

## Legal Contestation of Non-Legal Norms: The Case of Humanitarian Intervention Norm between 1999 and 2018

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**Abstract :** Norms of any nature are subject to pressures of change throughout their lifespans, as they are interpreted and re-interpreted every time they are used rhetorically or practically by international actors. The inevitable contestation of different interpretations may lead to an erosion of the norm, as well as to its strengthening. This paper aims to question the role of formal legality on the change of norm strength, using a norm contestation framework and a multidimensional norm strength conceptualization. It argues that the role of legality is not necessarily linked to the formal legal characteristics of a norm, but is about the legality of the contestation processes. In order to demonstrate this argument, the paper examines the evolutionary path of the humanitarian intervention norm as a case study. Humanitarian intervention, as a norm of very low formal legal characteristics, has been subject to numerous cycles of contestation, demonstrating a fluctuating pattern of norm strength. With the purpose of examining the existence and role of legality in the selected contestation periods from 1999 to 2017, this paper uses process tracing method with a detailed document analysis on the Security Council documents; including decisions, resolutions, meeting minutes, press releases as well as individual country statements. Through the empirical analysis, it is demonstrated that the legality of the contestation processes has a positive effect at least on the authoritativeness dimension of norm strength. This study tries to contribute to the developing dialogue between international relations (IR) and internal law (IL) disciplines with its better-tuned understanding of legality. It connects to further questions in IR/IL nexus, relating to the value added of norm legality, and politics of legalization as well as better international policies for norm reinforcement.

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

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