, 24 Jul. 2009; S/PV.6206, 26 Oct. 2009; S/PV.6257, 13 Jan. 2010.

R2P constrained to the four crimes. China has, moreover, added a number of dimensions that would soon impact the implementation of the R2P. This process is already evident in the case of the recent crisis in Libya and invites further research on the subject.

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