

Norm Evolution through Contestation: Role of Legality from Humanitarian Intervention to Responsibility to Protect

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Abstract : International norms are subject to pressures of change through contestation during the course of their lifetimes. The nature of the contestation is one of the factors that are likely to have a determinative role in the direction of this change towards a stronger or weaker norm. This paper aims to understand the relation between the legality of contestation and the direction of change in norm strength. Based on a multidimensional norm strength conceptualization, it is hypothesized that use of legal logic and rhetoric of argumentation would have a positive influence for norm strength, whereas non-legal nature of contestation would lack this and weaken the norm. In order to show this, the evolution of the human protection norm between 1999 and 2018 will be examined with reference to two major contestation periods; Kosovo intervention of 1999, which led to the development of R2P doctrine, and Libya intervention of 2011, which is followed by the demise of the norm. The comparative analysis will be conducted through process tracing method with a document analysis on the Security Council meeting minutes, resolutions, and press releases. This study aims to contribute to the norm contestation literature with the introduction of legal process analysis. It also relates to further questions in IR/IL nexus, relating to the value added of norm legality as well as the politics of legalization.

Keywords : humanitarian intervention, legality, norm contestation, norm dynamics, norm strength, responsibility to protect

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