



# International commissions as norm entrepreneurs: Creating the normative idea of the responsibility to protect

Madokoro, Daisuke

---

(Citation)

Review of International Studies, 45(1):100-119

(Issue Date)

2019-01

(Resource Type)

journal article

(Version)

Accepted Manuscript

(Rights)

© British International Studies Association 2018.

(URL)

<https://hdl.handle.net/20.500.14094/90005797>



**Manuscript title**

International commissions as norm entrepreneurs: Creating the normative idea of the responsibility to protect

**Abstract**

Discussion in international relations often centres around a wide variety of norms, such as sustainable development, global governance, human security, and the responsibility to protect. A significant amount of work focuses on not only the theoretical and policy development of these norms but also the role of various norm entrepreneurs in promoting norm emergence and diffusion. Yet there are still knowledge gaps regarding the norm entrepreneurship role of international commissions which engage in the early stage of the emergence of these norms and their processes. This article elucidates the process of creation of normative ideas by analysing the role of international commissions as norm entrepreneurs, utilising a case study of the International Commission on Intervention and State Sovereignty (ICISS), which proposed the normative idea of the responsibility to protect (R2P) in 2001. The theoretical contribution of this article is to expand the understanding of norm entrepreneurship by adding international commissions to the universe of norm entrepreneurs and illuminating their strategies for constructing normative ideas. Empirically, it explores the role and activities of the ICISS in creating the normative idea of R2P, which contrasts the existing literature that has only focused on the development of R2P after the Commission has finished its work.

**Keywords**

International Commission, Norm Entrepreneur, Normative Idea, Constructivism, Responsibility to Protect, International Commission on Intervention and State Sovereignty

**Biography**

Daisuke MADOKORO is a Research Associate of International Relations at the Graduate School of Law, Kobe University. He was previously a Research Fellow with the Japan Society for the Promotion of Science. He earned his PhD in Political Science from Kobe University, his MA in International Relations from the University of Sussex, and his MA in International Public Policy from Osaka University. His research interests are in International Relations theory, responsibility to protect, humanitarian intervention, human security, and the United Nations. He has published in journals including *Global Responsibility to Protect*, *Kokusaiseiji (International Relations)*, and *Kokurenkenkyu (The United Nations Studies)*.

**Institutional address**

Graduate School of Law, Kobe University, 2-1 Rokkodai-cho, Nada-ku, Kobe, 657-8501, Japan

**Email address**

madokoro@dragon.kobe-u.ac.jp

**Acknowledgments**

For their helpful comments and suggestions on earlier versions of this article, I am especially grateful to Kenki Adachi, Sho Akahoshi, Charli Carpenter, Tsuyoshi Kawasaki, Kaoru Kurusu, Masataka Nakauchi, Atsushi Tago, and the discussants and participants of the International Studies Association Annual Conventions in 2014 and 2016, as well as three anonymous reviewers. The research for this article was supported by JSPS KAKENHI Grant Number 12J06532.

## Introduction

A wide variety of norms are often discussed in the international community, such as sustainable development, common security, global governance, conflict prevention, human security, and the responsibility to protect.<sup>1</sup> To date, these have advanced by various norm entrepreneurs including states, international organisations, non-governmental organisations (NGOs), and civil society groups. Indeed, there is a significant amount of work focused on not only the theoretical and policy development of these norms but also on the role of such entrepreneurs in promoting norm emergence and diffusion. Yet, we still know very little about the role played by international commissions in norm entrepreneurship despite the fact that they usually participate in the early stage of the norm development process. International commissions remain recognised as an alternative tool or the ‘behind-the-scenes role’ of states or international organisations in pursuing their interests and ideals because they are always formed by such major actors when considered necessary.<sup>2</sup> This is problematic, however, since it not only underestimates and even

---

<sup>1</sup> According to the definition by Finnemore, I define norms in this article as ‘shared expectations about appropriate behaviour held by a community of actors’. See Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996), p. 22.

<sup>2</sup> Thomas G. Weiss, ‘To intervene or not to intervene? A contemporary snap-shot’,

dismisses the entrepreneurship role of international commissions, but also lingers on the insufficient understanding of norm emergence by obscuring the process in which normative ideas are created in the first place. In order to distinguish them from norms, I use the term ‘normative ideas’, indicating that ideas bear some kind of expectations about appropriate behaviour, which are accepted solely among norm entrepreneurs but still not broadly shared in a community of actors.<sup>3</sup>

First, norm-advocating actors or norm entrepreneurs have been assumed to be mainly scientists, activists, experts, prominent individuals, grassroots social movements,

---

*Canadian Foreign Policy Journal*, 9:2 (2002), p. 143.

<sup>3</sup> Björkdahl invented the similar term of ‘norm candidates’ to differentiate from established norms, though she gave no clear definition and no adequate explanation of how different they are from foreign policy ideas. I do not, however, employ this term but normative ideas in this article. This is mainly because norm candidates make a seemingly false impression that they will be sure to become norms in the end, in the same way as the idea that any Ph.D. candidate and candidates for election will be selected and eventually get a position if they follow the necessary procedures. See Annika Björkdahl, *From Idea to Norm – Promoting Conflict Prevention* (Department of Political Science, Lund University, 2002). I thank one of the reviewers for suggesting this study in order to clarify my argument.

NGOs, states, or networks of these actors.<sup>4</sup> However, few have paid attention to

---

<sup>4</sup> Joshua W. Busby, *Moral Movements and Foreign Policy* (Cambridge: Cambridge University Press, 2010); Charli Carpenter, *'Lost' Causes: Agenda Vetting in Global Issue Networks and the Shaping of Human Security* (Ithaca: Cornell University Press, 2014); Nicole Deitelhoff, 'The discursive process of legalization: Charting islands of persuasion in the ICC case', *International Organization*, 63:1 (2009), pp. 33-65; Finnemore, *National Interests*; Christine Ingebritsen, 'Norm entrepreneurs: Scandinavia's role in world politics', *Cooperation and Conflict*, 37:1 (2002), pp. 11-23; Jutta M. Joachim, *Agenda Setting, the UN, and the NGOs: Gender Violence and Reproductive Rights* (Washington, D.C.: Georgetown University Press, 2007); Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998); Daisuke Madokoro, 'How the United Nations secretary-general promotes international norms: Persuasion, collective legitimisation, and the responsibility to protect', *Global Responsibility to Protect*, 7:1 (2015), pp. 31-55; Harald Müller and Carmen Wunderlich (eds), *Norm Dynamics in Multilateral Arms Control: Interests, Conflicts, and Justice* (Athens: The University of Georgia Press, 2013); Richard Price, 'Reversing the gun sights: Transnational civil society targets land mines', *International Organization*, 52:3 (1998), pp. 613-44; Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds), *The Power of Human Rights: International Norms and Domestic Change* (New York:

international commissions as actors engaging in norm entrepreneurship activities. In several studies, such commissions have been described with unique characteristics,<sup>5</sup> identified with conditions for successful advocacy campaigns,<sup>6</sup> or analysed regarding ‘the power of ideas’.<sup>7</sup> Whereas studies which focused on the power of ideas advocated by international commissions figure out how their new normative ideas affect international politics *after* they finish creating such ideas, sufficient attention has not been given to the question of

---

Cambridge University Press, 1999).

<sup>5</sup> Richard Falk, ‘Liberalism at the global level: the last of the independent commissions?’ *Millennium: Journal of International Studies*, 24:3 (1995), pp. 563-76; Frédéric Lapeyre, ‘The Outcome and Impact of the Main International Commissions on Development Issues’, Working Paper No. 30 (Policy Integration Department, World Commission on the Social Dimension of Globalization, International Labour Office, Geneva, May 2004).

<sup>6</sup> Gareth Evans, ‘Commission diplomacy’, in Andrew Cooper, Jorge Heine, and Ramesh Thakur (eds), *The Oxford Handbook of Modern Diplomacy* (Oxford: Oxford University Press, 2013), pp. 278-302; Edward Luck, ‘Blue ribbon power: Independent commissions and UN reform’, *International Studies Perspectives*, 1:1 (2000), pp. 89-104; Unto Vesa (ed.), *Global Commissions Assessed* (Helsinki: Edita Publishing Ltd, 2005).

<sup>7</sup> Ramesh Thakur, Andrew F. Cooper, and John English (eds), *International Commissions and the Power of Ideas* (New York: United Nations University Press, 2005).

how they create these normative ideas *in the first place*. Nevertheless, the question of norm creation by international commissions is of great significance, because '[i]f the commission produces a new idea ... and this idea is picked up by some influential agents in the international community who turn it into policy, then the commission has an indirect effect and may hence claim some measure of success'.<sup>8</sup> In other words, international commissions could make a tangible difference in international politics by developing new normative ideas; therefore, in order to assess international commissions as successful or investigate the power of their ideas, we first need to understand exactly how they create new normative ideas in the early phase of the norm development process.

More generally, it has not been sufficiently explained how new normative ideas are created in the first place, implying that the contents of newly advocated norms are established and given from the outset and the norms as such then enter into the diffusion stage.<sup>9</sup> As is often indicated, constructivist scholars have focused attention on agency and

---

<sup>8</sup> Helge Hveem, 'Ideas, processes and context. The politics of independent international commissions', in Vesa (ed.), *Global Commissions Assessed*, p. 16.

<sup>9</sup> As one of the few studies, Björkdahl, in a case study of Swedish engagement in conflict prevention, cast a spotlight on the very process of 'idea takeoff' and 'norm initiation' in which a 'norm candidate' was selected and created by norm entrepreneurs. See Björkdahl, *From Idea to Norm*. Contrary to Björkdahl, I make a contribution to the field by analysing



structure in demonstrating the process of norm development, while there has been little theoretical and empirical research explaining how certain agents under certain structures conceive of and create the contents of norms in the early phase of the process.<sup>10</sup> Indeed, for

---

the norm entrepreneurship role of international commissions and their strategies in creating new normative ideas. Carpenter also paid attention to the early stage of norm emergence and analysed 'the process by which advocacy networks select issues around which to mobilize in the first place', yet her main interest was norm selection from different types of pre-existing norms, not norm creation. See R. Charli Carpenter, 'Setting the advocacy agenda: Theorizing issue emergence and nonemergence in transnational advocacy networks', *International Studies Quarterly*, 51:1 (2007), pp. 99-120.

<sup>10</sup> Jeffrey T. Checkel, 'The constructivist turn in International Relations theory', *World Politics*, 50:2 (1998), pp. 324-48; Paul Kowert and Jeffrey Legro, 'Norms, identity, and their limits: a theoretical reprise', in Peter J. Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University, 1996), pp. 451-497; Kathryn Sikkink, 'Beyond the Justice Cascade: How Agentic Constructivism could Help Explain Change in International Politics', revised paper from a Keynote Address, Millennium Annual Conference (22 October 2011), Out of the Ivory Tower: Weaving the Theories and Practice of International Relations, London School of Economics, to be presented at the Princeton University IR Colloquium (21 November 2011), available

the past two decades, norms have been studied by empirical constructivist scholars mainly in terms of international diffusion, internalization, compliance, or implementation.<sup>11</sup>

---

at:

{<https://www.princeton.edu/politics/about/file-repository/public/Agentic-Constructivism-paper-sent-to-the-Princeton-IR-Colloquium.pdf#search=%27Beyond+the+justice+cascade%3A+How+agentic+constructivism+could+help+explain+change+in+international+politics%E2%80%99%2C+revised+paper+from+a+Keynote+Address%2C+Millennium+Annual+Conference%2C+22+October+2011%2C+Out+of+the+Ivory+Tower%3A+Weaving+the+Theories+and+Practice+of+International+Relations%2C+London+School+of+Economics%2C+to+be+presented+at+the+Princeton+University+IR+Colloquium%2C+21+November+2011%27>}.

<sup>11</sup> Amitav Acharya, 'How ideas spread: Whose norms matter? Norm localization and institutional change in Asian regionalism', *International Organization*, 58:2 (2004), pp. 239-75; Alexander Betts and Phil Orchard (eds), *Implementation and World Politics: How International Norms Change Practice* (New York: Oxford University Press, 2014); Jeffrey T. Checkel, 'Why comply? Social learning and European identity change', *International Organization*, 55:3 (2001), pp. 553-88; Martha Finnemore and Kathryn Sikkink, 'International norm dynamics and political change', *International Organization*, 52:4 (1998), pp. 887-917; Keck and Sikkink, *Activists beyond Borders*; Risse, Ropp, and Sikkink

Currently, criticising the conventional assumption that the contents of norms are fixed, critical constructivist scholars have emerged to theoretically and empirically argue that the contents of norms can be altered through contestation during emergence and diffusion processes.<sup>12</sup> While such an argument enables us to better understand the dynamic process of norm development, we continue to do nothing more than challenging conventional assumptions by looking at the process *after* newly advocated norms have penetrated into emergence and diffusion stages. Unfortunately, we still understand little about how the contents of norms are created *before* they enter the process of norm development. Inquiring

---

(eds), *The Power of Human Rights*; Lisbeth Zimmermann, 'More for less: the interactive translation of global norms in postconflict Guatemala', *International Studies Quarterly*, 61:4 (2017), pp. 774-85.

<sup>12</sup> Nicole Deitelhoff and Lisbeth Zimmermann, 'Things We Lost in the Fire: How Different Types of Contestation Affect the Validity of International Norms', PRIF Working Papers No. 18 (Frankfurt am Main, December 2013); Mona Lena Krook and Jacqui True, 'Rethinking the life cycles of international norms: the United Nations and the global promotion of gender equality', *European Journal of International Relations*, 18:1 (2012), pp. 103-27; Wayne Sandholtz and Kendall Stiles, *International Norms and Cycles of Change* (New York: Oxford University Press, 2009); Antje Wiener, *A Theory of Contestation* (Berlin: Springer, 2014).

into the process of creating normative ideas could give an accurate account of the dynamics of the early phase of the norm emergence process and an improved understanding of interactions among norm-advocating actors before new norms are established in the international community.

In tracing the norm-creation process from its early stage, I focus on the International Commission on Intervention and State Sovereignty (ICISS), which proposed the normative idea of the responsibility to protect (R2P) in 2001. Most of the existing literature discuss the normative significance and practical applicability of R2P by focusing on its theoretical and policy development after 2001.<sup>13</sup> However, there has been almost no analysis centred on the question of how and why the ICISS acted as the initial norm

---

<sup>13</sup> Christina G. Badescu, *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights* (Abingdon: Routledge, 2011); Alex J. Bellamy, Sara E. Davies, and Luke Glanville (eds), *The Responsibility to Protect and International Law* (Leiden: Martinus Nijhoff Publishers, 2011); Aidan Hehir, *The Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention* (Basingstoke: Palgrave Macmillan, 2012); Julia Hoffman and Nollkaemper André (eds), *Responsibility to Protect: From Principle to Practice* (Amsterdam: Amsterdam University Press, 2012); James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2012).

entrepreneur of R2P.<sup>14</sup> The ICISS is a unique case, in that it is thought to have successfully facilitated a normative change concerning the protection of civilians in humanitarian crises.<sup>15</sup> It is also different from other cases of international commissions, as the ICISS succeeded in developing a key normative idea in the security domain, unlike the norm of sustainable development, for example, which focuses on development and environment. More importantly, R2P has emerged in a situation where the established norms of

---

<sup>14</sup> There are some studies focused on the ICISS's activities, but they are more descriptive and evaluative than explanatory and analytic. See Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity Press, 2009); Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, D.C.: Brookings Institution Press, 2008); Ramesh Thakur, 'Intervention, sovereignty and the responsibility to protect: Experiences from ICISS', *Security Dialogue*, 33:3 (2002), pp. 323-40; Jennifer Welsh, Carolin Thielking, and S. Neil MacFarlane, 'The responsibility to protect: Assessing the report of the International Commission on Intervention and State Sovereignty', *International Journal*, 57:4 (2002), pp. 489-512.

<sup>15</sup> Michael Barnett, 'Impact without imprint? The commissions on preventing deadly conflicts, intervention and state sovereignty, and human security', in Vesa (ed.), *Global Commissions Assessed*, p. 57; Alex J. Bellamy, *The Responsibility to Protect: A Defence* (New York: Oxford University Press, 2015).

humanitarianism and human rights collided with state sovereignty, in contrast to the case where a similar normative idea of humanitarian intervention was not universally accepted but rejected in the international community. These features urge us to demonstrate how the ICISS dealt with such a complicated situation by coming up with the normative idea of R2P in the first place.

This article aims to shed light on the process of creation of normative ideas by analysing the role of international commissions as norm entrepreneurs, examining the ICISS as a case study. First, I define international commissions by reviewing the literature and briefly connect them with a norm entrepreneurship role. Second, I trace the process of discussions and work in and outside of the ICISS to reach a consensus and analyse how the ICISS created the normative idea of R2P as a norm entrepreneur. Third, feeding back empirical findings into the constructivist argument of norm emergence, in particular norm entrepreneurship, I deliberate theoretical implications and suggestions for further research. The theoretical contribution of this article is to broaden the understanding of norm entrepreneurship by adding international commissions to the universe of norm entrepreneurs and illuminating their strategies for constructing normative ideas. Empirically, this article explores the role and activities of the ICISS in creating the normative idea of R2P, which is in contrast to previous literature which focused specifically on R2P's development after the commission completed its work in 2001. Understanding the

dynamics and precise process of creation of normative ideas is essential to not only unravelling the role of norm entrepreneurs (e.g. international commissions) but also in suggesting what factors are needed before new normative ideas can be successfully diffused in the international community.

### **Defining international commissions: Merely principled actors?<sup>16</sup>**

An international commission can be defined as an ad-hoc committee of officials appointed by state governments or international organisations for the task of dealing with specific global issues.<sup>17</sup> Aside from the ICISS, examples of such a commission include the Independent Commission on International Development Issues established in 1977, the Independent Commission on Disarmament and Security Issues in 1980, the World

---

<sup>16</sup> According to Sikkink, principled actors are those who ‘are driven primarily by shared values or principled ideas – ideas about what is right and wrong – rather than shared causal ideas or instrumental goals’. See Kathryn Sikkink, ‘Human rights, principled issue-networks, and sovereignty in Latin America’, *International Organization*, 47:3 (1993), p. 412. For the difference between these ideas, see Judith Goldstein and Robert O. Keohane (eds), *Ideas and Foreign Policy: Beliefs, Institutions and Political Change* (Ithaca: Cornell University Press, 1993).

<sup>17</sup> Evans, ‘Commission diplomacy’, p. 278.

Commission on Environment and Development (WCED) in 1983, the Commission on Global Governance in 1992, the Canberra Commission on the Elimination of Nuclear Weapons in 1995, the Independent International Commission on Kosovo (IICK) in 1999, the Commission on Human Security in 2001, and the International Commission on Nuclear Non-proliferation and Disarmament in 2008. The names of these commissions demonstrate their focus on issues that attracted significant interest from the international community, such as development, security, environment, disarmament, global governance, and humanitarian intervention, the latter of which was the target of the IICK. Following a set period of time for meetings and roundtables, they officially announced to the international community their final conclusions and recommendations in the form of written reports.

In International Relations, states, international organisations, and even NGOs are usually understood to behave, more or less, in accordance with both interest-based and principle-based purposes.<sup>18</sup> Conversely, however, international commissions have been

---

<sup>18</sup> Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca: Cornell University Press, 2004); Alexander Cooley and James Ron, 'The NGO scramble: Organizational insecurity and the political economy of transnational action', *International Security*, 27:1 (2002), pp. 5-39; Sarah S. Stroup and Wendy H. Wong, *The Authority Trap: Strategic Choices of International NGOs* (Ithaca: Cornell University Press, 2017).



assumed to perform as merely principled actors since they have a high predilection to seek cosmopolitan values, social democratic policies, or liberal internationalism.<sup>19</sup> Of course, they are set up by states or international organisations when these sponsors believe this option would be the best or better way to realise their interests and goals. International commissions therefore would be able to concentrate on doing their work without spending their time raising funds, securing human resources, and engaging in other logistic matters, while as a result, the constitution and work may be heavily tinged with such sponsoring actors' visions.<sup>20</sup> Nonetheless, members of international commissions are usually selected among intellectuals, practitioners, and politicians based on their competence, credibility, and reputation. While effort is made to include individuals from various countries, cultural backgrounds, and different levels of economic development, many members of international commissions are indeed from western, industrialised states and often sympathise with the ideals of social democracy and liberal internationalism. In contrast, it should be noted that there has been unsatisfactory participation and attention from conservative leaders of developed states and little representation of such major powers as

---

<sup>19</sup> Evans, 'Commission diplomacy', p. 293.

<sup>20</sup> Andrew F. Cooper and John English, 'International commissions and the mind of global governance', in Thakur, Cooper, and English (eds), *International Commissions*, pp. 12-7.

the United States.<sup>21</sup> More commonly, however, members are often selected from among those of previous international commissions and high-level panels, as it is believed that ‘the individuals selected to these panels are wise, rational, and respected leaders who carry some clout with government leaders and have much credibility and influence on the general public’.<sup>22</sup> Furthermore, the attempt to establish international commissions is inherently typified by the ideals of social democracy or liberal internationalism, as exemplified by the belief that they are typically formed in response to state governments or international institutions being seen as ‘insufficiently responsive to the world order challenges of the day, while the viewpoints of distinguished liberal statesmen [are] thought to be still capable of exerting a galvanizing influence on both leaders and their publics’.<sup>23</sup>

Such characteristics enable scholars to observe international commissions that play a distinctive role as ‘blue-ribbon panels’ or ‘blue-ribbon power’, thereby behaving in a principled manner mainly in accordance with each commissioner’s academic and normative beliefs, interests, and values. Hence, conclusions and recommendations offered

---

<sup>21</sup> Raimo Värynen, ‘The relevance of global commissions: an introduction’, in Vesa (ed.), *Global Commissions Assessed*, pp. 7-13.

<sup>22</sup> W. Andy. Knight, ‘Equivocating on the future of world order: the commission on global governance’, in Thakur, Cooper, and English (eds), *International Commissions*, p. 102.

<sup>23</sup> Falk, ‘Liberalism at the global level’, p. 565.

by such commissions are often idealistic, ‘unorthodox and transformative’, as they ‘think and propel action “ahead of the curve”’.<sup>24</sup> Assessing the success and failure of international commissions’ efforts toward United Nations (UN) reform, Luck critically demonstrated ‘a mismatch between the targets defined by those producing the studies and the implementation opportunities defined by those receiving them on the policy-making side’.<sup>25</sup> He went on to argue,

The producers generally are individuals with vision, ideals, and a strong sense of commitment to particular ideas and policy directions. They tend to be advocates, frequently passionate about the messages conveyed in their reports. The recipients, on the other hand, are caught up in the demands of the ongoing political and bureaucratic processes. While they may well share many of the same values and ideals of those presenting the findings, the policymaker’s first consideration has to be whether and how these proposals could fit into existing political realities.<sup>26</sup>

This suggests that international commissions often fail to instigate political change partly

---

<sup>24</sup> Cooper and English, ‘International commissions’, p. 11.

<sup>25</sup> Luck, ‘Blue ribbon power’, p. 102.

<sup>26</sup> Ibid., p. 102-3.

because they might be reluctant to listen carefully to audiences' (imaginable) responses to their recommendations and conclusions, and instead cling rigidly to their own values and ideals. As such, international commissions are considered to be principled actors who are highly idealistic rather than strategic in constitution, mandate, and their work when involved in international politics.

In contrast to the findings of existing literature, I show in the following sections the strategic role of international commissions in creating new normative ideas. Members of international commissions may be aware of what the issue is and how it is perceived in the international community, and expect their proposal to be broadly and properly respected by states and global actors. This cautious and passionate stance pushes for commissioners to identify what they can actually do in order to deal with real issues; therefore, if commissioners earnestly hope to plant their normative ideas firmly in the international arena, they must consider the contents of their ideas strategically and detach themselves to the extent possible from their principled personal views. A constructivist insight into norm entrepreneurship enables us to analyse such a role as norm entrepreneurs are assumed to be involved in the process of 'strategic social construction', thereby 'making detailed means-ends calculations to maximize their utilities'.<sup>27</sup> Norm entrepreneurs are those who

---

<sup>27</sup> Finnemore and Sikkink, 'International norm dynamics', p. 910.

have ‘strong notions about appropriate or desirable behavior in their community’, and they ‘call attention to issues or even “create” issues by using language that names, interprets, and dramatizes them’, and are thus engaged in the creation of normative ideas.<sup>28</sup> While many constructivist scholars have focused on the diffusion process in which norm entrepreneurs attempt to sell their normative ideas to the international community, I will clarify and examine their activities and strategies in creating normative ideas before the international diffusion stage starts.

## **The ICISS and R2P**

The aim of this article is to elucidate the process of creating normative ideas by extracting theoretical implications from the case study. In light of this aim, this section focuses on the question of *how* the ICISS worked for the purpose of advocating the normative idea of R2P, instead of *what* was discussed in detail in that process.<sup>29</sup>

### *Appearance of the ICISS*

As is well-known and has been stated by the ICISS itself, the Commission was formed in a

---

<sup>28</sup> Ibid., pp. 896-7. See also Björkdahl, *From Idea to Norm*, pp. 45-6.

<sup>29</sup> For the detailed description of the process, see Bellamy, *Responsibility to Protect*, pp. 35-51.

particular structure because the international community had been faced with a decision of what to do against ‘conscience-shocking’ situations. Such a normative structure consisted principally of two dimensions, thereby enabling the ICISS to engage in norm entrepreneurship activities: conscience-shocking cases and a growing consensus. The genocide in Rwanda in 1994 and in Srebrenica in 1995, and the North Atlantic Treaty Organisation (NATO) campaign in Kosovo in 1999 were sufficiently conscience-shocking and even revolutionary for UN member states and the UN itself to take seriously the challenge of civilian protection during humanitarian tragedies.<sup>30</sup> In addition, a common understanding regarding human protection was changing throughout the 1990s, as the UN Security Council held the first thematic debate on the protection of civilians in armed conflict in 1999 and delivered a presidential statement of the agenda, leading to the issuing of the Secretary-General report and two Security Council resolutions on civilian protection.<sup>31</sup> Moreover, the gradual shifting of the diplomatic focus to the human-centred approach, such as human security in Canada and Japan, showed that a certain group of UN

---

<sup>30</sup> Kofi Annan, *Interventions: A Life in War and Peace* (New York: The Penguin Press, 2012), pp. 29-114.

<sup>31</sup> UN, *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*, S/1999/957 (8 September 1999); S/PRST/1999/6 (12 February 1999); S/RES/1265 (17 September 1999); S/RES/1296 (19 April 2000).

member states was becoming more willing to play a proactive role in dealing with the issues on human protection.<sup>32</sup> These structural factors therefore provided an opportunity for state governments and the UN as norm entrepreneurs to crystallise emerging views on the protection of civilians in humanitarian crises.

Under this normative structure, the then UN Secretary-General Kofi Annan served as the instigator of a normative change concerning military intervention for humanitarian purposes, arguing that it was necessary to consider, ‘on one side, the question of the legitimacy of an action taken by a regional organization without a United Nations mandate; on the other, the universally recognized imperative of effectively halting gross and systematic violations of human rights with grave humanitarian consequences’. He further claimed,

This developing international norm in favour of intervention to protect civilians from wholesale slaughter will no doubt continue to pose profound challenges to the international community. Any such evolution in our understanding of state sovereignty and individual sovereignty will, in some quarters, be met with distrust, scepticism and

---

<sup>32</sup> S. Neil MacFarlane and Khong Yuen Foong, *Human Security and the UN: A Critical History* (Bloomington: Indiana University Press, 2006).

even hostility. But it is an evolution that we should welcome.<sup>33</sup>

Nevertheless, asking ‘if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?’, he underscored the serious dilemma in which principle should be prioritised, human rights or sovereignty, when they clash.<sup>34</sup>

Annan’s call urged certain member states to take the initiative in addressing this dilemma. In early 2000, Canadian officials Don Hubert, Heidi Hulan, and Jill Sinclair embarked on the creation of an International Commission on Humanitarian Intervention, and the then Canadian Foreign Minister Lloyd Axworthy contacted Annan to discuss the project. Axworthy believed that the best way would be to set up an international commission that was independent of the North/South divide in UN politics, and involved experts who had different backgrounds in terms of political, legal, philosophical, and practical aspects concerning the issue.<sup>35</sup> This was achieved as the commission was

---

<sup>33</sup> UN, A/54/PV.4 (20 September 1999), pp. 2, 4.

<sup>34</sup> Kofi Annan, *We the Peoples: The Role of the United Nations in the 21<sup>st</sup> Century* (New York: United Nations Department of Public Information, 2000), p. 48.

<sup>35</sup> Author’s interview with Lloyd Axworthy, Kyoto, 22 January 2015.



co-chaired by Gareth Evans (Australia), representing the North, and Mohamed Sahnoun (Algeria), representing the South, along with 10 other commissioners.<sup>36</sup> Axworthy also realised that Annan 'was very supportive but didn't think it would work under UN auspices'.<sup>37</sup> At that time, the recognition within the UN was that they 'don't have good ways of reconciling those two sets of norms' such as non-interference and human rights, and that the UN 'hasn't resolved the dilemma'.<sup>38</sup> Annan thus called on Axworthy and the Canadian government to take on a leadership role in the issue. Deliberately altering the commission's name, Axworthy announced the establishment of the ICISS at the General Assembly meeting in September 2000.<sup>39</sup>

---

<sup>36</sup> For details on the commissioners, see International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), pp. 77-9.

<sup>37</sup> Lloyd Axworthy, *Navigating a New World: Canada's Global Future* (Toronto: Vintage Canada, 2004), p. 191.

<sup>38</sup> Thomas G. Weiss, Tatiana Carayannis, Louis Emmerij, and Richard Jolly, *UN Voices: The Struggle for Development and Social Justice* (Bloomington: Indiana University Press, 2005), p. 304.

<sup>39</sup> UN, A/55/PV.15 (14 September 2000), p. 3.

### *Strategic creation of the normative idea of R2P*

The normative structure of civilian protection in humanitarian tragedies encouraged a variety of actors to engage in norm entrepreneurship activities, but this did not automatically define the contents of newly created normative ideas. Instead, these actors, in particular the ICISS, consciously and strategically devised the contents of new normative ideas. As analysed below, the ICISS as a norm entrepreneur developed the normative idea of R2P through not only closed-door consultations but also the frequent exchange of opinions with state governments, international organisations, NGOs, and civil society groups. In addition to a couple of informal meetings, five full meetings with the commissioners were held in Ottawa on 5 to 6 November 2000, Maputo on 11 to 12 March 2001, New Delhi on 11 to 12 June, Wakefield on 5 to 9 August, and Brussels on 1 September. In order for the ICISS to hear the broadest possible range of perspectives, eleven regional and national conferences were also convened in Ottawa on 15 January 2001, Geneva on 30 to 31 January, London on 3 February, Maputo on 10 March, Washington, D.C. on 2 May, Santiago on 4 May, Cairo on 21 May, Paris on 23 May, New Delhi on 10 June, Beijing on 14 June, and St. Petersburg on 16 July.<sup>40</sup>

The primary purpose of the ICISS was unmistakably clear, as the co-chairs stated,

---

<sup>40</sup> ICISS, *The Responsibility to Protect*, pp. 82-3.

‘[t]his report is about the so-called “right of humanitarian intervention”: the question of when, if ever, it is appropriate for states to take coercive – and in particular military – action, against another state for the purpose of protecting people at risk in that other state’.<sup>41</sup> In stimulating a normative change in line with this subject, the commissioners of the ICISS and the Canadian government believed from the outset that conceiving of a new phrase could help mitigate the seemingly confrontational relationship between the norms of humanitarian intervention and sovereignty. They drew on the past successful experience of the WCED as the model, which, as Axworthy argued, ‘took two seemingly contradictory ideas – economic development and the protection of the environment – and out of that contradiction forged a synthesis called sustainable development’.<sup>42</sup> Evans and Sahnoun, who was a commissioner of the WCED, also stressed that ‘[a] model ... is the success of the Brundtland Commission which, by devising the then new idea of sustainable development, found a way through the impasse posed by apparently rigid environmentalist and prodevelopment positions’.<sup>43</sup>

The ICISS therefore intended to develop a new phrase which would cultivate ‘the

---

<sup>41</sup> Ibid, p. VII.

<sup>42</sup> UN, A/55/PV.15, pp. 3-4.

<sup>43</sup> Gareth Evans and Mohamed Sahnoun, ‘Intervention and state sovereignty: Breaking new ground’, *Global Governance*, 7:2 (2001), p. 121.

mindset with which the debate is conducted’,<sup>44</sup> and ‘help shake up the policy debate, getting governments in particular to think afresh about what the real issues are’.<sup>45</sup> This intention was broadly shared and supported, especially by the NGO community, as at the first regional roundtable in Ottawa in January 2001, they argued that ‘a change in terminology could also help to move the debate away from how it had traditionally been developed’.<sup>46</sup> In order to make sure this happen, it was significant to not only distinguish it from pre-existing concepts by using memorable words but also propose a different logic from the old one. For Evans as a co-chair, the new phrase should be ‘one that would capture the flavour of what we probably all wanted to say about the moral imperative of responding to atrocity crimes, be succinct and memorable, and, while having some continuity with the debate of which we had all been part over the last decade, also mark an escape from its sterility and divisiveness’.<sup>47</sup> Ramesh Thakur, a commissioner, also shared this view,

---

<sup>44</sup> Ibid., p. 123.

<sup>45</sup> Gareth Evans and Mohamed Sahnoun, ‘The responsibility to protect’, *Foreign Affairs*, 81:6 (2002), p. 101.

<sup>46</sup> Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Research, Bibliography, Background* (Ottawa: International Development Research Centre, 2001), p. 350.

<sup>47</sup> Evans, *The Responsibility to Protect*, p. 5.

namely, the need to ‘come up with the simple, elegant phrase that captured what we want to do’, thereby helping bridge the contested relationship between intervention and sovereignty.<sup>48</sup>

Primarily, in designing a new phrase, the ICISS needed to dissociate the new phrase from the controversial norm of humanitarian intervention, which would make it difficult to reach a broad consensus on coercive engagement for human protection. They were acutely sensitive to the concerns of humanitarian agencies like the UN High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), who showed themselves unwilling to support the type of language that implied possible military intervention by states.<sup>49</sup> For the ICRC, for example, ‘the term “humanitarian” should be reserved to describe action intended to alleviate the suffering of the victims’ and should not be linked with an image ‘as interference or infringement of a State’s national sovereignty’.<sup>50</sup> Cornelio Sommaruga, a commissioner of the ICISS and the former president of the ICRC, talked with Annan who was previously inclined to touch on the terminology of humanitarian intervention, to make him share the position, and Annan

---

<sup>48</sup> Author’s interview with Ramesh Thakur, Canberra, 6 March 2014.

<sup>49</sup> Thakur, ‘Intervention, sovereignty and the responsibility to protect’, p. 327.

<sup>50</sup> Anne Ryniker, ‘The ICRC’s position on “humanitarian intervention”’, *International Review of the Red Cross*, 83:842 (2001), p. 529.

came to deliver, ‘let’s get right away from using the term “humanitarian” to describe military operations’.<sup>51</sup> The ICISS was also sharply conscious of the perspective of the developing world, which objected to any Western coercive and military interference in their domestic affairs. For developing countries, humanitarian intervention ‘ha[d] brought back bad memories from the colonial era, when Western colonialism was portrayed as a sort of humanitarian effort to help civilize and free peoples of the South’.<sup>52</sup> Participants at the regional roundtable in Beijing argued that ‘grafting humanitarian considerations onto intervention adds no lustre to the idea of meddling but will, contrarily, smear the lofty cause with dirt’.<sup>53</sup> Therefore, the commissioners preferred to clearly reveal a new way of thinking, away from the words of humanitarian and intervention, which would promote a consensus on the protection of civilians in humanitarian crises.

In order to enjoy support from a broad range of audiences, it is necessary to not only separate a new normative idea from conventional, conflicting norms like humanitarian intervention, but also to associate it with other well-formed and accepted norms. The ICISS first took a cue from existing conceptions, especially the idea of ‘sovereignty as

---

<sup>51</sup> UN, ‘Military Operations Should Not Be Described as Humanitarian Action, Secretary-General Tells Symposium’, SG/SM/7632 (20 November 2000).

<sup>52</sup> Supplementary Volume, *The Responsibility to Protect*, p. 375.

<sup>53</sup> Ibid., p. 392.

responsibility’, which was proposed by Francis Deng, the then Special Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons.<sup>54</sup> The idea aimed to incorporate a core element of responsibility into sovereignty to encourage the international community to definitively commit to resolving the issue of internally displaced persons. For the ICISS, emphasising the relevance of sovereignty by introducing the term and elements of responsibility into a new normative idea was a key step toward reaching a consensus on the issue of humanitarian intervention, as many participants of regional consultations insisted on the respect for sovereignty. The ICISS thus focused on the way of combining responsibility with sovereignty and intervention that could be encompassed by a new normative idea. However, at the same time, the commissioners recognised that since the concept of sovereignty as responsibility was derived mainly from the issue of internally displaced persons and so in itself unable to legitimate coercive intervention in other humanitarian tragedies, it was of fundamental importance in developing a new phrase and logic which would cover a broad range of humanitarian tragedies.<sup>55</sup>

It was Evans that first conceived of the phrase ‘responsibility to protect’ in a very

---

<sup>54</sup> Axworthy, *Navigating a New World*, p. 414.

<sup>55</sup> Author’s interview with Thakur.

early phase of the consultation process of the ICISS.<sup>56</sup> While the phrase was already being considered by the commissioners in November 2000, it was at the second roundtable in Geneva in January 2001 that the ICISS evidently presented and ‘participants broadly endorsed ICISS’s possible approach of thinking of intervention in terms of a “responsibility to protect”, as opposed to a “right to intervene”’.<sup>57</sup> The term R2P was thus shared in the early stage as a useful basis for facilitating a reversal of audiences’ ways of thinking with regard to humanitarian intervention. Although doubts continued to be raised about the ICISS’s emphasis on the coercive and military aspects of R2P, the new phrase and its implications were discussed afterwards at the regular consultations and irregular meetings. The attempt to see the issue of humanitarian intervention in terms of R2P was positively received by participants of the consultations, even from developing countries and regions.<sup>58</sup>

Conceiving of a new phrase is not enough; rather a new and different logic must be encompassed within the phrase. The ICISS produced, through the consultations, a threefold logic to keep the normative idea of R2P away from other related norms and concerns. First, the conventional wisdom of humanitarian intervention or the ‘right to

---

<sup>56</sup> Evans, *The Responsibility to Protect*, p. 5.

<sup>57</sup> Supplementary Volume, *The Responsibility to Protect*, p. 355.

<sup>58</sup> Ibid., pp. 391, 397; Stanlake JTM Samkange, ‘African perspectives on intervention and state sovereignty’, *African Security Review*, 11:1 (2002), p. 80.



intervene' emphasises that a state has the right to intervene in another country in the case of a humanitarian tragedy, regardless of the will or capacity of the country in question. In contrast, the ICISS defined the basic principles of R2P as, first, '[s]tate sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself', and then '[w]here a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect'.<sup>59</sup> Underscoring the primacy of each state responsibility would reaffirm the respect for sovereignty in line with discussions at the roundtables. In addition, R2P came to mean that 'international intervention should encompass preventive aspects and the responsibility to participate in the mending of war-torn societies', and 'it does not imply only military entry and exit strategies but a consistent and sustainable responsibility'.<sup>60</sup> Hence, as co-chair Sahnoun said, the ICISS placed equal emphasis on prevention and rebuilding because 'intervention will always be contentious and highly politicized, and our aim should be to avoid this type of deadlock'.<sup>61</sup> The ICISS thus sandwiched the more

---

<sup>59</sup> ICISS, *The Responsibility to Protect*, p. XI.

<sup>60</sup> Supplementary Volume, *The Responsibility to Protect*, pp. 360, 363.

<sup>61</sup> Global Responsibility to Protect, 'Interview with Mohamed Sahnoun (30 July 2011)', *Global Responsibility to Protect*, 3:4 (2011), p. 475.

contentious aspect of coercive reaction between the less contentious but rather preferred efforts of prevention and rebuilding under the phrase of R2P. Lastly, through a series of regional consultations, the ICISS and the participants shared the view that focusing on victims or local populations, not outside interveners, was a key dimension of R2P in achieving a consensus on the issue.<sup>62</sup> This new dimension was important in order to underline the nature of R2P that would not only fend off the criticism of neo-colonialism deriving from long-term international engagement, but also guarantee the validity and legitimacy of interventions by satisfying the needs of local populations.<sup>63</sup>

In addition to inventing the term and logic of R2P, the ICISS sought to bring the normative idea into life by developing a set of tangible policy tools and standards to carry out the required actions. Co-chair Evans, in particular, felt that there had been no clear criteria, including sovereignty as responsibility, which ‘succeeded in generating any kind of broad international consensus as to when and how the international community should

---

<sup>62</sup> Author’s interview with Vesselin Popovski, a participant of the London roundtable, Tokyo, 24 February 2014. See also Canadian Centre for Foreign Policy Development (CCFPD), ‘Report from the Ottawa Roundtable for the International Commission on Intervention and State Sovereignty’, 1011.9E (Ottawa, 15 January 2001), p. 3; Supplementary Volume, *The Responsibility to Protect*, pp. 357-8, 385-6.

<sup>63</sup> Supplementary Volume, *The Responsibility to Protect*, pp. 363-4, 368, 380, 398.

respond to mass atrocity crimes'.<sup>64</sup> Many of the participants of the regional roundtables also shared this concern, stating that 'the development of threshold principles – which, when met, would trigger international intervention – is important, particularly in making interventions more credible and helping to reassure states that the intervention is indeed legitimate and not abusive', and that '[u]nequivocal and agreed criteria and safeguards have to be established'.<sup>65</sup> This common understanding and debates at the roundtables were conducive in compiling principles for military intervention, including just cause, right intention, last resort, proportional means, reasonable prospects, and right authority.<sup>66</sup> At the first regional roundtable in Ottawa and elsewhere, attention was paid to the threshold principles proposed by the IICK, one of which included a 'severe pattern of human rights violations' as a just cause.<sup>67</sup> For the sake of avoiding unnecessary controversy over the real case of military intervention and confining to the 'conscience-shocking situation', however, human rights abuses were voluntarily excluded as a situation which was not justified by a just cause criterion.<sup>68</sup>

---

<sup>64</sup> Evans, *The Responsibility to Protect*, p. 32.

<sup>65</sup> Supplementary Volume, *The Responsibility to Protect*, pp. 351, 377.

<sup>66</sup> ICISS, *The Responsibility to Protect*, p. XII.

<sup>67</sup> CCFPD, 'Report from the Ottawa Roundtable', p. 5.

<sup>68</sup> Author's interview with Thakur. See also ICISS, *The Responsibility to Protect*, pp. 32-3.

The normative idea of R2P was formed as a three-tiered approach including prevention, reaction, and rebuilding, while the ICISS gave the highest priority to prevention, concluding that '[p]revention is the single most important dimension of the responsibility to protect'.<sup>69</sup> This is mainly because, through the roundtables, conflict prevention had been widely recognised in the ICISS as a better way to draw the international community's engagement in humanitarian crises, as the Carnegie Commission on Preventing Deadly Conflict, of whom Evans was a commissioner, recommended after the Rwandan genocide.<sup>70</sup> At the same time, the ICISS stressed the high relevance of the UN Security Council as a right authority, affirming that '[t]he task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has'.<sup>71</sup> During discussions at the roundtables, general consensus was reached on the belief that military engagement for human protection purposes should be determined preferably based on the procedures of the UN Security Council even if any shortcomings.<sup>72</sup> As such, policy proposals for implementing the normative idea of R2P were designed to fit

---

<sup>69</sup> ICISS, *The Responsibility to Protect*, p. XI.

<sup>70</sup> Author's interview with Thomas G. Weiss, the ICISS research director, New York, 30 October 2014.

<sup>71</sup> ICISS, *The Responsibility to Protect*, p. XII.

<sup>72</sup> Supplementary Volume, *The Responsibility to Protect*, pp. 356, 367, 373, 376, 389, 393.

into the most satisfying possible methods and already entrenched institutional schemes.

As a consequence, the normative idea of R2P was publicised in the final report of the ICISS through its publication in December 2001. Although one of the co-chairs and two of the commissioners, Evans, Thakur, and Michael Ignatieff, wrote up the report, the co-chairs concluded that ‘the text on which we have found consensus does reflect the shared views of all Commissioners as to what is politically achievable in the world as we know it today’.<sup>73</sup> At the last phase of the process of creating the normative idea of R2P, Evans played a leadership role in convincing a few other commissioners who were not satisfied with the conclusion and even insisted on adopting more radical dimensions of R2P.<sup>74</sup> As my above analysis demonstrates, it is fair to confirm that the ICISS created the normative idea of R2P as ‘what [was] politically achievable in the world’ through its interactions with various groups of influential actors.

#### *How to make R2P effective and legitimate*

The co-chairs of the ICISS felt that ‘[n]obody wants to contemplate this report gathering dust, and it should be better positioned than most to avoid this fate’.<sup>75</sup> They were thus

---

<sup>73</sup> ICISS, *The Responsibility to Protect*, p. VIII.

<sup>74</sup> Evans, *The Responsibility to Protect*, pp. 4-5.

<sup>75</sup> Evans and Sahnoun, ‘Intervention and state sovereignty’, p. 121.

cognizant of the fact that the political support of states, international organisations, and civil society in the process of constructing a new normative idea was necessary to make the idea legitimate, effective, and operational. From the outset, Axworthy, who was one of the founders of the ICISS, was acutely aware that '[t]he proposal [to launch an international commission] had merit, but to be effective, it needed serious political support'.<sup>76</sup> He also sought to gain a high degree of legitimacy with regard to the ICISS project in the UN context, and so believed in '[Annan's] own endorsement of the initiative and a commitment to personally receive the report'.<sup>77</sup> Indeed, the Canadian government submitted the final report to Annan in December 2001, and took the opportunity of the General Assembly session to announce its findings and recommendations. Annan also hosted the luncheon before the publication of the report to discuss its contents and implications with the members of the ICISS. After its publication, he showed his appreciation and approval of the findings and suggestions of the report, saying that 'your title really describes what I was talking about: the fact that sovereignty implies responsibilities as well as powers; and that among those responsibilities, none is more important than protecting citizens from violence and war'. Stating 'it marks an important step in the difficult process of building a new global consensus on intervention for human protection', Annan expressed his intention to

---

<sup>76</sup> Axworthy, *Navigating a New World*, p. 191.

<sup>77</sup> Ibid.

move the discussion on R2P forward,<sup>78</sup> and afterwards voluntarily committed to the agenda setting of R2P within the UN.

The political support from the Canadian government was crucial in terms of proceeding to the consultation process without concerns of raising funds, gathering participants, or securing places for debate. The then Canadian Foreign Minister John Manley set up an international advisory board, and designated Axworthy as its chair as well as appointed other members who had served as ministers from different regions. This board was expected to ‘help Commissioners ground their report in current political realities, and assist in building the political momentum and public engagement required to follow up its recommendations’.<sup>79</sup> The advisory board would be able to introduce the normative idea of R2P into the political debate of each country and organisation with their capacities and networks. In addition, the work plan of the ICISS was managed by a secretariat, which was provided as a part of the Canadian government’s support for the commission. The task was not only to undertake necessary fund-raising, organise a series of consultations and meetings, and manage the publication and distribution of the final report, but also to pursue

---

<sup>78</sup> UN, ‘Secretary-General Addresses International Peace Academy Seminar on “the Responsibility to Protect”’, SG/SM/8125 (15 February 2002).

<sup>79</sup> ICISS, *The Responsibility to Protect*, p. 82.

diplomatic efforts to involve governments and forge political support for the discussion.<sup>80</sup> The ICISS was also financially supported by the governments of Canada, Switzerland, and the United Kingdom, and a number of major international foundations, such as the Carnegie Corporation, the Hewlett Foundation, the John D. and Catherine T. MacArthur Foundation, the Rockefeller Foundation, and the Simons Foundation.

In order to make the R2P norm legitimate, effective, and operational, debates and consensus among civil society groups via regional roundtables and consultations were also taken seriously: without reaching a consensus among a small group of scholars and practitioners, no consensus would be possible among states, which would likely be even more conflictual due to their desire to protect national interests.<sup>81</sup> Indeed, the ICISS was careful to cautiously listen to and reflect on the different viewpoints of all countries, international agencies, and civil society groups involved, as Thakur said that ‘we always believed in the commission that our primary audience for the report was the UN community, not the Secretariat, not the Secretary-General, not just member states, but all of them together’.<sup>82</sup> Therefore, the consultation process was of great importance in terms of the legitimacy and effectiveness of the R2P norm, but the outcome of the process was equally

---

<sup>80</sup> Ibid., p. 84.

<sup>81</sup> Author’s interview with Popovski.

<sup>82</sup> Author’s interview with Thakur.



significant. A supplementary volume, which was compiled by an international research team created for the ICISS, provided the record of discussions in the UN and other forums, a huge amount of already published scholarly and policy research on the topic, and a series of studies especially commissioned for the ICISS.<sup>83</sup> Moreover, as an outcome of the ICISS activities, the Responsibility to Protect – Engaging Civil Society (R2PCS) was founded in 2003 for the purpose of engaging civil society groups in the promotion of the normative idea of R2P as one of the next steps to accelerate making it a new international norm.<sup>84</sup>

### **Theoretical findings and implications for norm entrepreneurship**

In this section, I derive theoretical implications from the previous case study analysis in order to advance the understanding of norm entrepreneurship. My focus here is on structural factors which would help norm entrepreneurs emerge and perform in the international community, and norm entrepreneurs' strategies for constructing normative ideas in the structure.

#### *Structure, agent, and strategy*

Although the attention to norm entrepreneurship is imperative to reveal the detailed process

---

<sup>83</sup> ICISS, *The Responsibility to Protect*, p. 84.

<sup>84</sup> As for the R2PCS, see <http://www.responsibilitytoprotect.org/index.php/rtop>.

of norm emergence and normative change, structural factors are also important and helpful in understanding why and how specific norm entrepreneurs appear and function on the international stage at certain points in history.<sup>85</sup> First of all, norm entrepreneurs do not spontaneously show up, rather their appearance is profoundly influenced and stimulated by a broad range of structural factors, namely normative structure, which can serve as ‘generic forces that create the demand for new norms’.<sup>86</sup> As Wunderlich pointed out, ‘while norm entrepreneurs are indispensable for the occurrence of norm change, intrinsic and exogenous factors present windows of opportunity for their agency’.<sup>87</sup> As we observed in the empirical section, the ICISS was formed in a normative structure composed of conscience-shocking cases and a growing consensus on human protection. These two components are respectively in line with Kornprobst’s conceptualisation of ‘revolutionary events’ and ‘shifting repertoires of commonplaces’.<sup>88</sup> Whereas the normative structure

---

<sup>85</sup> Hun Joon Kim and J.C. Sharman, ‘Accounts and accountability: Corruption, human rights, and individual accountability norms’, *International Organization*, 68:2 (2014), pp. 417-48.

<sup>86</sup> Acharya, ‘How ideas spread’, pp. 246-7.

<sup>87</sup> Carmen Wunderlich, ‘Theoretical approaches in norm dynamics’, in Müller and Wunderlich (eds), *Norm Dynamics in Multilateral Arms Control*, p. 27.

<sup>88</sup> According to Kornprobst, the former ‘makes clear that the old ways of doing things have

enabled any actors in theory and reality, not just the ICISS, to undertake norm entrepreneurship activities, it should be essential to investigate how the ICISS performed as a norm entrepreneur to successfully advocate the normative idea of R2P.

Once norm entrepreneurs come out in the international community, how they should work to achieve their goals, namely their strategies, is then likely to be affected by the normative structure. Constructivists have assumed that successful norm entrepreneurs must shape new normative ideas so as to normatively fit or resonate with the normative structure consisting of entrenched norms. Keck and Sikkink asserted that '[n]ew ideas are more likely to be influential if they fit well with existing ideas and ideologies in a particular historical setting'.<sup>89</sup> Joachim, in explaining how NGOs frame new norms to set them as UN agendas, also conceded that '[w]hether these frames will ultimately be accepted is contingent on both the degree to which they resonate or fit with the belief, ideas, and norms become obsolete and have to be replaced by something new', while the latter 'replaces old tools for making the world intelligible with new ones'. These two structural factors are intimately intertwined, as revolutionary events do not necessarily prompt a change in the repertoire of commonplaces, but the former must be observed prior to the latter. See Markus Kornprobst, 'Argumentation and compromise: Ireland's selection of the territorial status quo norm', *International Organization*, 61:1 (2007), p. 78.

---

<sup>89</sup> Keck and Sikkink, *Activists beyond Borders*, p. 204.

of other actors whose support NGOs seek to enlist and the broader institutional and international context'.<sup>90</sup> Unlike these studies, however, the strategy of normative fit or resonance was not enough to generate the normative idea of R2P, given that confrontation had still remained hostile between norms of sovereignty and intervention at the period when the ICISS was working. As I showed in the empirical section, justifying intervention by resonating with humanitarianism and human rights, namely humanitarian intervention, would trigger contestation not only among proponents of sovereignty norms, e.g. developing countries, but also those of human rights norms, e.g. humanitarian agencies.

Therefore, contestation, not resonance, may be a key perspective from which we can accurately understand the process of producing the normative idea of R2P, which has been focused as a mechanism for explaining dynamics behind norm emergence and diffusion in International Relations.<sup>91</sup> Essentially, these scholars are interested in demonstrating how audiences or 'norm antipreneurs' would defend the 'normative status

---

<sup>90</sup> Joachim, *Agenda Setting*, pp. 6-7.

<sup>91</sup> Alan Bloomfield and Shirley V. Scott (eds), *Norm Antipreneurs and the Politics of Resistance to Global Normative Change* (Abingdon: Routledge, 2017); Clifford Bob, *The Global Right Wing and the Clash of World Politics* (New York: Cambridge University Press, 2012); Rodger A. Payne, 'Persuasion, frames and norm construction', *European Journal of International Relations*, 7:1 (2001), pp. 37-61; Wiener, *A Theory of Contestation*.

quo' by restricting or resisting, in accordance with established norms, numerous attempts by norm entrepreneurs to stimulate a normative change. Björkdahl called attention to 'normative clash' where normative ideas may compete with existing entrenched norms as well as other normative ideas, offering two types of possible outcomes that 'firstly, only one of the competitors prevails absolutely and the other one disappears; secondly, the two competing norms coexist over time'.<sup>92</sup> Neither scenario is true of the case of R2P creation, rather a new normative idea of R2P was born and competing norms such as sovereignty and intervention have coexisted in a less contested fashion. Carpenter, in contrast, rightly pointed out that 'the issue of child soldiers was raised not because it fit neatly with existing norms but because it highlighted a *contradiction* in those norms',<sup>93</sup> though not closely examining how to resolve such contradictions or contestation among norms. Nonetheless, this is the case with R2P, and as we saw in the case study section, it has emerged within a contradiction among normative ideas and existing norms including human rights, intervention, and sovereignty.

In short, the normative structure may encourage each actor to recognise how the structure is organised and what their objectives are under the structure, and identify which strategy, resonance or contestation, would be proper to accomplish each actor's objective.

---

<sup>92</sup> Björkdahl, *From Idea to Norm*, pp. 52-4.

<sup>93</sup> Carpenter, 'Setting the advocacy agenda', p. 111.

Constructivist scholars have presumed that such actors are normally prone to take conscious effort *either* with resonance or contestation over a campaign in which normative ideas or norms are presented. However, international commissions as norm entrepreneurs may engage themselves in *both* efforts in order to make sure that new normative ideas are clearly incorporated into the international decision-making process. The ICISS acted as a norm entrepreneur by getting involved with norm contestation, not purely resonance, in order to bridge the gap between norms of sovereignty and intervention and precipitate a normative change in the issue area of human protection from humanitarian disasters.

*What International commissions can do: Strategically creating normative ideas*

Distinct from other types of norm entrepreneurs, it is incredibly important to figure out what international commissions *can* and *should* do for norm entrepreneurship activities (see Table 1 below). First, the frequent interaction among the ICISS and the participants of a series of consultations enabled the Commission to take part in the process of creation of normative ideas in a strategic manner. As Payne specified, '[w]hen shaping messages [of normative ideas], advocates must keep in mind the likely reception and response of any targeted audience(s). Message senders are also simultaneously receivers, and vice versa'.<sup>94</sup>

---

<sup>94</sup> Payne, 'Persuasion, frames and norm construction', p. 42.

**Table 1.** What international commissions can and should do as norm entrepreneurs.

<i>Can do</i>	Strategically creating normative ideas <ul style="list-style-type: none"><li>- Coming up with a new phrase and logic with transformative and reconciliatory functions</li><li>- Resonating policy proposals with existing preferred measures</li></ul>
<i>Should do</i>	Securing political support from influential actors <ul style="list-style-type: none"><li>- Making new normative ideas legitimate, effective, and operational</li></ul>

This is a clear contrast to Luck's observation that there is a mismatch between producers of normative ideas, e.g. international commissions, and recipients of the ideas, especially states and international organisations.<sup>95</sup> In taking existing political realities seriously, international commissions may thus 'go out of their way not just to seek reinforcing evidence and argument, but to understand the nature and extent of likely opposing views'.<sup>96</sup> In the R2P case, there was indeed a gap of recognition between the ICISS side and the audience side, but the ICISS devoted themselves to bridge the gap through a series of regional and national consultations and irregular meetings. Relying on the assets as an

---

<sup>95</sup> Luck, 'Blue ribbon power', pp. 102-3.

<sup>96</sup> Evans, 'Commission diplomacy', p. 295.

international commission, the ICISS in this process elaborated the normative idea of R2P mainly with two tasks: conceiving of a new phrase and logic, and suggesting policy proposals.

Simply resonating intervention with human rights, e.g. humanitarian intervention, would not be an acceptable solution, as a point was made at the Beijing roundtable that ‘the assertion of “human rights transcending sovereignty” has serious fallacies in theory and lends no help to the legalization of humanitarian intervention’.<sup>97</sup> Therefore, coming up with a new phrase and logic was decisively important, as Cooper and English stated that ‘a catchy slogan’ would be ‘a crucial substantive ingredient for norm creation’.<sup>98</sup> In the case of creating the normative idea of R2P, producing a new name and logic was essential to bridge the gap and harmonise such a contested relationship between the norms. This option became available because some of the members of the ICISS had taken part in past efforts by other international commissions in norm creation and learned from those efforts the usefulness of making a new phrase and logic in elaborating new normative ideas. Indeed, commissioners of international commissions are usually able to grasp a set of concrete techniques and devices from previous successful experiences and ideas for which the

---

<sup>97</sup> Supplementary Volume, *The Responsibility to Protect*, p. 392.

<sup>98</sup> Cooper and English, ‘International commissions’, p. 21.



international community came to reach a consensus on specific global issues.<sup>99</sup>

Constructing a new normative idea by coming up with a new phrase and logic may be innovative in that such an attempt would serve a twofold purpose in fostering a normative change. The first can be called a ‘transformative function’, thereby ‘changing old understandings and meanings and/or generating new ones’,<sup>100</sup> as well as facilitating a reversal of states’ and other actors’ ways of thinking.<sup>101</sup> Norm entrepreneurs are required to

---

<sup>99</sup> Unto Vesa, ‘Global commissions added value’, in Vesa (ed.), *Global Commissions Assessed*, p. 122.

<sup>100</sup> Robert D. Benford and David A. Snow, ‘Framing processes and social movements: an overview and assessment’, *Annual Review of Sociology*, 26 (2000), p. 625.

<sup>101</sup> Daisuke Madokoro, ‘The formation of the “responsibility to protect”: the role of norm entrepreneur and the influence of normative environment’, *International Public Policy Studies*, 14:1 (2009), pp. 234-5. In Japanese. I do not argue that all efforts to name new normative ideas would be successful in encouraging actors to rethink and redefine their views on existing problems, thereby resulting in the promotion of norm emergence. Indeed, it is said that normative ideas with new names sometimes ‘fail to generate much or any discernible buzz in the media or among policy-makers, while there have been plenty of reports lacking such a badge ... which are generally seen as successes’. See Evans, ‘Commission diplomacy’, p. 296.

select a name that does not easily remind audiences of controversial issues, such as the use of force and coercive intervention into national affairs. The name should also be simple and memorable to allow people to remember and refer to it with ease. Yet, naming itself is not enough, rather the logic should be significant yet demanding. If norm entrepreneurs hope to achieve the same goal as other actors have long attempted to do, the logic should be clearly different in order to ensure as broad a participation of audiences as possible despite the past disjuncture among them. By introducing the new normative idea of R2P, the ICISS encouraged audiences to reshape their old ways of thinking to the new one including the supremacy of state responsibility, threefold responsibility, and a focus on victims.

A new normative idea could, as an adhesive idea, also enable actors to reinterpret and reconcile existing conflicting norms, namely a ‘reconciliatory function’,<sup>102</sup> ‘serv[ing] as a magnet drawing loose particles together into a central idea’.<sup>103</sup> With this function, new normative ideas also accelerate a change in boundaries between contradicting norms, such as sovereignty, security, development, human rights, or environment. These ideas that

---

<sup>102</sup> Kaoru Kurusu, ‘Development of human security “norm” and global governance: How is a norm-complex constructed in world politics’, *International Relations*, 143 (2005), pp. 78-9. In Japanese.

<sup>103</sup> Raimo Värynen, ‘The relevance of global commissions: An introduction’, in Vesa (ed.), *Global Commissions Assessed*, p. 11.

integrate some procedural elements under a core phrase can be defined as a complex norm.<sup>104</sup> As such, once new normative ideas are successfully proposed by norm entrepreneurs, prevalent competing norms can be reconstituted to take into account the ideas and reconcile the tension among them. The new phrase and normative idea of R2P allowed the ICISS and the audiences to reinterpret the relationship between sovereignty and intervention in a way in which these prevalent norms were reconciled and reconstituted, which would be conducive to a renewed logic that may eventually legitimise the conventional norm of humanitarian intervention.

International commissions can be engaged in contestation by shifting terminology for a new normative idea, and at the same time attempt to resonate the idea with widely accepted norms and procedures. In addition to making a new name and logic to depict a normative idea, it is necessary for international commissions or norm entrepreneurs to formulate policy proposals.<sup>105</sup> These two tasks are interrelated, as ‘the identification of

---

<sup>104</sup> Kurusu, ‘Development of human security “norm”’, p. 78; Jennifer M. Welsh, ‘Norm contestation and the responsibility to protect’, *Global Responsibility to Protect*, 5:4 (2013), pp. 386-7.

<sup>105</sup> Keck and Sikkink argued that, in order to make advocacy campaigns successful, norm entrepreneurs must ‘show that a given state of affairs is neither natural nor accidental, identify the responsible party or parties, and propose credible solutions’. See Keck and

specific problems and causes tends to constrain the range of possible “reasonable” solutions and strategies advocated’.<sup>106</sup> The ICISS developed several criteria or guiding principles for military intervention to activate the normative idea of R2P in the clearest and strictest possible way. They also accentuated the importance of preventive efforts and procedures through the UN Security Council, both of which would sympathise with preferences of potential norm followers. In short, the core of normative ideas can be formed in an innovative manner, such as with the transformative and reconciliatory functions, but policy proposals to operationalise the core would be presented in a realistic way so as to resonate with existing preferred measures.

*What international commissions should do: Securing political support*

Putting their energy into the creation of new normative ideas is not enough; international commissions should also reinforce their weakness in the constitution by securing political support from a variety of influential actors. This is because, according to Väyrynen, international commissions’ ‘political autonomy has its virtues, but it may also be a hurdle to

---

Sikkink, *Activists beyond Borders*, p. 19.

<sup>106</sup> Benford and Snow, ‘Framing processes’, p. 616. See also Joachim, *Agenda Setting*, pp. 19-22.

international influence'.<sup>107</sup> Furthermore, international commissions are usually supposed to be dissolved after concluding their business in a couple of years, and thus there may be a risk that no one but sponsoring states or organisations proceeds to campaign for their new normative ideas. As Luck averred, international commissions, in order to be persuasive and successful, need to 'gain the attention of a range of those top policymakers in the UN and in member state governments whose support, or acquiescence, would be needed for implementation' and also 'spark enough interest and commentary among the media, academia, NGOs, and the attentive public that its major ideas can be said to have entered the agenda of the larger public policy debate within civil society'.<sup>108</sup> Theoretically and empirically important, political support is not necessarily only required *after* norm entrepreneurs have created normative ideas, but *during* the process of creation of normative ideas. In previous studies, norm entrepreneurs are expected, as the next step, to 'shop around for a forum' where they can promote their normative ideas most effectively.<sup>109</sup> Yet, by gaining political support in advance, it may be guaranteed that some audiences are already prepared for a commitment to furthering the diffusion of these ideas. This kind of political support would function in two ways: enabling a high degree of legitimacy and

---

<sup>107</sup> Värynen, 'The relevance of global commissions', p. 10.

<sup>108</sup> Luck, 'Blue ribbon power', p. 98.

<sup>109</sup> Björkdahl, *From Idea to Norm*, p. 50.

ensuring the effectiveness of new normative ideas.

First, political support from diverse significant actors would increase the legitimacy of new normative ideas. For example, international organisations and NGOs would serve as organisational platforms to encourage norm emergence and diffusion by providing several modes of information, expertise, and even legitimacy to norm entrepreneurs.<sup>110</sup> In particular, enlisting support from the UN Secretary-General is pivotal, because he or she can play a key role in enhancing the legitimacy of new normative ideas based on his or her authority and produce reports on a variety of global issues which member states may discuss and acknowledge by adopting resolutions.<sup>111</sup> As for R2P, Annan was not only himself willingly involved in consultations with the Canadian government and the ICISS, but also inserted the phrase of R2P into his written reports and statements in order to urge member states to pay special attention to it.<sup>112</sup> Furthermore, international commissions can participate actively in discussions with NGOs and civil society groups for the purpose of making ‘an attempt to establish legitimacy by means other

---

<sup>110</sup> Finnemore and Sikkink, ‘International norm dynamics’, pp. 899-901.

<sup>111</sup> Madokoro, ‘How the United Nations secretary-general promotes international norms’.

<sup>112</sup> UN, *Report of the Secretary-General on In Larger Freedom: Towards Development, Security and Human Rights for All*, A/59/2005 (21 March 2005).

than simply depending on the reputation of the core members'.<sup>113</sup> The ICISS, through a series of regional and national consultations, struggled to add a high degree of legitimacy to the new normative idea of R2P by listening carefully to the possible different opinions of the participants and reaching a broad consensus.

Political support can also ensure the effectiveness of new normative ideas so that it is more likely that they will be successfully institutionalised and implemented by states and international organisations. As follow-up activities are mandatory in order to make normative ideas effective and operational,<sup>114</sup> those who provide strong support to the conclusions and recommendations of international commissions may devote themselves to promoting the ideas further. Given that the norm diffusion process after the commissions propose them is highly political, acquiring political support from a certain group of states in advance should be preferable. Canada herself could not only back up the whole campaign of the ICISS, but also engage a group of like-minded states, e.g. Human Security Network,<sup>115</sup> in the follow-up process. This initiative contributed to inserting the paragraphs

---

<sup>113</sup> Jon Pedersen, 'Ideas, think-tanks, commissions, and global politics', in Thakur, Cooper, and English (eds), *International Commissions*, p. 274.

<sup>114</sup> Luck, 'Blue ribbon power', p. 100; Vesa, 'Global commissions added value', p. 138.

<sup>115</sup> The network was established in 1999 at the initiative of Canada and Norway, and consisted of Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Panama, Slovenia,

on R2P into the 2005 UN World Summit outcome document which was adopted by a consensus of member states.<sup>116</sup> Efforts are also needed to attract attention from civil society, as '[e]ngaging with and mobilizing the energies of nongovernmental groups is crucial to effectiveness'.<sup>117</sup> Since many groups of civil society have developed a greater influence on international politics,<sup>118</sup> sympathy and support from such groups concerning international commissions' work would enable their new normative ideas to be envisioned and validated on the international political stage. Indeed, some participants in the consultation process regarding R2P have subsequently undertaken academic and practical work,<sup>119</sup> and a couple

---

Switzerland, and Thailand, with South Africa as an observer.

<sup>116</sup> UN, *2005 World Summit Outcome*, A/RES/60/1 (24 October 2005), paras. 138-9.

<sup>117</sup> David Cortright, 'Making the case for disarmament. An analysis of the Palme and Canberra commissions', in Vesa (ed.), *Global Commissions Assessed*, p. 74.

<sup>118</sup> Busby, *Moral Movements*; Marlies Glasius, 'Does the involvement of global civil society make international decision-making more democratic? The case of the International Criminal Court', *Journal of Civil Society*, 4:1 (2008), pp. 43-60; Richard Price, 'Transnational civil society and advocacy in world politics', *World Politics*, 55:4 (2003), pp. 579-606.

<sup>119</sup> For an example, Edward Luck, who contributed to the intellectual background of the ICISS's campaign, was appointed as the Special Adviser for the UN Secretary-General on



of NGOs focused on R2P were formed afterwards.

## **Conclusion**

I have analysed the process of creating the normative idea of R2P by demonstrating how the ICISS was able to serve as a norm entrepreneur to deal with a contested relationship between sovereignty and humanitarian intervention. As manifested above, international commissions can play a norm entrepreneurship role by virtue of their assets and faults. Since such commissions have a high degree of competence and credibility in line with their stance to pursue cosmopolitan values and liberal internationalism, they can construct new normative ideas in an innovative way that gives a name to the ideas and incorporates a new and different logic. This would also be achievable through a course of interactive opinion exchanges and discussions among international commissions and a variety of actors. Audiences are then encouraged to change their conventional ways of thinking while being urged to recognise that pre-existing contested norms can be reconstituted to reconcile the tension among them via the new normative ideas. By contrast, due to the same reason and a couple of deficiencies of international commissions, they should seek, in a realistic way, political support from a diverse group of influential actors, especially prior to the issue of

---

R2P in 2008.

new normative ideas, in order to bring legitimacy and efficacy to the ideas so that they can be immediately infused into political discourse and diplomatic policy. In short, interaction or communication is the key to being successful in shaping new normative ideas which would propagate in the international community.

It should be noted that, so far, the ICISS-version of R2P has not been broadly shared in the international community, but its formulation and proposals were purposely modified through the political dynamics among UN member states so as to fit with the well-established norms of the UN Charter and international criminal justice.<sup>120</sup> From the viewpoint of practitioners or sceptics, this indicates that the ICISS must have failed to facilitate, strictly based on their proposals, a normative change regarding human protection. Nevertheless, the name and logic of R2P has not been rebuffed but rather affirmed in the UN as a reference point or an emerging norm when member states discuss measures to be taken against serious humanitarian tragedies. This may be surprising if we keep in mind that a similar normative idea of humanitarian intervention has never been recognised in the UN as a policy idea or even such a communal reference point. This suggests that, by engaging in creating normative ideas from a strategic standpoint, international commissions can not only play a crucial role at the early phase of norm emergence but also wield a deep

---

<sup>120</sup> UN, A/RES/60/1; *Report of the Secretary-General on Implementing the Responsibility to Protect*, A/63/677 (12 January 2009).

and lasting influence on international politics.