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Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect

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Abstract

This paper addresses the problem of global norm diffusion in international relations with particular reference to the implementation of the Responsibility to Protect (RtoP) in East Asia. Exposing the limits of previous work on norm localisation, the authors propose a norm diffusion loop framework. Rather than understanding norm diffusion as a linear top-down process, the authors demonstrate that the reception to RtoP has evolved in a far more dynamic way which can best be described as a feedback loop. This paper first looks into the processes and causal mechanisms that helped to construct RtoP as an emerging transnational soft norm; then, it analyses the challenges of diffusing RtoP from the global to the regional and domestic levels; and, finally, it examines the variation of norm effects across states within the same region, focusing in particular on how RtoP has shaped Chinese and Japanese policy responses.

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[Non-intervention] C'est un mot métaphysique, et politique, qui signifie a peu près la même chose qu'intervention.

Talleyrand

This paper addresses the problem of global norm diffusion in international relations with particular reference to the implementation of the Responsibility to Protect (RtoP) in two key East Asian countries, that is, China and Japan. Adopted at the 2005 World Summit by the UN General Assembly without a vote, RtoP is a global framework which specifies both the responsibility of individual states towards their populations as well as the responsibility of international society to address genocide, war crimes, ethnic cleansing and crimes against humanity when states manifestly fail to do so within their own borders.[1] Yet, the extent to which this new global norm actually matters at the regional, sub-regional and domestic levels, and how it is implemented and applied across those levels, has remained obscure thus far. As the UN Secretary-General's January 2009 report on 'Implementing the Responsibility to Protect' has stressed, RtoP 'must be integrated into each culture and society without hesitation or condition, as a reflection of not only global but also local values and standards'.[2] Generating 'genuinely universal consensus' ultimately depends therefore on a better understanding of the broader regional and national contextual settings within which RtoP must be implemented.[3]

In the following, we offer a dynamic explanation of norm diffusion that identifies how regional actors deconstruct and reconstruct global norms in order to make them fit with domestic beliefs and identities. We argue that global norms do indeed have a strong regional and local dimension. It is here that the competing demands of intervention and sovereignty as well as responsibility and power need to be reconciled. In order to illustrate our argument, we address three sets of questions:

1. What are the driving forces that contributed to the emergence of RtoP? What are RtoP's essential features?
2. What are the conceptual challenges in examining RtoP implementation at the regional and domestic levels? How can we account for changing foreign policy practices or changes in foreign policy discourse in response to RtoP?
3. Can we observe variations in the impact of RtoP at the regional and domestic levels? And if so, what are the implications for RtoP as a global norm?

In doing so, our main contribution to the field is threefold: firstly, we contribute to the literature on international norms by contextualising and conceptualising RtoP as an emerging transnational soft norm; secondly, we trace the dynamics of norm diffusion in East Asia with particular reference to China and Japan; and thirdly, we demonstrate that global norm diffusion is not a top-down linear process that trickles down from the global to the

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[1] See UN Doc. A/RES/60/1, 24 October 2005, paras 138–139.

[2] UN Doc. A/63/677, 12 January 2009, para 20.

[3] Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, D.C.: Brookings Institution Press, 2008), p. 55. See also, Gareth Evans, 'The Responsibility to Protect: An Idea Whose Time Has Come ... and Gone?', *International Relations* 22(3), 2008, pp. 283–298. For a paper which takes dissonance over RtoP seriously, see Alex Bellamy, 'Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit', *Ethics & International Affairs* 20(2), 2006, pp. 143–169.

regional to the national levels.[4] We argue that the diffusion of RtoP since 2005 can best be explained through a framework based on a feedback loop (as we will further elaborate in the conceptual section): the norm has been reconstructed and deconstructed at the regional and national levels and fed back into the global discourse, as epitomised by the July 2009 General Assembly Informal Debate and the subsequent September 2009 consensus resolution on the implementation of RtoP.[5] The norm diffusion loop helps explain why Asia and the Pacific have seen 'the greatest positive shift in favour of R2P from 2005'.[6]

The remainder of this paper is organised as follows. In the first part, we situate RtoP as part and parcel of both the widening and the deepening normative ambition of international society, which is however constrained by powerful pluralist pull factors such as non-intervention and sovereignty. We then develop an analytical framework which helps to further the understanding of the processes of global norm diffusion. In the third part, we apply our framework by analysing the implementation of RtoP with specific reference to Japan and China. Both countries are textbook examples of the regional dimension of international norms as well as intra-regional variations in the perception and application of those norms. The article concludes by highlighting fundamental problems related to global norm diffusion in the conduct of international security relations.

Contextualising RtoP as a Contested Norm of International Society

This section places RtoP within the wider context of the solidarist-pluralist discourse in English School Theory, which helps to provide an understanding the contested nature of the new global norm.[7] We argue that, on the one hand, we can observe a push towards solidarism, which is demonstrated by both the widening and the deepening normative scope of international society. On the other hand, the pull of pluralism is powerful and persistent. The asymmetries of power between the units of the international system are considerable, and the effects of the solidarist push on states and institutions are uneven and not equally distributed on a global scale. While this kind of pluralist-solidarist discourse is hardly new – and can be traced far back to legal scholars such as Hugo Grotius (1583–1645), who identified the potential of international society, and Emmerich de Vattel (1714–1767), who pointed instead to its limits – the quality and quantity of transnational relations (displayed at the economic, political, technological and cultural/societal levels) have significantly grown only in the 20th century.[8]

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[4] On norm diffusion, see Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization* 52(4), 1998, pp. 887–917; Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

[5] See UN Doc. A/RES/63/308, 14 September 2009.

[6] Global Centre for the Responsibility to Protect, *Implementing the Responsibility to Protect: The 2009 General Assembly Debate: An Assessment*, August 2009, p. 10, available at http://globalr2p.org/media/pdf/GCR2P_General_Assembly_Debate_Assessment.pdf (accessed 1 October 2009).

[7] See Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 3rd ed., forewords by Stanley Hoffmann and Andrew Hurrell (Basingstoke: Palgrave, 2002); also Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000).

[8] On the origins and the development of a 'global community', see Akira Iriye, *Global Community: The Role of International Organizations in the Making of the Contemporary World* (Berkeley, California: University of California Press, 2002).

Interdependence increased the demand for the provision of global public goods. The global public goods discourse reveals the growing pressure on governments to develop more sophisticated approaches in public policymaking to meet old and new challenges such as achieving international financial stability, communicable disease control (e.g., over HIV/AIDS), climate stability as well as peace and security.[9] Sovereignty as the bedrock principle of international relations became increasingly contested and no longer constituted a protective wall against foreign interference, as governments were held accountable (to both domestic and foreign constituencies) over the extent to which they fulfil their commitments towards their citizens' welfare.[10] The static concepts of sovereignty and non-intervention, as embodied in Articles 2.1 and 2.7 of the UN Charter, have become challenged with the end of the Cold War and the dissolution of the Soviet empire.[11] The adoption of wide-ranging transnational rules and institutions not only increases the sensitivity and vulnerability of states towards external changes but also deeply penetrates the domestic spheres and related debates about how societies at the national level should be organised. States, societies and their institutions enter into a contest on what rules to make or whose rules to take. Institutions provide platforms for intensive debate about the content, the justification and the implementation of norms, acting as agents for norm diffusion and socialisation.[12]

The emerging international debate over the right or the responsibility to enforce humanitarian objectives by coercive means amply illustrated both the widening and the deepening of the normative scope of international society.[13] 'Widening' refers in this context to the enlargement of the circle of participants subscribing to the same set of core norms and principles; 'deepening' is essentially the consolidation of a pre-existing normative order. While we would arguably expect deepening to emerge primarily from the core of international society, RtoP followed different dynamics. In essence, the RtoP discourse was shaped by developments in a region which is usually considered to be at the periphery, that

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[9] As Kaul et al. have observed: 'Global public goods are public goods with benefits – or costs, in the case of such "bads" as crime and violence – that extend across countries and regions, across rich and poor population groups, and even across generations.' Inge Kaul, Pedro Conceição, Katell le Goulven and Ronald U. Mendoza (eds), *Providing Global Public Goods* (Oxford: Oxford University Press, 2003), p. 3.

[10] See Francis Deng et al., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: Brookings Institution Press, 1996).

[11] It is worth noting that debates over the so-called 'right of humanitarian intervention' only re-emerged in the post-Cold War era. In the 19th century, European powers claimed and exercised the same 'right' in a number of cases to protect Christian minorities in Turkey. See Michael Akehurst, 'Humanitarian Intervention', in Hedley Bull (ed.), *Intervention in World Politics* (Oxford: Clarendon Press, 1984), p. 95.

[12] For an excellent empirical study on norm socialisation, see Alastair Iain Johnston, *Social States: China in International Institutions, 1980–2000* (Princeton and Oxford: Princeton University Press, 2008); also Jeffrey T. Checkel (ed.), *International Institutions and Socialization in Europe* (Cambridge: Cambridge University Press, 2007); Alexandra Gheciu, *NATO in the 'New Europe': The Politics of International Socialization after the Cold War* (Stanford, California: Stanford University Press, 2005).

[13] See International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001). On the problems and prospects of humanitarian intervention, see, for example, Simon Chesterman, *Just War or Just Peace?: Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001); Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca, New York: Cornell University Press, 2003); J.L. Holzgrefe and Robert O. Keohane (eds), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge: Cambridge University Press, 2003); Jennifer M. Welsh (ed.), *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2004); and Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000).

is, Africa. As Edward Luck, the Special Advisor to the UN Secretary-General with a focus on RtoP, has emphasised, '[t]he shift from the Organization of African Unity's philosophy of non-intervention to the African Union's emphasis on non-indifference set an example for the rest of the world to follow'.[14] In a nutshell, the deepening of international society originated to a great extent from the periphery rather than the core.

The widening and deepening of international society is contained and constrained by the persistent and powerful pull of pluralism. The RtoP discourse has revealed underlying tensions between concepts of conflict prevention, state intervention and state sovereignty. While those trends may suggest a weakening of the principle of non-interference in internal state affairs, the norm of non-intervention has remained remarkably intact. The UN Security Council (UNSC) as the institution with the primary responsibility for the maintenance of international peace and security may be seen as a microcosm for the study of the tension between the solidarist and pluralist forces that define the space of international society. The change in UNSC practice in the 1990s, with it addressing more conflicts, and more complex ones, than ever before in the history of the UN, increased the demand for more consistent rules and principles of intervention. The process started perhaps with the adoption of resolution 688 on northern Iraq in 1991, which addressed the security concerns of displaced Kurdish people within Iraqi territory who were at risk from the potential use of Iraqi air power. It further evolved in response to the breakdown of law and order and the subsequent humanitarian crisis in Somalia, which the UNSC considered a possible threat to regional security. The dissolution of Yugoslavia led to a further evolution of UNSC practice as it addressed the humanitarian crisis in Bosnia and Herzegovina, which was considered a threat to international peace and security. All these cases suggest that the UNSC expanded the scope of Article 39 of the UN Charter by extending military functions to the protection of civilians from large-scale violence. However, as MacFarlane and Khong have rightly observed, 'in all three cases … the unique and nonprecedentiary nature of the crisis in question was highlighted in relevant council documents'.[15] In particular, the reluctance of permanent members such as Russia and China to move towards new norms of 'humanitarian intervention'[16] that stretch the boundaries of sovereignty and non-intervention illustrated the limits of an emerging solidarist norm of intervention in protecting civilians from gross violations of human rights.

Yet, since the emergence of RtoP with the publication of the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS), the concept has markedly evolved. While the ICISS report sparked much controversy and highlighted the hostility towards the idea of 'humanitarian intervention', including specific criteria of when to intervene militarily, the principle adopted by the 2005 World Summit neither included any reference to nor a call for further debate on the criteria for intervention. In addition, the World

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[14] Edward C. Luck, 'A Response', *Global Responsibility to Protect* 2, 2010, p. 180. Article 4(h) of the 2000 Constitutive Act of the African Union stressed 'the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect to grave circumstances, namely: war crimes, genocide, and crimes against humanity.' UN Doc. A/63/677, 12 January 2009, para 8.

[15] Neil MacFarlane and Yuen Foong Khong, *Human Security and the UN: A Critical History* (Bloomington: Indiana University Press, 2006), p. 169.

[16] We define humanitarian intervention here as 'the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied'. J.L. Holzgrefe, 'The Humanitarian Intervention Debate', in Holzgrefe and Keohane, *Humanitarian Intervention*, p. 18.

Summit Outcome document underlined the primary responsibility of the UNSC to authorise intervention and the primary role of the state to protect its population. The 2009 report on the implementation of RtoP continued de-emphasising the interventionist features of the original concept by developing a three pillar framework that essentially unpacked and substantiated the commitments of paragraphs 138 and 139 of the 2005 Outcome document. Pillar one specifies the commitment of sovereignty as a responsibility, essentially re-affirming rather than weakening Articles 2.1 and 2.7 of the UN Charter. Pillar two focuses on the international commitment to provide assistance to states in building capacity to meet their obligations. Pillar three details the commitment to timely and decisive response when a state manifestly fails to protect its citizens in a manner consistent with the principles of the UN Charter. While RtoP is understood as an edifice that rests on three pillars of equal strength, there is now a certain propensity to emphasise the less controversial commitments of the first two pillars, as seen in the UN Secretary-General's July 2010 report on 'Early Warning, Assessment and the Responsibility to Protect'.[17]

This section leaves us with a puzzle. Given the initial degree of contestation, why is there now broad support for the RtoP concept? Developments in Asia and the Pacific are of particular importance, as this region has since 2005 seen the greatest shift in favour of RtoP. To address this puzzle, we introduce, in the following two sections, a framework that seeks to explain the dynamic nature of global norm diffusion, which will then be illustrated with particular reference to China and Japan.

Conceptualising RtoP: Normatisation, Socialisation and Localisation

We begin by looking at the genesis of the RtoP norm. While the previous section has addressed the question of why RtoP emerged, we now turn to the question of how this process developed. The importance of international institutions such as the UN in regulating and transforming the policies of members of international society has been particularly emphasised by constructivists; yet, it is less clear *how* norms are actually constructed. Rather than arguing in the constructivist vein by highlighting the importance of multilateral institutions in the construction of global norms, we contend that, in the case of RtoP, this process was in fact decoupled from formal international institutions, as most of the substantive discussions took place outside the framework of such organisations, occurring instead through an ad hoc expert network driven by an interested state, that is, Canada, and a group of like-minded supporters, including members of the epistemic community.[18]

There is an interesting pattern here. Although the changing character of the post-Cold War international system together with the widely observed push of solidarism placed a premium on the UN to address the question of civilian protection from mass violations of human rights, RtoP in fact re-entered the UN system only after its actual construction 'in the quest for universal propagation and legitimation'.[19] As MacFarlane and Khong have observed:

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[17] See UN Doc. A/64/864, 14 July 2010.
[18] We note that neither China nor Japan was directly involved in the construction of the norm.
[19] MacFarlane and Khong, *Human Security*, p. 180.

the statist nature of the organization and the jealousy with which many states within it guarded what they perceived to be their sovereign prerogatives precluded agreement on concrete conditions under which sovereignty could be derogated for reasons of human protection. … Subsequent to its completion, the report was taken back to the UN, forming the basis of … discussion both in the Security Council and in the General Assembly.[20]

Now that we have shed light on the construction of RtoP, how can we conceptualise the norm? In addressing this question, we introduce the concept of the normatisation continuum, which seeks to explain variations in the application and effects of norms in international relations.[21] The original purpose of RtoP was to provide a code of conduct in cases of genocide, war crimes, ethnic cleansing and crimes against humanity when states manifestly fail to protect their own citizens. In developing the normatisation concept, we understand norms as some form of institution with three key properties, that is, obligation, precision and delegation: (1) obligation refers to an ideal-type situation where all actors are legally bound by a set of rules; (2) precision connotes the existence of an unambiguous code of conduct that guides and restrains activities; and (3) delegation refers to a situation where third parties have received authorisation to implement, interpret and apply the rules.[22] In practice, we do not see those clear delineations but we can instead observe a normatisation continuum, ranging from the ideal-type situation of hard normatisation, where all three properties are maximised, to soft normatisation.

Since the publication of the ICISS report in 2001, the RtoP norm has travelled a long way from the harder to the softer end of the normatisation continuum, culminating in the removal of any binding and precise criteria for humanitarian/military intervention, while emphasising the normative commitment towards prevention. While UN member states recognised at the 2005 World Summit that each of them not only have 'the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity' but also 'the responsibility … to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity',[23] RtoP does not entail any legally binding elements nor does it provide an unambiguous or precise code of conduct. Yet, the 2005 World Summit and the 2009 General Assembly Debate nevertheless committed themselves to RtoP and authorised the implementation and application of this new, though decidedly soft, norm.[24] Although the 2009 report on the implementation of RtoP introduced a three pillar framework

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[20] Ibid.

[21] This concept borrows from recent work on legalisation. See Kenneth W. Abbott et al., 'The Concept of Legalization', *International Organization* 54(3), 2000, pp. 401–419; also Kenneth W. Abbott and Duncan Snidal, 'Hard and Soft Law in International Governance', *International Organization* 54(3), 2000, pp. 421–456. While we do not dispute that RtoP is a political, not legal, concept, at the same time, it is not devoid of legal content. See Luck, 'A Response', p. 183; Alex J. Bellamy and Ruben Reike, 'The Responsibility to Protect and International Law', *Global Responsibility to Protect* 2, 2010, pp. 267–286; also Carsten Stahn, 'Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?', *American Journal of International Law* 101/1, 2007, p. 102.

[22] Abbott et al., 'The Concept of Legalization', p. 401.

[23] UN Doc. A/RES/60/1, 24 October 2005, operative paragraphs 138 and 139.

[24] For example, debates on the practical utility of RtoP emerged in the context of Cyclone Nargis which hit the south of Myanmar in May 2008. The military junta rejected offers of international support to distribute aid and restricted access to the most affected area, the Irrawaddy delta region. See Mely Caballero-Anthony and Belinda Chng, 'Cyclones and Humanitarian Crises: Pushing the Limits of R2P in Southeast Asia', *Global Responsibility to Protect* 1(2), 2009, pp. 135–155.

that essentially added precision to the commitments of paragraphs 138 and 139 of the 2005 World Summit Outcome document, it did not entail any obligation or unambiguous code of conduct for UN member states to act upon those commitments.

This observation poses the next puzzle that needs to be addressed: How can we explain the shift of RtoP towards the softer end of the normatisation continuum? We start to address this question by looking into concepts that seek to explain norm diffusion. The socialisation and localisation literature provides essential insights since it generates explanatory leverage to uncover the relationship between global normative frameworks and cooperative patterns at the regional level, including the potential socialising effects on state behaviour.[25] Johnston distinguishes between three socialising effects of international institutions, that is, mimicking, social influence and persuasion.[26] Mimicking, in essence, indicates a pattern where states copy the behavioural norms of a social group in order to navigate through an uncertain environment 'prior to any detailed ends-means calculation of the benefits of doing so'.[27] Social influence refers to the evaluation of state behaviour by co-members of a social group, which may range from status appreciation through the public expression of support to status devaluation through naming and shaming. Persuasion reflects a pattern where states 'are convinced through a process of cognition that particular norms, values, and causal understandings are correct and ought to be operative in their own behavior'.[28]

How can we pinpoint effects on states' behavioural and discourse patterns? For this purpose, we turn to recent work on norm localisation. Localisation is defined here 'as the active construction (through discourse, framing, grafting and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices'.[29] According to Acharya, there are in particular four factors that promote the localisation of foreign norms: firstly, if the norm-takers consider the new rule as an instrument to strengthen their legitimacy and authority in foreign affairs; secondly, if there are very strong existing local norms, derived from deep-seated cultural beliefs or behavioural patterns, that decrease the probability of wholesale norm acceptance; thirdly, the existence of powerful local players that may dominate the discourse and take on the role of guardians of local norms; and finally, the presence of a strong sense of identity and the self-perception of being unique and exceptional which would be conducive to norm localisation.[30] Yet, success or failure of localisation processes depends in particular on the compatibility with pre-existing normative frameworks and the availability of (institutional) mechanisms to steer the process of localisation in order to achieve normative compatibility.

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[25] This is in line with Risse and Sikkink who argue that norm implementation and internalisation can essentially be understood as 'a process of socialization'. Thomas Risse and Kathryn Sikkink, 'The Socialization of International Human Rights Norms into Domestic Practices: Introduction', in Risse, Ropp and Sikkink, *The Power of Human Rights*, p. 5.

[26] See Johnston, *Social States*, pp. 23–26.

[27] Ibid., p. 23.

[28] Ibid., p. 25.

[29] Amitav Acharya, 'How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism', *International Organization* 58(1), 2004, p. 245; also Amitav Acharya, *Whose Ideas Matter?: Agency and Power in Asian Regionalism* (Ithaca/London: Cornell University Press, 2009).

[30] Acharya, 'How Ideas Spread', p. 248.

Advocacy networks are of particular importance here. The depth of norm diffusion is largely dependent on the existence and interlinkage of such networks, acting as transmission belts between the global, regional and domestic levels.[31] Advocacy networks hold governments accountable and help by naming and shaming norm-violators. However, those networks are unevenly distributed across states and regions. At the same time, the openness of domestic societies obviously varies, including the institutional density across regions, impacting on the effectiveness of networks in diffusing norms. The consequences are threefold. Firstly, different degrees of norm penetration are likely to be the rule rather than the exception. Secondly, the probability of norm diffusion increases with the openness of a domestic society. And thirdly, in consequence, state strategies and interests will significantly differ in implementing a given norm.

It has to be noted, however, that socialisation and localisation concepts explain norm diffusion primarily as a linear top-down process, and thus miss out key elements that are essential to the understanding of the shift of RtoP towards the softer end of the normatisation continuum. We therefore introduce a framework that analyses norm diffusion through the lens of a feedback loop. The norm diffusion loop shall be understood here as part and parcel of the norm implementation process, providing a mechanism for feedback and self-correction by adjusting the properties of a norm according to differences between the actual and the desired output. Applied to the specific context of RtoP, the diffusion of the new global norm from the global to the regional to the national levels generated a feedback loop that eventually altered the properties of the global norm in order to make it acceptable to a wider audience. The feedback loop ultimately caused the softening of the RtoP norm, which in turn triggered the positive outcome of the July 2009 General Assembly Debate and the subsequent September 2009 resolution. The 'discursive enmeshment' of RtoP in the ongoing 'norm talk' at the UN General Assembly and elsewhere helped to achieve a high degree of RtoP socialisation.[32]

In conclusion, this section has established the analytical frame through which we can understand and explain the challenges of global norm implementation and interpretation at the regional and state levels. By exploiting synergies between recent work on legalisation, socialisation and localisation, we are able to pinpoint RtoP as a soft norm on the normatisation continuum. We are also able to examine the effects of RtoP on state behaviour, including cross-regional variations as well as intra-regional differences in the acceptance or rejection of the norm. The norm diffusion loop helps explain the shift of the global RtoP norm from the harder to the softer end of the normatisation continuum. The next section will focus on the application of the framework by looking into the East Asian perspective of RtoP with particular reference to China and Japan.

Implementing RtoP in East Asia: China and Japan

Examining the implementation of RtoP in East Asia requires an engagement with the broader underlying question of the regional and national contextual settings within which global norm diffusion takes place. China and Japan are textbook cases in this regard, as both countries have key roles to play in the regional economy and in regional institution-building efforts such as the ASEAN Regional Forum (ARF) and the ASEAN Plus Three

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[31] See Finnemore and Sikkink, 'International Norm Dynamics and Political Change', pp. 887–917.
[32] See Monica Serrano, 'Implementing the Responsibility to Protect: The Power of R2P Talk', *Global Responsibility to Protect* 2(1–2), 2010, pp. 167–177.

process. In fact, implementing RtoP in East Asia will depend a great deal on the ability of China and Japan to define mutually compatible visions of cooperation and shared perceptions of security in order to embed the three pillars of the RtoP edifice – the protection responsibilities of the state, international assistance and capacity building, and timely and decisive response – into a wider regional cooperative security architecture.

Non-interference in the internal affairs of other countries and the strong emphasis on state sovereignty constitute the bedrock principles of collective action in East Asia. Cooperating 'the ASEAN way' epitomises an approach that is less intrusive and less interventionist.[33] This is not to say that East Asian countries do not respond to humanitarian emergencies. On the contrary, there has been growing support for peace operations in the region.[34] For example, both China and Japan, in tandem with ASEAN countries, contributed to the UN missions in East Timor (United Nations Administration in East Timor, or UNTAET: 1999–2002; United Nations Mission of Support in East Timor, or UNMISET: 2002–2005), deploying military and civilian police personnel for security control and nation-building.

The tension between the solidarist push, which emphasises the growing prominence of the individual or the well-being of citizens, as epitomised in the concept of human security, and the pluralist pull, which emphasises the role of the sovereign state, is a central component of international relations in East Asia, one which needs to be reconciled. As Fukushima and Tow observe: [35]

> The idea that sovereign governments have an inherent 'responsibility to protect' their citizens in ways that conform to norms defined by an 'international community' has been distinctly alien to many Asian nationalists. They view humanitarian intervention by outside powers acting on behalf of that community as nothing less than a direct challenge to their own authority to exercise national sovereignty under the pretext of 'correcting' perceived atrocities and aggression – a subjective and contested notion. The idea that outside forces could protect their citizens more effectively through reconstituting national institutions after invasion, and then immediately withdraw, seems incredible in the aftermath of the Korean and Vietnam wars and, more recently, the US-led coalition of the willing's 'nation-building' campaign in Iraq.

Despite those regional constraints, the July 2009 General Assembly Informal Debate, including the subsequent September 2009 consensus resolution, illustrated that the Asia-Pacific has seen a significant shift in favour of RtoP since 2005, which warrants an explanation. By examining state responses to the RtoP soft norm in China and Japan, the following section illustrates two alternative approaches which differ in terms of how the norm was received at the country level and then fed back to the global level.

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[33] Yuen Foong Khong and Helen E.S. Nesadurai, 'Hanging Together, Institutional Design, and Cooperation in Southeast Asia: AFTA and the ARF', in Amitav Acharya and Alastair Iain Johnston (eds), *Crafting Cooperation: Regional International Institutions in Comparative Perspective* (Cambridge and New York: Cambridge University Press, 2007), pp. 32–82; Shaun Narine, 'State Sovereignty, Political Legitimacy and Regional Institutionalism in the Asia-Pacific', *The Pacific Review* 17(3), 2004, pp. 423–450.

[34] See, for example, Paul M. Evans, 'Human Security in Extremis: East Asian Reactions to the Responsibility to Protect', in Sorpong Peou (ed.), *Human Security in East Asia: Challenges for Collaborative Action* (London and New York: Routledge, 2009), pp. 79–93.

[35] Akiko Fukushima and William T. Tow, 'Human Security and Global Governance', in William T. Tow (ed.), *Security Politics in the Asia-Pacific: A Regional-Global Nexus?* (Cambridge: Cambridge University Press, 2009), p. 170.

China and RtoP: Reconciling state sovereignty with humanitarian intervention

Traditionally, Chinese behavioural norms and patterns in foreign policy have been characterised by an extremely rigid understanding of state sovereignty and non-intervention. Historical experiences such as the Opium Wars (1839–1842 and 1856–1860), the subsequent semi-colonisation[36] by the Great Powers (Britain, France, Germany, Russia) and Japan in the 19th and 20th centuries, as well as the border disputes with Russia and India during the Cold War era made the country extremely sensitive to any unwanted involvement of external powers. China's cautious attitude towards intervention also derives from the need to maintain its territorial integrity; this includes the integration of Tibet, Xinjiang and Taiwan, which has been the overarching political objective of the Chinese Communist Party (CCP) since 1949. Although the CCP promoted market-oriented economic reforms after the beginning of Deng Xiaoping's 1978 Open Door Policy, its ambition to reign over a multiethnic nation-state continues to exist in the 'pragmatic nationalism' of CCP's leaders.[37]

State sovereignty and non-intervention constitute therefore a strong normative framework that originates in the deep-seated local beliefs derived from historical experiences and guarded by powerful local players, which made the localisation of any foreign interventionist norm inevitable. The initial rejection of RtoP by China at the ICISS Roundtable Consultation in 2001 did not therefore come as a great surprise. That rejection was also illustrative of strong suspicions that the US as a hegemonic power may use RtoP as a fig leaf to legitimise military intervention in non-democratic countries.[38] At this stage, Chinese resistance had been reinforced by incidents such as the North Atlantic Treaty Organization's (NATO) 1999 aerial bombing in Kosovo, including the accidental hit of the Chinese Embassy in Belgrade in May 1999. Those gave rise to the suspicion that the US had used the Kosovo conflict as an opportunity to threaten a 'rising China'.[39]

Yet, Chinese normative thinking has significantly evolved since the 1990s.[40] For example, Beijing's statements in the UNSC indicated cautious support for extending military functions to the protection of civilians from large-scale violence; yet, it consistently emphasised the unique and unprecedented nature of the conflicts under consideration.[41] China's constructive engagement with sovereignty and intervention was also apparent in its counterterrorism

[36] Semi-colonisation here means that China was forced to accept the demands of other countries, such as the lease of territory, access to raw materials and rights to build railroads in the country.

[37] Shuisheng Zhao, 'China's Pragmatic Nationalism: Is It Manageable?', *The Washington Quarterly* 29(1), 2005, pp. 131–144.

[38] Chinese representatives stated that 'the conceptualization of humanitarian intervention is a total fallacy'. International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, *Part III: Background,* p. 392.

[39] US-led NATO air strikes caused a strong suspicion in China that attacking Yugoslavia would 'become an important step in the search by the United States for global hegemony'. Zhang Yunling, 'China: Whither the World Order after Kosovo?', in Albrecht Schnabel and Ramesh Thakur (eds), *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship* (Tokyo, Paris and New York: UNU Press, 2000), p. 121.

[40] See the insightful paper by Rosemary Foot, 'The Responsibility to Protect and Its Evolution: Beijing's Influence on Norm Creation in Humanitarian Areas', *St Antony's International Review*, 2010; also Zhongying Pang, 'China's Non-Intervention Question', *Global Responsibility to Protect* 1(2), 2009, pp. 237–252; Sarah Teitt, 'Assessing Polemics, Principles and Practices: China and the Responsibility to Protect', *Global Responsibility to Protect* 1(2), 2009, pp. 208–236.

[41] See supra note 15.

strategies within the Shanghai Cooperation Organization, ASEAN, Asia-Pacific Economic Cooperation (APEC) and the European Union. The growing participation of China in UN peace operations – with very intrusive mandates – is another point of note. It suggests that Beijing's rigid understanding of sovereignty has become increasingly flexible, especially in situations where state authority is in dispute or a country is confronted with the breakdown of law and order.[42] By October 2010, China had deployed 2,011 troops, military observers and police on the ground, which makes the country the largest contributor to UN operations among the five permanent members of the UNSC.[43] Overall, it ranks 21st on the list of contributors to UN operations. The evolution of normative thinking has not necessarily been a linear process but often progressed in pendulum-like movements. For example, although the Chinese government strongly criticised NATO's aerial bombing in Kosovo, as mentioned earlier, it explicitly supported UNSC resolutions 1264 and 1272 which authorised international intervention in East Timor only shortly thereafter.[44]

The eventual endorsement of the key properties of RtoP – first, at the 2005 World Summit and, subsequently, through UNSC resolution 1674 in 2006 on the protection of civilians in armed conflict, as well as in the 2009 General Assembly Informal Debate and the subsequent resolution on the implementation of RtoP – reflected therefore a significant evolution in Chinese normative thinking. In explaining China's endorsement of RtoP, two points seem to be pertinent. Firstly, socialisation had softened Chinese rigid understanding of state sovereignty and non-intervention. Secondly, China proactively contained the fallout of the RtoP norm by qualifying the key properties of RtoP to make it compatible with its core foreign policy values and beliefs. In doing so, it has assumed the role of norm-maker rather than simply being a norm-taker. Let us elaborate each point below.

Firstly, the softening of China's traditional understanding of state sovereignty and non-intervention is best explained by an ongoing process of *social influence* that reflects the functional and normative demands of Chinese integration into the global economy.[45] The post-Cold War era has witnessed China's increasing engagement with multilateral institutions and negotiation processes in tandem with its economic rise. The combination of large foreign direct investment (FDI) inflows and low wages has helped China become one of the global centres of manufacturing production. The significant increase of international trade, foreign direct investment and production as well as the proliferation of transnational production networks, together with the stockpiling of very substantial foreign currency reserves, catapulted China into the position of stakeholder in the global economy.[46] While China's accession to the World Trade Organization (WTO) in 2001 symbolised its commitment to comply with the underlying norms and principles of the Western liberal economic order, the proliferation of regional bilateral free trade agreements seemed to

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[42] Bates Gill, *Rising Star: China's New Security Diplomacy* (Washington, D.C.: Brookings Institution Press, 2007), especially Ch. 4.

[43] See United Nations, 'Contributors to the United Nations Peacekeeping Operations – Monthly Summary of Contributors as of 31 Oct 2010', 2010, available at http://www.un.org/en/peacekeeping/contributors/2010/oct10_1.pdf (accessed 7 November 2010).

[44] See S/RES/1264, adopted on 15 September 1999, authorising the International Force for East Timor (INTERFET), and S/RES/1272, adopted on 25 October 1999, authorising the UN Transitional Administration in East Timor (UNTAET).

[45] See Yong Deng, *China's Struggle for Status: The Realignment of International Relations* (Cambridge: Cambridge University Press, 2008).

[46] Wei Liang, 'China: Globalization and the Emergence of a New Status Quo Power?', *Asian Perspective* 31(4), 2007, pp. 125–149.

suggest that such commitment would not be unqualified. This serves as an illustration of the potential and limits of enmeshing China with the Western liberal normative framework.

With China's growing engagement in global economic and security affairs, its government has become far more exposed to the widening and deepening normative scope of international society. Although the openness of Chinese society is still relatively low and domestic advocacy networks on human rights are largely absent, China's think tanks and its elite foreign policy community have become increasingly exposed to international institutions working on human rights protection and non-traditional security issues. As Carlson argues, 'when China's leaders did not actively move to oppose this development (for a limited set of largely self-interested reasons), they created space for the extension of such norms into the Chinese elite foreign policy community via limited discussions of the conditions under which intervention was justified'.[47] This exposure is evident, for example, in the international criticism China faced over the lack of action in addressing humanitarian emergencies in Myanmar, Sudan and Zimbabwe. Chinese multinational firms are deeply involved in various projects such as land reform and resource exploitation in Zimbabwe, the construction of oil and gas pipelines in Myanmar which stretches to China's Yunnan Province as well as petroleum resource exploration and development projects in Sudan. International advocacy groups such as Human Rights Watch and Amnesty International have criticised China for its policies vis-à-vis the Sudanese government which seemed to be primarily driven by the maximisation of its economic interests (through arms sales and the exploitation of Sudanese oil reserves).[48] In response, a senior Chinese official, Zhai Jun, publicly suggested in April 2007 that the Sudanese government should accept a UN peacekeeping force. In February 2008, Premier Wen Jiabao argued that China was the first nation outside Africa to provide troops to the hybrid African Union–United Nations Assistance Mission in Darfur (UNAMID) and the major provider of development aid to the region.[49] These remarks suggest that Beijing felt compelled to respond to the naming and shaming of norm violations by showing that it is not blind to acts of human rights atrocities. China in fact actively engaged in the process of shaping international consensus on the cases that should be dealt with under the RtoP principle. In sum, RtoP endorsement has been the result of a sustained process of social influence that exposed Chinese foreign policy to public peer review by the co-members of international society. At the same time, this exposure allowed China to gain status appreciation by presenting itself as a responsible great power contributing to the protection of human rights and the maintenance of international peace and security.

We turn now to the second factor that facilitated Chinese RtoP endorsement, that is, the containment of RtoP. After the release of the ICISS report in 2001, China pursued a proactive strategy of *norm containment* and has since been engaged in deconstructing RtoP to make it compatible with the normative core of its foreign policy. It has strongly (and repeatedly) advocated a strict interpretation of RtoP, arguing that the scope of RtoP should not go beyond the 2005 agreement that states have the primary responsibility to protect their

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[47] Allen Carlson, 'More Than Just Saying No: China's Evolving Approach to Sovereignty and Intervention since Tiananmen', in Alastair Iain Johnston and Robert Ross (eds), *New Directions in the Study of China's Foreign Policy* (Stanford, CA: Stanford University Press, 2006), p. 234.

[48] Jonathan Holslag, 'Commerce and Prudence: Revising China's Evolving Africa Policy', *International Relations of the Asia-Pacific* 8(3), 2008, pp. 325–352.

[49] 'Wen Defends China's Role in Darfur', *China Daily,* 20 February 2008, available at http://www.chinadaily.com.cn/olympics/2008-02/20/content_6469137.htm (accessed 7 November 2010).

civilians from genocide, war crimes, ethnic cleansing and crimes against humanity.[50] UNSC resolution 1674 was adopted only after accommodating Chinese requests that the resolution reflect the language of the 2005 World Summit Outcome document.[51] Any further normative commitment related to RtoP would need discussion within the framework of the UN General Assembly rather than the UNSC.[52] This allows China to avoid any veto embarrassment in the UNSC and prevents international exposure arising from the blocking of unwanted UNSC action over RtoP. China also emphasised that any intervention in order to protect populations in a humanitarian emergency will always be subject to approval by the UNSC and the consent of the host country concerned. Beijing is therefore in the position to block any action as a matter of last resort, as recently demonstrated by its casting its veto in the cases of Myanmar (2007) and Zimbabwe (2008).[53]

In conclusion, while the socialisation and localisation literature generates explanatory leverage to explain changes in cooperative patterns at the national and regional levels in response to emerging global normative frameworks, it leaves the essential dynamics between the national, regional and global levels untouched. China has actively deconstructed RtoP in a way that contains any potential fallout from the 2001 ICISS report. After the adoption of the global norm in 2005, it localised RtoP in a way that fits with Chinese socialised conceptions of state sovereignty and non-intervention. The reconstructed norm was then fed back to the global level where Beijing co-shaped the RtoP norm through the discursive enmeshment of RtoP, in line with Chinese core foreign policy principles. The 2009 report on the implementation of RtoP accommodated such understanding by highlighting the central role of the state in pillar one of the RtoP edifice, essentially re-affirming rather than weakening Articles 2.1 and 2.7 of the UN Charter.

Japan and RtoP: Reconciling antimilitarism with humanitarian intervention

While China's endorsement of RtoP can be explained as the result of ongoing social influence in combination with sustained Chinese efforts to contain the effects of the norm, Japan's response to RtoP is perhaps best described as a sustained strategy of *norm contestation* which is mostly pronounced in its operational rather than declaratory policy. Neither the socialisation nor the localisation frameworks generate sufficient analytical leverage to explain this response. Japan's traumatic experience of the nuclear bombing of Hiroshima and Nagasaki as well as its defeat in the Asia-Pacific War laid the basis for the local norm of antimilitarism, which has remained one of the bedrock principles of Japanese post-1945 foreign policy.[54] The 1947 peace constitution (*Heiwa-Kenpō*) enshrined the

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[50] Statement by Ambassador Liu Zhenmin at the Plenary Session of the General Assembly on the Question of 'Responsibility to Protect', 24 July 2009, The Ministry of Foreign Affairs of the People's Republic of China.

[51] See Foot, 'The Responsibility to Protect and Its Evolution'.

[52] Lin Zhenmin, 'Protection of Civilians in Armed Conflicts', The Ministry of Foreign Affairs of the People's Republic of China, 20 November 2007.

[53] On Myanmar, see S/PV.5619, 12 January 2007; on Zimbabwe, see S/PV.5933, 11 July 2008. Nevertheless, Beijing facilitated UN Special Envoy Ibrahim Gambari's visit to Myanmar in October 2007 by helping him to secure a visa and helping to arrange talks with leaders in Yangon, according to Teitt, 'Assessing Polemics', p. 214.

[54] Antimilitarism and a deep commitment to pacifism have remarkably limited the scope of Japanese security policy during the Cold War era, which heavily relied on its alliance with the US. On Japanese antimilitarism, see, for example, Peter J. Katzenstein, *Cultural Norms and National Security: Police and Military in Postwar Japan* (Ithaca and New York: Cornell University Press, 1996); Thomas U. Berger, 'Norms, Identity, and National Security in Germany and Japan', in Peter J. Katzenstein (ed.), *The Culture of National Security: Norms and*

antimilitarism norm in Article 9, which renounced war as the sovereign right of the state and the threat or actual use of force as a means of settling international disputes. However, Japan has never been able to 'completely dissociate itself … from those powerful imperatives that have ultimately shaped its most fundamental approaches to international security: the American alliance and the essential priorities of responses to state-centric threats in the Asia-Pacific region'.[55] The 'Yoshida doctrine', which focuses primarily on economic recovery and development while leaving military defence to the US, constituted the basic tenet of Tokyo's foreign policy during the Cold War. With the strong local norm of antimilitarism in place, the localisation literature would anticipate the reconstruction of RtoP through discourse, framing, grafting and cultural selection in order to achieve congruence with Japanese local beliefs and practices. Yet, empirical evidence does not support such a proposition, as this section will illustrate. Instead, we argue that the adoption of RtoP at the World Summit in December 2005 and its subsequent endorsement in UNSC resolution 1674 in 2006 triggered a feedback loop at the Japanese local level that resulted in a new push to project Tokyo's human security posture at the regional and global levels. In sum, while Japan's declaratory policy is supportive of RtoP, its operational policy pushes a somewhat different agenda.

Japan's strategy of norm contestation is most visible in its initiative to launch the Friends of Human Security forum, which was proposed shortly after the formal adoption of RtoP at the ministerial meeting of the Human Security Network in Bangkok in June 2006.[56] The Friends group held their first meeting, chaired by Japan, in New York in October 2006 and convened biannually thereafter. Subsequent meetings, co-chaired by Japan and Mexico and co-hosted by the UN Office for the Coordination of Humanitarian Affairs, have seen increasing participation by UN member states, including the five permanent members of the UNSC, and UN organisations. The UN General Assembly held its first thematic debate on human security in May 2008, followed by the first formal debate in May 2010, with the aim of further discussing and defining the concept. Japanese norm contestation generates a puzzle that needs to be explained. Why did the adoption of RtoP in 2005 not result in the localisation of the soft norm, but instead generated a feedback loop that led Tokyo to push harder the human security envelope? This will be addressed in the remainder of this section.

Especially since 1998, human security policies played an important role for successive Japanese governments in establishing a distinct identity in international relations. Japan has adopted an extremely broad view of Human Security that 'comprehensively covers all menaces that threaten the survival, daily life and dignity of human beings and strengthens the efforts to confront these threats'.[57] In essence, the two components of the concept, 'freedom from fear' and 'freedom from want',[58] have become separated in the Japanese

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Identity in World Politics (New York: Columbia University Press, 1996), pp. 135–169; Andrew L. Oros, *Normalizing Japan: Politics, Identity, and the Evolution of Security Practice* (Stanford, California: Stanford University Press, 2008).

[55] Fukushima and Tow, 'Human Security and Global Governance', p. 179.

[56] Ibid. p. 182.

[57] 'Opening Remarks by Prime Minister Keizo Obuchi at an Intelligent Dialogue on Building Asia Tomorrow, Tokyo', 2 December 1998, available at http://www.jcie.or.jp/thinknet/tomorrow/1obuchi.html (accessed 7 July 2009).

[58] The origin of 'human security' goes back to the Human Development Report of 1994, which stressed the need to provide the fundamental guarantees of 'freedom from fear' and 'freedom from want'. United Nations Development Programme (UNDP), Human Development Report 1994: New Dimensions of Human Security (New York: United Nations Development Programme, 1994).

policy discourse, with a very clear preference for implementing aspects related to the 'freedom from want' rather than the 'freedom from fear' which underlies RtoP. As the Director-General of the Japanese Ministry of Foreign Affairs emphasised in 2000: 'So long as its objectives are to ensure the survival and dignity of individuals as human beings, it is necessary to go beyond thinking of Human Security solely in terms of protecting human life in conflict situations'.[59]

Despite its declaratory endorsement of the RtoP principle at the global level, the Japanese government has remained remarkably silent about the norm in the domestic realm. Tokyo's reluctance to engage the new soft norm is also influenced by a number of strong advocacy networks such as the Peace Boat, Peace Depot and Peshawar-Kai, which are committed to Human Security rather than RtoP. The absence of domestic networks that could actively promote the implementation of RtoP makes the diffusion of the norm extremely difficult. Conflict prevention, capacity building and humanitarian assistance undertaken under the theme of Human Security are considered more effective in achieving sustainable peace. Those networks advocate the strong view that RtoP may in fact endanger the achieving of the wider objectives of Japan's Human Security agenda.

At the regional level, Human Security is a relatively safe policy choice and unlikely to provoke criticism from Japan's neighbours. In contrast to the human rights discourse, which is often perceived as a reflection of Western individualist ethos, Human Security seems far less controversial and less intrusive for Asian governments. 'Asian values' were widely discussed in the 1990s, and Asian governments are extremely cautious about the emergence of human rights protection movements.[60] Furthermore, the notion of comprehensive security facilitates the acceptance of the idea of an emerging security community in Asia.[61] In the aftermath of the regional economic crisis of 1997/1998, and natural disasters such as the 2004 tsunami and the 2008 Cyclone Nargis, the concept of Human Security gained greater currency through initiatives taken by ASEAN and the ARF to develop a framework for providing social safety nets to people who are impoverished and marginalised. Thus, human security in Southeast Asia is very much considered a concept that promotes the freedom from want. As Acharya argues, the Japanese formulation of Human Security is 'less controversial for Asia Pacific governments suspicious of, and uncomfortable with, the close association between human security and human rights promotion and humanitarian intervention'.[62]

While Japan recognises the overlaps between Human Security and RtoP, it has consistently promoted the former concept rather than the latter, as it fits much better with the pre-existing local normative framework of antimilitarism. As Kenzo Oshima, then Permanent Representative of Japan to the UN, stated in 2005:

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[59] 'Statement by Director-General Yukio Takasu at the International Conference on Human Security in a Globalized World, Ulan Bator', 8 May 2000, available at
http://www.mofa.go.jp/policy/human_secu/speech0005.html (accessed 7 July 2009).
[60] Yash Ghai, 'Asian Perspectives on Human Rights', in James Tang (ed.), *Human Rights and International Relations in the Asia Pacific Region* (London: Pinter, 1993), pp. 54–67.
[61] Amitav Acharya, 'Human Security: East versus West', *International Journal,* Summer 2001, p. 453. See also Amitav Acharya, 'Human Security and Asian Regionalism: A Strategy of Localization', in Amitav Acharya and Evelyn Goh (eds), *Reassessing Security in the Asia-Pacific: Competition, Congruence, and Transformation* (Cambridge, Massachusetts: MIT Press, 2007), pp. 237–251.
[62] Acharya, 'Human Security: East versus West', p. 448.

[E]ven if military intervention as a last resort cannot be completely excluded, we are of the view that there are many instances where measures other than military means can and should be exhausted by the international community to deal with a given situation, and this will have to be further explored.[63]

Speaking at the 2008 World Economic Forum in Davos, then Prime Minister Yasuo Fukuda explained that Japan would not use military force even in those cases where the international community may consider such response, because Japan was 'a nation that has primarily focused on humanitarian and reconstruction assistance'.[64] This position was further emphasised when in the same year Tokyo insisted that it 'does not see itself as actively engaged in the principle's implementation', pushing the point that RtoP primarily paves the way for military intervention.[65]

Although Tokyo generally endorsed the view at the 2009 General Assembly Informal Debate to implement and consolidate the provisions of the 2005 World Summit Outcome document, it pushed for a strictly limited application of RtoP. Japan also sought to delineate the norm from Japan's human security posture by pushing for the fairly narrow scope of pillar two of the RtoP edifice, which lies at the intersection of the human security and RtoP agendas, that is, the international commitment to provide assistance to states in building capacity to meet their obligations. The Japanese government advocated only a very limited set of measures that have a direct link with RtoP, including the rule of law, security sector reform and the protection of human rights.[66]

In sum, Japan's human security policies created the political space for gaining global influence without revising the 1947 peace constitution. Tokyo has fully embraced Human Security as a policy it can develop independently and as an alternative means to humanitarian intervention for cultivating influence. The adoption of RtoP in 2005 triggered a feedback loop at the Japanese local level leading to efforts to strengthen rather than adjust the pre-existing local normative framework. While Japan formally endorsed RtoP, it has effectively resisted localising the norm by engaging a strategy of norm contestation in its operational policy. In doing so, Tokyo has pushed the human security envelope, while trying to minimise the scope of pillar two of the RtoP edifice.

[63] 'Statement by H.E. Mr Kenzo Oshima, Permanent Representative of Japan at the Plenary Meeting of the General Assembly on the Report of the Secretary-General', 7 April 2005, available at http://www.mofa.go.jp/announce/speech/un2005/un0504.html (accessed 7 July 2009).

[64] 'Address by H.E. Mr Yasuo Fukuda, Prime Minister of Japan at the Session on "The Responsibility to Protect: Human Security and International Action"', available at http://www.mofa.go.jp/policy/economy/wef/2008/address.html (accessed 7 July 2009).

[65] Asia-Pacific Centre for the Responsibility to Protect, *Japan and the Republic of Korea on the Responsibility to Protect*, (Brisbane: Asia-Pacific Centre for the Responsibility to Protect, 2008), p. 7, available at http://r2pasiapacific.org/images/stories/food/japan%20and%20korea%20on%20r2p.pdf (accessed 14 May 2010).

[66] See Asia Pacific Centre for the Responsibility to Protect, *Implementing the Responsibility to Protect: Asia Pacific in the 2009 General Assembly Dialogue* (St Lucia: Asia Pacific Centre for the Responsibility to Protect, 2009), pp. 20–21, available at http://r2pasiapacific.org/documents/final_un_ga_debate_july_2009.pdf (accessed 14 May 2010).

Conclusions

Let us now turn to the three sets of questions that we posed at the outset. Firstly, what are the driving forces that contributed to the emergence of RtoP? What are its essential features? RtoP emerged in the post-Cold War era as part and parcel of the widening and deepening processes within international society. The construction of RtoP is seen as a direct response to solidarist push factors, epitomised in the international debate over the right or the responsibility to enforce humanitarian objectives by using coercive means in the aftermath of failed UN engagement in former Yugoslavia, Rwanda and Somalia. The implementation of the norm is however very much constrained by pluralist pull factors highlighting the continuing importance and power of the sovereignty and non-intervention principles.

Defining RtoP's essential features, we have identified it as a global soft norm that is located on a normatisation continuum between hard and soft normatisation. Since the publication of the ICISS report in 2001, RtoP has moved from the harder to the softer end of the normatisation continuum. This shift culminated in the removal of any binding and precise criteria for humanitarian/military intervention at the World Summit in 2005. Although the 2009 report on the implementation of RtoP further specified the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome document, it does not oblige UN member states to act upon those commitments.

Secondly, what are the conceptual challenges in examining RtoP implementation at the regional and domestic levels? How can we account for changing foreign policy practices or changes in the foreign policy discourse in response to RtoP? While the socialisation literature provides explanatory leverage to examine the relationship between global normative frameworks and potential effects on state behaviour, it misses out key elements that are essential to explain norm diffusion. The socialisation literature fails to explain why Asia and the Pacific have witnessed a positive shift in favour of RtoP since 2005. Addressing this gap, we develop the framework of the norm diffusion loop. We argue that global norm diffusion resembles less a top-down linear process than a feedback loop, which ultimately shifted RtoP to the softer end of the normatisation continuum. The feedback loop provided a mechanism for feedback and self-correction by adjusting the key properties of the RtoP norm.

Thirdly, can we observe variations in the impact of RtoP at the regional and domestic levels? And if so, what are the implications for RtoP as a global norm? The cases of China and Japan demonstrate that while both countries have endorsed RtoP, there are significant differences in the underlying motivations for their support and the way the norm has been received at the domestic levels. In the case of China, socialisation had softened its rigid understanding of state sovereignty and non-intervention, which facilitated RtoP acceptance. At the same time, Beijing actively pursued a strategy of norm containment in order to minimise the more far-reaching provisions of the 2001 ICISS report. The Chinese government co-shaped the RtoP norm through the discursive enmeshment of RtoP, in line with Chinese core foreign policy principles. In the case of Japan, neither the socialisation nor the localisation frameworks can sufficiently explain Japanese reception of RtoP. While Tokyo formally endorsed the global norm, it pursued a parallel strategy of norm contestation. The adoption of RtoP in 2005 triggered a feedback loop that led to a new push to project Japan's human security posture at the regional and global levels. Such a strategy of norm contestation was epitomised in the Friends of Human Security forum, an initiative that Tokyo

proposed in June 2006 shortly after the formal adoption of RtoP. There exists a widely held view that RtoP may in fact endanger the achievement of the far wider objectives of Japan's Human Security agenda.

In sum, the universal adoption of RtoP as a global soft norm has changed the parameters of the humanitarian intervention discourse. Shifting the debate away from the narrow focus on intervention towards the essence of RtoP, that is, to address the question of how to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, will continue to be essential to turning RtoP words into deeds. Yet, 'non-intervention' is indeed a metaphysical term perhaps indistinguishable from 'intervention', as Talleyrand reminded us long ago. The political decision *not* to intervene on behalf of civilians who suffer under gross human rights violations may in fact directly interfere in their lives and affect the chances of their survival. The humanitarian intervention discourse has kept governments apart; pushing the envelope for non-indifference and compassion in the name of humanitarianism may bring them closer.