THE SPECIAL ADVISER ON THE RESPONSIBILITY TO PROTECT: PERFORMING NORM LEADERSHIP

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ABSTRACT

How does the Special Adviser decide when to invoke the 'responsibility to protect' populations from atrocities? Why may the adviser urge for greater attention to some crises and not others, although no less violent? How have different postholders understood their role and shaped it in practice? In addressing these questions, this thesis examines the "performative leadership" of the Special Adviser of the United Nations Secretary-General on the Responsibility to Protect (R2P) and their contribution to the debate around an appropriate state and international conduct in situations of mass atrocities. In contrast to the dominant institutional approach informed by the norm diffusion literature, this research proposes a new theoretical framework which connects strategic norm-building with symbolic interaction and performativity. Based on this, I argue that the postholders do not merely enact institutional scripts but 'perform' certain meanings of the R2P norm, both creatively and strategically, while being deeply situated in a rigid environment with existing rules. The present study brings to the fore subtle yet deep-seated and ongoing contestations around R2P, which only become visible with the postholders' strategic efforts to navigate R2P through contestations, create political and moral pressures and incentives, advance some avenues for the norm implementation and hamper others. Methodologically, this thesis relies on interpretative discourse analysis of selected statements and texts that contain representations of the advisers' creative choices regarding their performances.

Key words: norm contestation, norm entrepreneurship, performative leadership, responsibility to protect, United Nations.

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It is challenging to research topics such as the Responsibility to Protect (R2P), and not merely because so much has already been explored and accomplished in academia in this regard but also because the debate around the R2P principle on many occasions determines who and when can or cannot be saved. As a Master's candidate, I would have never been able to offer my small contribution to the existing scholarship on R2P without the advice and support of many remarkable people around me.

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LIST OF ABBREVIATIONS

CAR	Central African Republic
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
IR	International Relations
NGOs	Non-governmental Organizations
POC	Protection of Civilians
R2P	Responsibility to Protect
UN	United Nations
(UN) MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
(UN) OSAPG	United Nations Office on Genocide Prevention and the Responsibility to Protect
(UN) PKO	United Nations Peacekeeping Operation
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
WSOD	World Summit Outcome Document

It would be tempting to view these trends as proof of RtoP's failure. But to do so is to blame the principle rather than those charged with upholding it. The responsibility to protect cannot, on its own, compel states to act – no political principle can do that… What it can do, however, is create political pressure around situations involving atrocity crimes and raise the political costs of inaction… [W]e should not shy away from a principle because it is demanding.[1]

– Jennifer Welsh

INTRODUCTION

The Responsibility to Protect (R2P) is a political principle and a global norm designed to reinforce the state and international commitment to halt mass atrocity crimes: genocide, ethnic cleansing, war crimes and crimes against humanity.[2] R2P has become a pivotal point in the ongoing debate on the meaning of state sovereignty and the shared duty to protect populations. However, R2P is a concept that cannot succeed or fail on its own. Instead, it structures the reality of international politics by offering a normative framework and providing discursive resources for a broad variety of actors – including states, non-state actors, international community, civil society and individual leaders – to deliberate and implement their collective responsibility to prevent and cease large-scale violence.

While the existing norm scholarship on R2P has explored the constellation and the trajectory of this debate, it mostly focused on how states make sense of their responsibility, invoke the norm, and attempt to contest or reshape its meaning and application in particular political contexts.[3] As many of these struggles and contestations unfold within the United Nations (UN), previous research reconstructed the debate on R2P in the Security Council,[4] and

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[1] "Statement by Jennifer Welsh Special Adviser to the UN Secretary General on the Responsibility to Protect."
[2] United Nations, World Summit Outcome Document.
[3] See e.g. Badescu and Weiss, "Misrepresenting R2P and Advancing Norms"; Welsh, "Norm Contestation and the Responsibility to Protect"; Kurowska, "Multipolarity as Resistance to Liberal Norms"; Kurtz and Rotmann, "The Evolution of Norms of Protection"; Fung, "Rhetorical Adaptation, Normative Resistance and International Order-Making"; Welsh, "Norm Robustness and the Responsibility to Protect."
[4] Adler-Nissen and Pouliot, "Power in Practice"; Ralph and Gifkins, "The Purpose of United Nations Security Council Practice."

in the General Assembly.[5] However, the UN is not merely a venue for the debate to take place,[6] but a complex organization of co-present political agents vested with the authority to "create categories of action, fix meanings, shape subjectivities, and define the good life."[7] One such agent of strategic norm construction is the Special Adviser of the Secretary-General on the Responsibility to Protect. Despite being charged to lead the conceptual, political, institutional and operational development of the principle, the adviser and their contribution to the debate on R2P remain invisible, understudied and fragmentary. If not overlooked completely, the international bureaucrats such as the Special Adviser are generally studied through the lens of institutional approaches,[8] which downgrade the creative yet deeply situated role of the postholders engaging in the intersubjective construction of world politics.

In this thesis, I introduce the Special Adviser on R2P in the global debate on an appropriate state and international response to mass atrocities. In conceptualizing the adviser as a "performative leader,"[9] I connect the notions of strategic norm-building with interactive and performative acts of such agents. While constrained in a specific cultural environment, the advisers do not solely enact institutional scripts but compete with other actors and creatively perform their definition of political situations into being. This framework reveals normative innovations of the Special Advisers which are obscured in the conventional norm research on R2P. In particular, this study finds that with their leadership performances the advisers may (i) navigate R2P through contestations, (ii) create political and moral pressures and incentives, (iii) advance some avenues for the norm implementation and hamper others. While this analysis makes visible the dialogue in-between the agents and the clashing meanings they display, it is

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[5] Burai, "Responsibilities to Protect: Accountability and Responsiveness in Protecting Populations from Atrocity Crimes," chap. 6.
[6] Cf. Johnston, "Treating International Institutions as Social Environments."
[7] Barnett and Finnemore, "International Organizations as Bureaucracies," 179.
[8] See e.g. Hehir, "The Special Adviser on the Prevention of Genocide"; Hippel, "Invisible or Indispensable? The Role of the Special Adviser on the Prevention of Genocide and the Special Adviser the Responsibility to Protect."
[9] Aggestam and Hedling, "Leaderisation in Foreign Policy."

not suited to infer about their genuine beliefs and intentions. Neither does it attempt to claim that the advisers' performances can cause certain outcomes of policies and deliberations on R2P. Instead, I offer a new perspective which by inclusion of the Special Adviser 'makes better sense' of the norm trajectory. Methodologically, these findings are grounded in the interpretative discourse analysis of selected texts and speeches that contain representations of the advisers' creative choices regarding their performances.

This thesis proceeds as follows. Chapter 1 proposes a framework for analysis of the Special Adviser as a performative leader, which departs from the limitations of the conventional constructivist literature on norm diffusion and instead reclaims the intersubjective core of norm dynamics by revisiting Goffman and Garfinkel's symbolic interactionism. Chapter 2 specifies what constitutes the advisers' performativity given their mandated tasks and situates the four consecutive postholders in transforming political and institutional context. Chapter 3 delves into the Special Advisers' leadership performances and creative choices aimed at navigating the norm through contestations and reshaping its specific aspects. Following these three chapters, I discuss the key findings and suggest avenues for future research.

Chapter 1 – Framework for Analysis:

From Norm Entrepreneurs to Performative Leaders[10]

The Special Adviser on R2P has been mandated to build up consensus around the new norm and to develop it politically, conceptually, institutionally and operationally. Given this focus on promoting and furthering R2P, the Special Adviser might be seen as a specific type of a norm entrepreneur, whose role in strategic norm-building has been explored in the conventional constructivist literature. However, after revisiting the limitations of this approach, I propose a new interactive framework to capture how the advisers perform both strategically and creatively, while situated in a rigid context.

1.1 Special Adviser as a Norm Entrepreneur

In the seminal theoretical model of the norm "life cycle,"[11] norm entrepreneurs first persuade a critical mass of states to embrace a new standard of behavior, thereby facilitating the norm emergence. After this tipping point, such 'flagship' states in turn act as norm leaders socializing the remaining states into accepting this standard, leading the norm to cascade. Finally, the life cycle concludes if the norm comes to be taken as a given – or internalized. Importantly, norm entrepreneurs are morally invested in their norm projects: for them, norm building is a way to strategically construct and reshape social reality according to their normative preferences. To promote norms, entrepreneurs need to act from and through organizational platforms – such as international organizations, NGOs and civil society groups, which together account for a transnational advocacy network.[12] To reiterate, norm entrepreneurship – whether conceptualized as a cycle, a spiral or a boomerang effect – is more

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[10] This chapter builds on the final paper for the course "Security Theory and Practice," Winter Semester 2021.
[11] Finnemore and Sikkink, "International Norm Dynamics and Political Change."
[12] See also Keck and Sikkink, *Activists beyond Borders*; Risse and Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices"; Carpenter, *Lost Causes*.

strongly associated with the efforts of non-state actors to convince states to commit to a new normative standard.[13] These efforts might take various shapes: Norm entrepreneurs may have material, institutional and normative resources to (i) directly coerce other actors into altering their behavior, (ii) socialize states by shaming deviation from and rewarding compliance with the promoted standard and, finally, (iii) persuade others to genuinely embrace the new norm as the appropriate conduct for their very identity.[14]

The notion of norm entrepreneurship has driven the academic debate around the Responsibility to Protect. There seems to be a common understanding that the "emergence" of R2P as a norm was facilitated by i.e. the International Commission on Intervention and State Sovereignty (ICISS), which in 2001 proposed a new standard of conduct in the situations of mass atrocities.[15] Then, the R2P norm project – albeit with considerable revisions – passed its tipping point, with the world leaders having expressed their commitment to the R2P norm in the World Summit Outcome Document (WSOD).[16] As a result, R2P progressed to the second and current stage of a "cascade,"[17] during which various norm leaders – not only transnational moral advocates but also states and their coalitions (e.g. the Group of Friends of R2P) – seek to convince others to become norm followers. In this conceptualization of the R2P development, the establishment of the new post of the Special Adviser represents a "focal point" for the UN system to express its institutional commitment to further the norm.[18] Concurrently, this vision downplays and oversimplifies the contribution of the Special Adviser to the norm cascade, since the advisers, as this research demonstrates, do not merely seek to convince more states to embrace R2P but rather advance specific interpretations of this new standard and its 'due' implementation.

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[13] Cf. Davies and True, "Norm Entrepreneurship in Foreign Policy."
[14] Barnett and Finnemore, "International Organizations as Bureaucracies"; Johnston, "Treating International Institutions as Social Environments"; Risse, "'Let's Argue!'"
[15] Madokoro, "International Commissions as Norm Entrepreneurs."
[16] United Nations, World Summit Outcome Document.
[17] Reinold, "The Responsibility to Protect – Much Ado about Nothing?"
[18] Evans, "R2P: The Next Ten Years," 12.

The concept of norm entrepreneurship offers a big-picture perspective that captures fundamental shifts in how the R2P norm has been advanced globally. However, this approach has a range of further limitations problematic at least in three main ways. First, the norm diffusion literature has come to be seen as based of essentialized views, as it assumes the norm building to be linear and teleologically "progressive," with the meanings of norms remaining unchanged throughout the life cycle.[19] Typically, it renders predominantly Western-liberal norm entrepreneurs to guide and enlighten non-Western states, who in turn appear passive norm-takers with little potential to resist and contest norms and their meanings.[20] As a result, the conventional norm research tends to implicitly prioritize one set of norms – such as human rights, arms control and climate norms – over others, thus minimizing norm ambiguity.[21] If applied, this framework would conceal a great deal of normative debate unfolding around the R2P norm, without the possibility to generate new insights on contingent, at times ambiguous and non-linear norm process.

Second, the norm diffusion literature – despite having put forward the concept of norm entrepreneurship – emphasizes norms, alongside the ways in which they structure social reality, over the agents facilitating normative change. Bucher even suggests that the very language of conventional norm research describes the process in mechanistic, automized and self-actionist terms – norms "emerge," norms "diffuse," norms "cascade," – while the entrepreneurs remain somewhere on the margins.[22] The danger of reducing agents to norm-as-structures is to obscure how norms arise and change over time through interactions with particular agents.[23] Empirically, this essentially structure-centered approach would prove weak on a microlevel in failing to show "how norms connect with agents,"[24] or, in this case, how R2P connects with the Special Adviser.

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[19] Bloomfield and Scott, *Norm Antipreneurs and the Politics of Resistance to Global Normative Change*.
[20] Wiener, "Contested Compliance."
[21] Engelkamp and Glaab, "Writing Norms."
[22] Bucher, "Acting Abstractions."
[23] Checkel, "The Constructivist Turn in International Relations Theory," 340.
[24] Checkel, 342.

Finally, the norm diffusion literature in many accounts relies on the insights of sociological institutionalism and, more specifically, organization theory.[25] As a result, not only does this approach settle down for a thinner conceptualization of entrepreneurs but also overemphasizes the role of organizational platforms in norm building. In this instance, the Special Adviser on R2P would be yet another tiny cog in the global transnational machine facilitating the norm development. Each actor involved in this transnational advocacy network is seen as deeply embedded in their respective institutions and merely enacting certain organizational scripts. This leaves little-to-no room to acknowledge the creative agency of norm entrepreneurs.

1.2 Special Adviser as a Performative Leader

The previous section revealed a few serious analytical limitations of the norm diffusion literature which would make the study of the Special Adviser incomprehensive and one-dimensional. These shortcomings derive above all from the essentialized grounding in liberal institutionalism and result in a progressivist, mechanistic and one-sided perspective of the norm process. In this section, I propose a different framework that not solely "bring[s] agency back in,"[26] but connects strategic norm construction with interactive and performative acts of the Special Adviser to capture a multifaceted interplay between norm entrepreneurs, "antipreneurs" or norm contestants,[27] their audiences and environment by revisiting symbolic interactionist roots of constructivism.[28]

Constructivism as a set of approaches to the field of International Relations (IR) has been driven by translating insights of the social theory into IR. Perhaps the most basic of these insights is the idea of the social – intersubjective – construction of reality and world politics.[29] Constructivists generally avoid reducing the agent-structure problem to "ontologically

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[25] Checkel, 341.
[26] Checkel, 340.
[27] Bloomfield and Scott, *Norm Antipreneurs and the Politics of Resistance to Global Normative Change*.
[28] Adler-Nissen, "The Social Self in International Relations."
[29] Kessler and Steele, "Introduction: 'Constructing IR: The Third Generation.'"

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primitive[s]" – that is to insist on the primacy of either unit of analysis – and rather tend to view the relationship between agents and structure as mutually constitutive.[30] While departing from the same theoretical assumptions, the turn to norm diffusion made constructivism lose sight of its interactive core. As discussed above, the conventional norm research falls into curtailing interactions into a "one-way disciplining process" between norm-givers and norm-takers.[31] By recovering the symbolic interactionist roots of constructivism, this research connects *strategic* norm-building with a genuinely *interactive* negotiation of the responsibility to protect populations from atrocities.

Thinking about social construction and norm building in terms of interaction has recently got more traction in IR literature, which continues to import these ideas from the sociology of symbolic interactionism – in particular from classic works by Erving Goffman and Harold Garfinkel.[32] Goffman's dramaturgical approach emphasizes the "theatrical" aspect of interpersonal communication,[33] in which "actors" or 'leaders' assume specific "roles" and "perform" before specific "audiences" in various "settings" with the purpose to display for others their definition of self and social situation.[34] In such 'performances,' actors engage and compete with each other in strategic meaning-making by categorizing – "framing" – a particular setting as a certain type of situation *and not another.*[35] Thus, leadership in this research is defined as such *strategic interaction* between the advisers, their competitors and audiences.[36] Then, the advisers' leadership is performative to an extent that, firstly, their speech is an act that does not merely describe but changes social reality,[37] and second, the postholders execute

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[30] Wendt, "The Agent-Structure Problem in International Relations Theory," 337; Checkel, "The Constructivist Turn in International Relations Theory," 326.

[31] Adler-Nissen, "The Social Self in International Relations," 36.

[32] See e.g. Barnett, *Dialogues in Arab Politics*; Schimmelfennig, "Goffman Meets IR"; Wiener, "Enacting Meaning-in-Use"; Adler-Nissen, "Stigma Management in International Relations"; Zarakol, "What Made the Modern World Hang Together"; Aggestam and Hedling, "Leaderisation in Foreign Policy."

[33] Braun, Schindler, and Wille, "Rethinking Agency in International Relations," 795.

[34] Gardner and Avolio, "The Charismatic Relationship," 33.

[35] Ringmar, "Performing International Systems," 7.

[36] Similar definition in Aggestam and Hedling, "Leaderisation in Foreign Policy," 303.

[37] Austin, *How to Do Things with Words*, 7.

'performances' in a dramaturgical sense, symbolically mediated both by language (rhetorical devices) and non-verbal displays (status, appearance).[38] Importantly, the present framework relies on a narrow operationalization of performativity as Austin's 'speech act' and Goffman's 'performance,' which significantly digresses from Jacques Derrida or Judith Butler's conceptions of performativity.[39]

In designing their speech acts and overall performance, the Special Advisers express their creative agency. However, the adviser is deeply situated in an environment defined by already existing rules – such as who can speak, what can be spoken and what is heard.[40] In other words, whereas leaders are strategizing – "framing," "scripting," "staging" and "performing" their acts to affect and essentially manipulate others,[41] they are simultaneously constrained by "cultural environments" and "socially determined roles" they assume.[42] The actors' creativity is bounded *by* and *in* the social structure – not only through moral constraints arising from their roles but also discursively. Therefore, the Special Adviser's performances are simultaneously shaping and being shaped by the discourse. As Ringmar explains this dualistic relationship between performers and discourse: "The actors borrow meanings from discourse, reaffirm these meanings through their performance, and then return them to discourse as the audience interprets the events staged before them."[43] As a result, the present approach captures not only how agents, individually or in concert, interact with each other and the audience to create and attach meanings but also how they connect with the structure by invoking norms and activating discursive resources.

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[38] Goffman, *The Presentation of Self in Everyday Life*.
[39] For a detailed discussion see Loxley, *Performativity*.
[40] Salter, "Securitization and Desecuritization," 322.
[41] Gardner and Avolio, "The Charismatic Relationship."
[42] Schimmelfennig, "Goffman Meets IR," 421.
[43] "Performing International Systems," 2.

The leaders' connection to the structure is essential as the advisers have to be 'rightly' placed – socially, institutionally and politically – for their actions to become performative.[44] Thus, this framework extends beyond the analysis of speech and non-verbal devices of meaning-making available to the advisers to include the context in which they are situated. The centrality of context, theorized in the sociology of Harold Garfinkel,[45] has a number of implications for the present framework. First, as opposed to the norm diffusion literature, which defines norms as fixed shared understandings about a proper standard of behavior transferred unidirectionally "from the socializer to a socializee,"[46] I follow Wiener's reading of Garfinkel that renders norms as non-linear, intersubjective processes located in and eventually inseparable from social practice.[47] Therefore, in this research, the Responsibility to Protect is not a static normative benchmark attributable to particular agents but a "meaning-in-use,"[48] which the Special Adviser among others may display strategically. Secondly, Wieners' vision of norms as flexible, inevitably open to contestation, (re)shaped in a dialogue reinforces the focus of this study on strategic interaction as a means of social construction. To clarify, it is in a dialogue where implicit meanings of norms are revealed as they depend on specific experiences with norm-use and may differ significantly from context-to-context and from agent-to-agent.[49] Therefore, it is insufficient to analyze the R2P language use as such.[50] Instead, I reconstruct how the norm utterances played out in *specific political constellations,* in order to show how individually enacted meanings of R2P become influential at a specific time and place.

To recollect, the framework I propose for the study of the Special Adviser connects diverse yet linked theoretical insights on strategic norm construction, symbolic interaction and

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[44] Loxley, *Performativity*, 10.
[45] Garfinkel, *Studies in Ethnomethodology*.
[46] Epstein, "Stop Telling Us How to Behave," 140.
[47] Wiener, "Contested Compliance," 191.
[48] Wiener, "Enacting Meaning-in-Use."
[49] Wiener, "Contested Meanings of Norms," 6.
[50] See e.g. Powers, "Responsibility to Protect."

performativity in the notion of "performative leadership,"[51] which best captures the complex strategic, creative and deeply situated role the adviser plays in the debate on R2P. Precisely, this framework analyzes the adviser's speech, status and situatedness in institutional and political contexts. While the framework makes the dialogue in-between the agents and the clashing meanings they display visible, it focuses on the *inter*-subjective dynamics and thus is not suited to infer about subjects' internal beliefs or intentions. Instead, this analysis delves into leadership performances of the Special Adviser and captures their creative and strategic efforts to navigate the norm and support its implementation – by framing, agenda-setting, shaping experiences with the norm-use and the key parameters of the debate. Concurrently, this framework does not suggest that the advisers' performances alone can determine outcomes of policies and deliberations on R2P. Rather, it offers a new perspective which by inclusion of the Special Adviser 'makes better sense' of the norm dynamics around R2P.

1.3 Data and methodology

For the discourse analysis, I collected a corpus of public statements (co)authored by the four consecutive Special Advisers on R2P and issued between the appointment of the first postholder in 2008 until the present year 2021.[52] While these statements contain the direct "locution" of the adviser, I also supplemented these data with relevant UN documents, video appeals and academic contributions of the postholders,[53] in order to locate which meanings are displayed and to infer about potential effects of these speech acts.[54] This analysis focuses on identifying change, contestations and transformations of the core positions in the discourse exposing the debate around the R2P principle.[55] In tracing such

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[51] See also Aggestam and Hedling, "Leaderisation in Foreign Policy."
[52] Available at OSAPG, "Public Statements."
[53] For example, Bellamy and Luck, *R2P: From Promise to Practice*; Šimonović, "The Responsibility to Protect"; Welsh, "Civilian Protection in Libya"; Welsh, "Norm Contestation and the Responsibility to Protect"; Welsh, "The Responsibility to Prevent"; Welsh, "Norm Robustness and the Responsibility to Protect"; Franco, Meyer, and Smith, "'Living by Example?' The European Union and the Implementation of the Responsibility to Protect."
[54] These are essentially locution, illocution and perlocution by Austin, *How to Do Things with Words*, 101.
[55] Salter and Mutlu, *Research Methods in Critical Security Studies*, 114.

changes, I emphasize how the postholders' performances differ despite their occupying the same institutional venue. In addition to the alterations in the discourse, I capture critical junctures in the debate on what R2P means and when it applies, with the 2011 international intervention in Libya being one of such political moments that have sparked intensive contestation and manifested the appearance of several interpretations of the R2P norm in the discourse.[56]

Based on these delineations of the discourse, I introduce the three main mechanisms that informed the empirical analysis. First, the predicate analysis of the text corpus opens up the space to interpret how the Special Adviser attaches certain adjectives to 'responsibility' – for instance, 'joint' or 'primary'– and how this frames the ways in which R2P plays out at a specific political moment. This type of inquiry similarly sheds light on the adviser's discursive construction of some states as 'unable' and others as 'unwilling,' with these categories being divorced or merged in various political contexts.

Second, the investigation of the advisers' rhetorical craft – such as the use of comparisons, metaphors, emotionally loaded, informal or pompous language – is informed by the technique of subject positioning. In other words, the Special Adviser's framing of a certain situation as similar to, or opposite of, another is not an innocent statement or an accomplished fact. Instead, such representations are treated as performative speech acts as they suggest or rule out certain paths of action.[57]

Finally, this analysis is sensitive to intertextual references, especially given the design of R2P as a political principle that is deeply embedded in existing legal framework for human protection.[58] Specific attention to intertextuality makes visible presuppositions and implicit affirmations or contestations of the foundational texts – "monuments" – in the Special Adviser's performances. In this sense, the Special Adviser might seek to reaffirm the fixity of some interpretations and challenge other "nodal points,"[59] in order to navigate the R2P norm.

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[56] See e.g. Burai, "Responsibilities to Protect: Accountability and Responsiveness in Protecting Populations from Atrocity Crimes."
[57] Dunn and Neumann, *Undertaking Discourse Analysis for Social Research*, 111–13.
[58] Welsh, "Norm Robustness and the Responsibility to Protect."
[59] Laclau and Mouffe, *Hegemony and Socialist Strategy*, 112.

CHAPTER 2 – THE MANDATE OF THE SPECIAL ADVISER:

LOCATING PERFORMANCE AND CONTEXT

This chapter focuses on the mandate of the Special Adviser on the Responsibility to Protect. First, it specifies what constitutes the advisers' 'performance' given their mandated tasks and what impact they have on the R2P trajectory. Second, it situates how the four postholders have chosen to perform their duties in transforming political and institutional context.

2.1 The mandate and performativity of the Special Adviser

The strategy of the Joint Office (OSAPG) specifies its two main priorities: to identify risks of mass atrocities and to assist various actors in implementing their R2P.[60] To estimate risks, the OSAPG develops methodological tools,[61] conducts analysis, works out policy recommendations and communicates their findings to coordinate the response of the UN entities and their partners.[62] Thus, the advisers perform analytical and diplomatic duties that extend from fact-finding missions to good offices and are primarily focused on early warning and atrocity prevention. The Special Adviser also equips and convinces various agents to act upon their responsibility to protect populations. To this end, the OSAPG's strategy entitles the adviser to assume "political leadership" in order to maintain a "continued dialogue," "strategic engagement" and "interaction" with the member states, regional organizations and civil society.[63]

One of the main channels for strategic interaction of the Special Adviser with other actors and the audience is via public statements, in which the postholders raise concerns about high-risk situations. To clarify, the advisers wield political and not legal power, as they *assess*

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[60] OSAPG, "Strategy of the United Nations Office on Genocide Prevention and the Responsibility to Protect."
[61] For instance, "Framework of Analysis for Atrocity Crimes: A Tool for Prevention."
[62] OSAPG, "Strategy of the United Nations Office on Genocide Prevention and the Responsibility to Protect."
[63] OSAPG.

the risk of a large-scale loss of life which *might* constitute one or more of the four atrocity crimes and are *not* entitled to adjudicate such crimes.[64] However, in their public statements, the advisers do not simply "describe" a specific case as at risk of mass violence but "perform" their definition into being – in a similar sense that to name a ship is to "act" with words.[65] Such performative speech acts equip the Special Adviser to "frame" political issues in a certain way – that is to advance their interpretation of a situation against other competing definitions.[66] For instance, by categorizing a crisis as a potential R2P case, the adviser, firstly, hampers other actors to downplay or fix the meaning of a situation as 'simply' a matter of (inter)communal violence, and secondly, creates political pressure and increases the cost of inaction for state and international actors.[67]

With their statements, the Special Advisers draw public attention to particular cases and shape expectations regarding the "duty of conduct" of specific actors and consequently elevate the issue to top the agenda in respective institutional venues.[68] Such agenda-setting attempts leave a footprint, for example as the adviser brings a matter to the attention of the Secretary-General and, through him, to the Security Council (UNSC) or recommends the Council to refer the case to the International Criminal Court (ICC).[69] The UNSC might well be incapacitated to meet the above expectations and take collective action, thus manifestly failing to uphold its R2P and ultimately halt large-scale violence.[70] Nonetheless, it would be a crude simplification to conclude that this failure indicates that the Special Adviser's speech act, too, was definitively

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[64] OSAPG, "United Nations Office on Genocide Prevention and the Responsibility to Protect: FAQ."
[65] Austin, *How to Do Things with Words*, 6.
[66] Goffman, *The Presentation of Self in Everyday Life*.
[67] FORA.tv, *Jennifer Welsh*, min 11.
[68] Welsh, "Norm Contestation and the Responsibility to Protect," 365.
[69] OSAPG, "United Nations Office on Genocide Prevention and the Responsibility to Protect: FAQ"; Regarding the ICC see OSAPG, "Special Advisers' Statement on Situation in Syria, 14 June 2012"; OSAPG, "Special Adviser's Statement on the Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, 14 March 2014."
[70] OSAPG, "Special Advisers' Statement Marking a Full Year of Violent Suppression of Anti-Government Protests in Syria, 15 March 2012"; OSAPG, "Special Advisers' Statement on the Situation in the Syrian Arab Republic, 15 March 2021."

unsuccessful. The adviser's performative leadership often materializes in more subtle yet traceable ways, for instance when the issue reappears on the Council's agenda (Myanmar); when each obstruction to a resolution carries a higher reputational and political cost (Syria); when a looming ICC investigation resonates in the public and diplomatic circles (Democratic People's Republic of Korea); finally, when political violence never spirals to the scale of mass atrocities in the first place (Kenya, Kyrgyzstan, Cote d'Ivoire). Thus, the concept of performative leadership does merely show how the Special Advisers indeed can "do things with words," but it also captures the "non-events" of prevented crises,[71] and the persistent struggle of the advisers to incentivize political action, often overlooked in alternative approaches which tend to overemphasize outcomes over process.

The postholders' attention to particular cases, verbalized in their public statements, also plays a critical role in shaping and reshaping the states' experiences with norm-use.[72] In other words, it is frequently individual situations that influence decision-makers the most and thus determine their general perception of R2P.[73] On the one hand, the advisers' early involvement in some crises solidified the states' positive experience with the R2P norm. To illustrate, Special Adviser Edward Luck pushed for the R2P principle to be invoked in the context of the 2007 post-electoral violence in Kenya, which amplified the positive image of the norm as the situation was effectively resolved through a concerted and non-coercive mediation.[74] On the other hand, the advisers directed their performances to mitigate and reframe the most controversial invocations of R2P – such as the application of the norm in Libya,[75] which many actors received as a negative experience with the norm, as it enabled a foreign military intervention allegedly lacking international accountability and ignoring its 'responsibility to rebuild.' Thus, Special

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[71] Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 72.
[72] Wiener, "Enacting Meaning-in-Use," 181.
[73] Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 10, 13.
[74] Luck et al., min 66.
[75] UNSC, "Resolution 1973 Adopted by the Security Council at Its 6498th Meeting, on 17 March 2011."

Adviser Jennifer Welsh not once argued that the Libyan scenario should not be seen as a rule but as a rare exception from the normally non-coercive implementation of R2P.[76]

In addition to strategic communication on specific cases, the Special Adviser on R2P drafts an annual report of the Secretary-General, which lays the ground for and stirs the discussion of the principle in the General Assembly (UNGA), held either as an informal dialogue (2010-17) or as a recently resumed formal debate (2009, 2018-21).[77] Regardless of the format, such meetings represent a crucial opportunity for the member states to exchange their evolving positions on R2P – thus making its "commonplace meanings visible" – and, through this dialogue, to renegotiate the 'right' meaning of the norm.[78] However, only the formal debate enables the membership to adopt resolutions and requires the UN to produce verbatim and publish the recordings of the sessions,[79] therefore designating more time and space for all parties to study the members' concerns and propositions.

The performativity of the Special Adviser in the UNGA meetings manifests not only in 'setting the scene' with the annual report but also in a strategic debate with the member states.[80] The participants of this debate display their competing interpretations of the norm, which can be roughly grouped in the three main categories: (i) R2P does not generally apply to their domestic politics but shapes their foreign policy (e.g. Canada, Germany, Switzerland, United States of America); (ii) R2P is degraded, exploited and misused by some states for political purposes to justify military interventions and undermine the sovereignty of others (e.g. Philippines, Russia, Syrian Arab Republic, Ukraine, Venezuela); (iii) R2P amplifies 'sovereignty as responsibility,' which can and should be implemented primarily through

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[76] FORA.tv, *Jennifer Welsh*, min 10; Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 13-14.

[77] OSAPG, "United Nations Office on Genocide Prevention and the Responsibility to Protect: General Assembly."

[78] Wiener, "Contested Meanings of Norms," 6; Wiener, "Enacting Meaning-in-Use," 178.

[79] Burai, "Responsibilities to Protect: Accountability and Responsiveness in Protecting Populations from Atrocity Crimes," 158.

[80] Luck, Edward Luck and Brad Roth: Responsibility to protect debate; Welsh, "Statement by Jennifer Welsh Special Adviser to the UN Secretary-General on the Responsibility to Protect."

domestic or (sub)regional, consensual and preventive means (UN Secretariat, the Group of Friends of R2P).[81] Following the reiteration and enaction of these clashing meanings of R2P in the UNGA over the last decade, the mainstreaming of R2P in foreign policy agendas (i) has been criticized by the 'watchdogs' of sovereign equality and non-interference (ii) but also by the Special Advisers, and eventually subsided to the vision that R2P and atrocity prevention "start at home" and should focus on building up local, state and regional capacities to withstand political crises (iii).[82]

In addition to the strategic interaction with decision-makers and politicians, the Special Advisers engage in a dialogue with civil society and the academic community, for instance by "contribut[ing] to conferences and academic forums."[83] Unlike most of their colleagues in the UN, each of the postholders in the office of the Special Adviser on R2P has had an outstanding academic background, specifically highlighted in the appointment records.[84] Among the four advisers only Ivan Šimonović, having previously served in a few other UN tenures and as a national Minister for Justice, assumed the office with an extensive public policy experience.[85] In a sense, the emphasis on the academic – that is 'scientific,' 'objective,' 'apolitical' – reputation in the selection of postholders might reflect the UN support for the cosmopolitan aspirations of R2P and its resistance to the attempts to weaponize the principle for political gains. Concurrently, while the advisers' nationality has no definitive impact on shaping their role, it might be employed to substantiate certain symbolic representations. To illustrate, Edward Luck of the United States might represent the commitment to upholding human rights domestically and globally, Jennifer Welsh of Canada – support for multilateral action, Ivan

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[81] UNGA, "A/73/PV.93, A/73/PV.94, A/73/PV.96."

[82] Welsh, "Norm Robustness and the Responsibility to Protect"; Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 26.

[83] OSAPG, "Strategy of the United Nations Office on Genocide Prevention and the Responsibility to Protect."

[84] Ki-Moon, "S/2007/721"; Ki-Moon, "S/2013/410"; Ki-Moon, "SG/A/1667-BIO/4850"; Guterres, "SG/A/1845."

[85] Ki-Moon, "SG/A/1667-BIO/4850."

Šimonović of Croatia – tragic failures of human protection in the Balkan wars, and Karen Smith of South Africa – the authorship of the R2P norm in the 'Global South.'[86]

While the next section explores how each of the four postholders interpreted their mandate given transforming context and situational factors, it is possible to identify continuity as regards the main trajectory that the advisers envisage for R2P. In sum, the vision of the R2P norm performed into being by the Joint Office fits well with the post-interventionist paradigm,[87] given their shared foci on (i) human security – rather than protection of sovereign territory, (ii) prevention of atrocities – rather than reaction to the crimes committed with impunity, and finally, (iii) assisting states and communities in building up resilience – rather than intervening directly to replicate the formula of 'good' governance and institutions. As a result, the Special Advisers and their leadership performances of R2P were limited in the high-stakes political crises – primarily in Libya and Syria – but delivered tangible results in lower-profile cases concerning political violence, for instance, in Kenya, Kyrgyzstan, Cote d'Ivoire and Guinea.[88]

2.2 The four performative leaders navigating in context

While the Special Adviser's status as an academic, practitioner or country national may contour their performances and expectations of the audience, each of the four postholders – as any political leader – had to creatively reinterpret their mandate and redefine priorities. The main goals of the first adviser Edward Luck (2008-2012) were, firstly, to substantiate the then "fledgling" agreement around the new R2P principle and, secondly, to transform the two brief paragraphs of the 2005 World Summit Outcome Document (WSOD) into an actionable and conceptually "coherent package," today widely recognized in the three pillars of the norm.[89] The fragility of consensus on R2P revealed itself with the very establishment of the new post

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[86] Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect.
[87] Chandler, "Resilience and Human Security."
[88] Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 66, 70.
[89] Luck et al., min 9; Ki-Moon, "S/2007/721."

which, while represented the UN institutional commitment to advance the norm,[90] faced certain resistance among the membership. In particular, the representatives of Egypt, Morocco and Sudan argued that they had only agreed to continue discussing the concept which had not yet earned acceptance.[91] As a compromise to an essentially "justificatory" contestation concerning the very essence and legitimacy of the new norm and not solely its application,[92] adviser Luck assumed office, with the phrase 'responsibility to protect' omitted in the official title.

To navigate the volatile norm through the early stages, the UN Secretariat consistently emphasized the embeddedness of R2P in the existing legal and institutional framework for human protection and, more specifically, genocide prevention. Firstly, Special Adviser Luck was designated at the level of Assistant Secretary-General to work "under the over-all guidance" of Francis Deng, the Special Adviser on the Prevention of Genocide.[93] Concurrently, Mr. Deng was promoted to the Under-Secretary-General, the third senior position in the UN hierarchy, which institutionally elevated the later founded Joint Office of the two Special Advisers to the same league as the UNDP, UNEP or UNICEF. Secondly, with Mr. Deng being one of the authors of the 'sovereignty as responsibility' underpinning the R2P principle,[94] his patronage over the Joint Office acquired a symbolic significance. Finally, in their early public statements, the advisers persistently underscored "critical operational synergies between genocide prevention and the responsibility to protect" and further confirmed that R2P should be seen as a political extension of the Genocide Convention, with the new principle designed to expand the reach of the member states to halt not only genocide but also other atrocities: war crimes, crimes against humanity and ethnic cleansing.[95] Overall, the first Special Adviser on R2P

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[90] Evans, "R2P: The Next Ten Years," 12.
[91] Williams, "The 'Responsibility to Protect', Norm Localisation, and African International Society," 408.
[92] Deitelhoff and Zimmermann, "Things We Lost in the Fire."
[93] Ki-Moon, "S/2007/721."
[94] Deng et al., *Sovereignty as Responsibility*.
[95] OSAPG, "Special Advisers' Statement on the Contemporary Importance of the Commitment to Prevent Genocide and Mass Atrocities."

managed to capitalize on available institutional, discursive and rhetorical resources in order to anchor the new political principle in a deep-rooted and already widely acknowledged UN-based normative framework for genocide prevention. Thus far, this linkage remains robust as the Special Adviser on R2P continues to work under the formal guidance of, and sharing staff and office with, the Special Adviser on the Prevention of Genocide.

While adviser Luck was instrumental in enhancing the legitimacy of R2P, his main contribution in the office was further conceptualization of the norm as consisting of the three pillars of equal importance: (i) responsibility of each state to *protect* its own populations from atrocity crimes and their incitement, (ii) to *assist* other states in doing so and (iii) to *take collective action* in a timely and decisive manner in the case of a manifest failure of a state to protect its populations.[96] Although there have been contestations that reinterpret these responsibilities as a sequence, in which one pillar should trigger another thus solidifying the primary responsibility of states and the residual responsibility of the international community,[97] the conception of the R2P pillars today is hardwired in the academic and policy discourse, both among proponents and critics of the principle.[98] With creating a shared frame of reference equally recognized across various audiences and venues, adviser Luck manifested his performative leadership in the ability to structure the debate around R2P for more than a decade. The solidification of the norm allowed to broaden the mandate for Luck's successors to formally include further tasks beyond the conceptual norm-building – such as political, institutional and operational development of the R2P principle.[99] Overall, this extension might be an illustration that R2P then evolved from a "fledgling agreement" to a more widely accepted principle.

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[96] Ki-Moon, "A/63/677."
[97] Welsh, "Norm Robustness and the Responsibility to Protect," 63; Burai, "Responsibilities to Protect: Accountability and Responsiveness in Protecting Populations from Atrocity Crimes," 160.
[98] UNGA, "A/73/PV.93, A/73/PV.94, A/73/PV.96."
[99] Ki-Moon, "S/2013/410"; Ki-Moon, "SG/A/1667-BIO/4850"; Guterres, "SG/A/1845."

However, after a year with no appointee in the office of the Special Adviser on R2P, Jennifer Welsh (2013-2016) assumed the post amid the controversy unfolding in the aftermath of the intervention in Libya and the following failure of the Security Council to take collective action to prevent mass killings in Syria.[100] To clarify, the R2P application in the Libyan case prompted intense contestation on the grounds that, firstly, non-military measures might not have been fully exhausted prior to taking forceful actions and, secondly, the NATO-led intervention allegedly abused its protection mandate to pursue a different goal – the overthrow of the Libyan regime as a cause of mass violence.[101] Given the unfavorable political context, the second Special Adviser had to refocus the overheated debate from the third pillar onto a broader R2P agenda. In her performances, not only did Ms. Welsh persistently seek to reframe the Libyan scenario as an exception rather than a common R2P practice but also to relocate the norm from the gravitating environment in New York to regional organizations and national focal points, and to "flesh out" the second pillar of R2P.[102] The responsibility to assist states in carrying out their R2P has been thoroughly operationalized in the 2014 OSAPG's Framework of Analysis for Atrocity Crimes, which outlines a range of risk factors and indicators for all parties to monitor in order to prevent mass violence.[103] Remarkably, Jennifer Welsh not once underlined that the second pillar is already being implemented and is likely to align more closely with the UN human rights architecture and peace operations mandated to protect civilian populations, which envisage consensual yet possibly forceful means to guarantee physical integrity of persons.[104] Thus, adviser Welsh's "exceptional leadership"[105] was crucial for the R2P norm to

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[100] FORA.tv, *Jennifer Welsh*.
[101] Brockmeier, Stuenkel, and Tourinho, "The Impact of the Libya Intervention Debates on Norms of Protection."
[102] Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 15.
[103] "Framework of Analysis for Atrocity Crimes: A Tool for Prevention."
[104] Welsh, Inside the Issues 4.5 | Implementing the Responsibility to Protect, min 3, 23; Rhoads and Welsh, "Close Cousins in Protection."
[105] Ki-Moon, "SG/A/1667-BIO/4850."

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'bounce back' after the controversies around Libya and Syria and saturate new contexts – such as capacity-building, regional governance and peacekeeping.

The third postholder Ivan Šimonović (2016-2018), not least driven by his experience in law and public policy, reinterpreted his operational mandate more broadly with a view to narrowing the gap between the rhetorical acceptance of R2P and the practice of the norm on the ground.[106] During his tenure, Adviser Šimonović issued only few public statements and instead concentrated on the tasks to overstep logistic and budgetary constraints of the Joint Office to secure his field presence and unmediated access to decision-makers.[107] For instance, Mr. Šimonović led the initiative to send individualized letters to potential perpetrators in Cote d'Ivoire, reminding its political and military leaders of their R2P. In addition, the Special Adviser visited the country during a violent crisis to convince the president-elect to end impunity.[108] Šimonović's leadership performance stands out for a number of reasons, as he targeted a narrower audience of political leaders and limited his engagement with the general public via public statements to do the 'real work' of atrocity prevention. This initiative also vividly demonstrates the performativity of the Special Adviser manifested in the ability to creatively reshape his role and activities, given the current needs at a specific time and context.

In contrast, the incumbent adviser Karen Smith (2019-present) redirected her leadership performance back to the conceptual discussion of R2P and its origins. Ms. Smith persistently reminds of the role of the African Union in formulating R2P and the transition from principle of non-interference to non-indifference.[109] It was the founding document of the African Union, which entitled "the Union to intervene in a Member State… in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity,"[110] that established the core of R2P

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[106] Guterres, "A/71/1016–S/2017/556."
[107] OSAPG, "Public Statements."
[108] Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 20, 71.
[109] Smith, "A Reflection on the Responsibility to Protect in 2020"; Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 23.
[110] African Union, "Constitutive Act of the African Union," Art. 4(H).

later developed in the 2001 ICISS Report.[111] Firstly, the adviser's discursive intervention reassures the African authorship and ownership of the concept which challenges the clashing vision of the norm as a 'Western concept' misused by great powers for political gains. Secondly, it overcomes the "perceived divide" between the 'Global South' and 'Global North' solidifying R2P as an equal responsibility of all states to prevent atrocities and their incitement – and not merely a foreign policy issue.[112] Given this most recent rearticulation of R2P, Special Adviser Smith, also in line with the related UN agendas,[113] concentrates significant resources on addressing some shared challenges across the globe that aggravate risks of mass atrocities – such as hate speech, hate crime and underrepresentation of women in the prevention of violence.[114]

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[111] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*.
[112] Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 23, 38.
[113] United Nations, "UN Strategy and Plan of Action on Hate Speech."
[114] Guterres, "A/74/964 - S/2020/501."

CHAPTER 3 – NORM LEADERSHIP: SHAPING THE R2P TRAJECTORY

This chapter delves into the Special Advisers' performative speech acts aimed at influencing specific aspects and interpretations of the R2P norm and advancing avenues for its implementation, for instance, in protection of civilians in armed conflict practiced in the UN peacekeeping operations (PKOs).

3.1 The meaning of 'atrocity crimes'

The expression 'atrocity crimes' originated from the ICISS Report,[115] and penetrated the UN vocabulary with the adoption of R2P in the 2005 World Summit.[116] The term emphasized the commonality among genocide, ethnic cleansing, war crimes and crimes against humanity, as these 'atrocity crimes' constitute "the most serious crimes against humankind" and thus should be subject to international scrutiny.[117] In other words, the use of the word 'atrocities' as an 'umbrella term' for the four R2P crimes shifted the criteria of judgement from the narrow legal definitions to the moral impermissibility of these and similar crimes. Concurrently, this broad interpretation of atrocity crimes drove resistance among the critics of R2P, as they anticipated the 'dilution' of the principle to create a stable discursive passage to legitimize international interventions.[118] As a result, the WSOD only outlined the four international criminal acts, with the phrase "and other major atrocities" never included in its text.[119]

To navigate the norm through this contestation, the Special Advisers had to balance between the two positions on 'atrocity crimes.' On the one hand, the advisers sought to prevent hollowing up the R2P's focus on the four specific crimes in order to safeguard the fragile consensus and operational utility of the framework. In this vein, adviser Luck reaffirmed R2P

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[115] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*.
[116] Annan, "A/59/2005"; Ki-Moon, "A/63/677."
[117] "Framework of Analysis for Atrocity Crimes: A Tool for Prevention," 1.
[118] Burai, "Responsibilities to Protect: Accountability and Responsiveness in Protecting Populations from Atrocity Crimes," 164–65.
[119] Zifcak, "The Responsibility to Protect," 494.

as a principle "narrow" in scope but "deep" in response, given a wide array of instruments for its implementation.[120] To ease the tensions around the concern of overstretching R2P, advisers Luck and Welsh persistently referred to the WSOD as the main common denominator and used its exact wording to call on actors responsible for the protection of populations,[121] avoiding the contested expression 'atrocity crimes' in highly sensitive political situations such as in Libya, Sudan and Syria.[122] As the narrow interpretation of atrocities got normalized in the advisers' public statements, the consecutive postholders started to use the frame more freely, without necessarily explicating its 'right' definition.[123]

On the other hand, the Special Advisers had to find a way to ensure international deliberation in situations at risk of mass atrocities, with the least possible prospect for parties concerned to unreasonably downgrade such cases to matters of 'ordinary' criminal or political violence.[124] To this end, Mr. Luck constantly emphasized not only the responsibility to protect populations from the four crimes *per se* – but also from their incitement.[125] While this discursive intervention invoked the exact formulation agreed in the WSOD thus giving no ground for contestation,[126] the inclusion of incitement simultaneously expanded the scope of human rights violations under R2P. Adviser Luck and his successors capitalized on this framing and further legitimized their involvement in high-risk cases before the 'atrocity crimes' were legally acknowledged, physically took place or recurred.[127] Therefore, the advisers' concentration on

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[120] Ki-Moon, "SG/SM/11701"; Ki-Moon, "A/63/677," paras. 10–C; See also Welsh, "The 'Narrow but Deep Approach' to Implementing the Responsibility to Protect."

[121] Luck in 11/14 statements; Welsh in 9/19 statements available at OSAPG, "Public Statements."

[122] See e.g. OSAPG, "Special Advisers' Statement on Libya, 22 February 2011"; OSAPG, "Special Advisers' Statement on the Situation in South Kordofan State, Sudan, 7 September 2011"; OSAPG, "Special Advisers' Statement on the Alleged Use of Chemical Weapons in Syria, 22 August 2013."

[123] Šimonović in 3/4 statements, Smith in 5/7 statements available at OSAPG, "Public Statements."

[124] UNSC, "S/RES/2248 (2015)"; Also in Welsh, "Norm Robustness and the Responsibility to Protect," 64.

[125] Luck in 12/14 statements available at OSAPG, "Public Statements."

[126] United Nations, World Summit Outcome Document, para. 138.

[127] See e.g. OSAPG, "Special Advisers' Statement on the Situation in Kyrgyzstan, 15 June 2010"; OSAPG, "Special Advisers' Statement on Cote d'Ivoire, 29 December 2010"; OSAPG, "Special Advisers' Statement on the Situation in Egypt, 15 August 2013"; OSAPG, "Special Advisers' Statement in Response to the Recent Escalation of Islamophobia and Manifestations of Intolerance, 14 December 2015"; OSAPG, "Special Advisers' Statement on Attacks against Religious Minorities in Sri Lanka, 13 May 2019."

risk assessment, prevention, early warning and early action has a strategic value, as it goes beyond the use of buzzwords and rather constitutes a leadership performance that mitigates contestations to preserve the core of the R2P norm while broadening its agenda.

3.2 'Primary' and 'collective' responsibility

The concept of R2P's pillars articulated the three mutually reinforcing but distinct responsibilities: (i) the responsibility of the *state* to protect its populations, (ii) the responsibility of *others* to assist the state in so doing,[128] and (iii) the responsibility of the *international community* to respond timely and decisively to manifest failures of human protection.[129] These responsibilities were explicitly designed as equal and non-sequential pillars to be possibly acted upon simultaneously,[130] for instance, while a host state is committed to protecting its populations from atrocities, it might lack such capacities due to a political crisis and thus have to rely on neighboring countries to accommodate the victims and on international organizations to provide humanitarian aid and deploy peacekeepers.

However, this initial conceptualization has been contested and reinterpreted as a sequence, in which the responsibility of the state is presented as prior to that of other actors.[131] The dominant discourse on R2P indeed conditions the "collective responsibility" to act under the third pillar on a manifest failure of the state and underscores the "primary responsibility" of states to deliver protection.[132] However, by recalling the 'primary' role of states, critics of the principle and the Special Advisers enact different meanings. The contestants of the norm

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[128] 'Others' in this case may refer to a broad variety of actors capable of contributing to the R2P implementation, including other states, the international community, civil society, community and religious leaders, media and individuals, discussed in Luck et al., A conversation with the UN Special Advisers on the Responsibility to Protect, min 46-57.
[129] Ki-Moon, "A/63/677."
[130] Ki-Moon, para. 12.
[131] See e.g. the statements of Brazil, Egypt and Ecuador in UNGA, "A/73/PV.93, A/73/PV.94, A/73/PV.96."
[132] See e.g. OSAPG, "Special Advisers and Special Rapporteurs' Statement on the Situation in Syria, 12 June 2015" among further 12 statements reaffirming the "primary responsibility" of states. See also annual reports on R2P (2013-2017) and UNSC resolutions 2348 (2017), 2332 (2016), 2327 (2016), 2295 (2016), 2095 (2013) and 2014 (2011).

display the meaning of 'primary responsibility' as the sovereign control over people and territory in its jurisdiction, which must not be violated.[133] In contrast, the advisers perform a significantly diverging meaning of responsibility as a set of moral, political and legal accountability of states.[134] Within this logic, the state would invariably be the 'primary' actor to be held accountable for mass atrocities. Moreover, R2P of states is 'primary' in a sense that their protection duty is "ongoing" and never evaporates.[135] In this sense, the performative leadership framework reveals a deep-set normative debate, in which two groups of actors explicate the competing meanings of the state 'primary responsibility,' inextricably linked to their different understandings of sovereignty – as 'primary' control and as 'primary' accountability.

3.3 'Unwilling or unable' and 'manifestly failing'

The expression 'unwilling or unable state' is another contested concept which appeared in the ICISS Report to specify the conditions for the international community to step in and discharge its R2P.[136] However, the phrase was replaced in the Outcome Document not least due to its discursive association with counterinsurgency operations and external coercion.[137] Instead, it is the language of a 'manifest failure' that has become the common frame of reference to protection downfalls, resulting from (in)action of states,[138] the international community,[139] and specifically the Security Council.[140] While the Special Advisers most typically avoid invoking the contested 'unwilling or unable' frame, they have consistently articulated the division between cases where states seek international assistance and thus qualify as 'unable'

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[133] UNSC, *Syria Addresses the UN Security Council Following Ceasefire Vote*, min 8.
[134] Guterres, "A/71/1016–S/2017/556."
[135] OSAPG, "Special Advisers' Statement on the Contemporary Importance of the Commitment to Prevent Genocide and Mass Atrocities"; OSAPG, "Special Advisers' Statement on the Situation in Syria, 2 June 2011."
[136] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, para. (1)B.
[137] Martin, "Challenging and Refining the Unwilling Or Unable Doctrine."
[138] OSAPG, "Special Advisers' Statement on the Situation in the Central African Republic, 10 October 2013."
[139] OSAPG, "Special Advisers' Statement on the Situation in Northern Rakhine State, Myanmar, 19 October 2017."
[140] OSAPG, "Special Advisers' Statement on the Situation in the Syrian Arab Republic, 15 March 2021."

but willing to protect populations, and the cases where the state itself is involved in indiscriminate violence or targets specific groups and is then 'unwilling' to protect its people.

To illustrate, both in the case of the Central African Republic (CAR) and the Syrian Arab Republic the Special Advisers promoted their definition of the social situation as a 'manifest failure' of the state to protect its populations and therefore called on the international community. However, in CAR this definition was linked to "the apparent *inability* of the transitional authorities to exercise control over Séléka soldiers committing atrocities" and therefore urged other actors to enact their second pillar obligation to "assist" the 'failing' but otherwise 'willing' state.[141] In contrast, in nineteen public statements on the situation in Syria, the advisers displayed the government's conduct – including attacks on civilians and civilian infrastructure, targeting political decedents, indiscriminate use of force, inaction as regards violence against minorities – as the blatant 'unwillingness' to protect populations. Thus, instead of assistance, the advisers called on the international community "to take immediate collective action, utilizing the full range of tools available under the United Nations Charter," in that referring to the third pillar of R2P.[142] The advisers also continuously underlined a "specific" responsibility of the Security Council in this regard.[143] As a result, these two framings played out as performative speech acts, with which the Special Advisers homed decision-makers onto different policy options: to assist the authorities of CAR to deliver its R2P, through regional organizations and the UN stabilization mission mandated to protect civilians (MINUSCA),[144] and to coerce the Syrian government to halt mass killings with a range of diplomatic, economic, political and potentially military measures envisaged in the Charter.[145]

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[141] OSAPG, "Special Advisers' Statement on the Situation in the Central African Republic, 10 October 2013", italics mine.

[142] First in OSAPG, "Special Advisers' Statement Marking a Full Year of Violent Suppression of Anti-Government Protests in Syria, 15 March 2012", with similar wording used in further four statements.

[143] See e.g. OSAPG, "Special Advisers' Statement on the Situation in Aleppo, Syrian Arab Republic, 2 December 2016" among other five such statements.

[144] UNSC, "S/RES/2149."

[145] Security Council Report, "UN Documents for Syria: Security Council Resolutions"; UNGA, "A/RES/66/253 B."

3.4 Rhetorical repertoire of the Special Adviser

The Special Advisers' statements typically follow a general structure and consciously invoke technocratic and legal terms well-acknowledged across various UN entities. Since the use of 'loaded' language is rather uncommon, the conspicuous display of emotions by the advisers is likely to have a greater impact on the public thus acquiring a strategic value in increasing moral and political pressure on the responsible actors. Remarkably, the postholders opted for the rhetoric that inspires emotions in the most serious situations of mass atrocities – such as in Syria, Myanmar, Mali and Yemen.[146]

One of the rhetorical devices employed by the Special Advisers is the verbalization of emotions, in which a set opening phrase such as 'grave concern' is replaced with a more dramatic expression atypical for the UN statements. For example, with displaying emotions as "*sickened* by blatant manifestations of hatred and intolerance" towards Iraqi and Syrian refugees and "*outrage[d]* at the dire situation of civilians… trapped in… Aleppo," the advisers built up political tensions around particular events.[147] Similarly, many of the postholders' 'dramatizations' focused on framing the Syrian civil war as "the worst conflict" and "the biggest mass killing of civilians in our time."[148] In this sense, 'dramatization' by no means implies that such statements exaggerate the scope of violence but that they constitute a leadership performance, in which the advisers persuade the audience to accept their definition of atrocities committed in Syria to top the international agenda.

Another rhetoric tool intended to arouse public sentiment and incentivize political action accounts for the advisers' choice to switch the style of their statements from technocratic

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[146] Global Centre for R2P, "R2P Monitor."

[147] OSAPG, "Special Advisers' Statement in Response to the Recent Escalation of Islamophobia and Manifestations of Intolerance, 14 December 2015"; OSAPG, "Special Advisers' Statement on the Situation in Aleppo, Syrian Arab Republic, 2 December 2016", italics mine.

[148] OSAPG, "Special Advisers' Statement on the Situation in Aleppo, Syrian Arab Republic, 2 December 2016"; OSAPG, "Special Advisers' Statement on the Situation in the Syrian Arab Republic, 15 March 2021."

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reporting to more personalized appeals. To illustrate, the Special Adviser's first public address concerning the situation in Syria contained remarkably cautious language:

> The systematic and widespread attacks that are *alleged* to have taken place in Syria *appear* primarily to have targeted the civilian population. This underscores the need for an independent, thorough, and objective investigation…[149]

In contrast, further statements are increasingly personalized and emotionally charged:

> *We* cannot stand by silently in the face of indiscriminate violence…[150] [and] the State's *abject* failure to protect its populations… *We* must act now. *No one* can claim that they did not know *what* was happening. It is time to uphold our commitment to '*never again.*'[151]

One of the apparent changes in the advisers' rhetoric as the situation in Syria deteriorated was the extensive use of personal pronouns. With such 'we' references, the advisers clearly refer to a wider collectivity than the Joint Office and construct the image of the 'international community' united by the shared values of humanity, as opposed to the 'malevolent' states that inflict suffering on their people. On the one hand, such statements condemn atrocities in strongest possible terms, particularly by invoking the phrase 'never again' to link mass violence, for instance in Syria and Myanmar,[152] to the international crimes committed by the Nazi regime including the Holocaust, and other genocides.[153] On the other hand, with such self-references the advisers shift the focus from perpetrators to responsibilize and shame the international community, its specific organs and states into a more resolved course of action, for example:

> Refugees from Syria and Iraq are fleeing precisely the kind of violence that *we in the West* also fear. To turn them away when they are seeking refuge is an *affront to our common humanity*.[154]

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[149] OSAPG, "Special Advisers' Statement on the Situation in Syria, 2 June 2011", italics mine.

[150] OSAPG, "Special Advisers' Statement on the Situation in Eastern Ghouta and Idlib, Syrian Arab Republic, 18 January 2018"; Similar wording in OSAPG, "Special Advisers and Special Representatives' Joint Statement on Attacks Against Civilians in Central Mali, 12 June 2019."

[151] OSAPG, "Special Advisers' Statement on the Situation in Aleppo, Syrian Arab Republic, 2 December 2016", italics mine.

[152] OSAPG, "Special Advisers' Statement on the Situation in Northern Rakhine State, Myanmar, 19 October 2017."

[153] Similar argument in Krebs and Lobasz, "Fixing the Meaning of 9/11," 412.

[154] OSAPG, "Special Advisers' Statement in Response to the Recent Escalation of Islamophobia and Manifestations of Intolerance, 14 December 2015", italics mine.

> We call on the *international community* – and particularly the *Security Council* and *Human Rights Council* – to take action to end the *carnage* and remedy this man-made crisis.[155]
>
> Once again, *our* failure to stop atrocity crimes makes *us complicit*. When will we live up to our *countless* promises of *'never again'*?[156]

Finally, the emotionally charged expressions and metaphors – such as "the international community has left the Syrian population to *fend for itself*,"[157] or that "civilians… are being used as *pawns*"[158] – reinforce the advisers' framing of some states as 'unwilling' rather than 'unable' to protect populations. Such rhetoric is intended to produce a sense of urgency and indispensability of the external action, as the state's failure to protect is demonstrated to have occurred at will.

3.5 Protection of civilians in implementing R2P

In the vast majority of public statements, the Special Advisers urge the responsible actors to prioritize the protection of civilians (POC),[159] thus invoking a distinct norm yet closely related to the Responsibility to Protect. While POC predated R2P,[160] both norms emerged as a response to tragic failures of human protection in Bosnia and Rwanda but then evolved in parallel venues in interaction with different audiences. To clarify, while the two principles overlap significantly, R2P extends beyond situations of armed conflict,[161] and POC covers more modes of protection without being limited to end four specific atrocity crimes.[162] However, most recently POC and R2P began to reconverge, with their joint trajectory taking

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[155] OSAPG, "Special Advisers' Statement on the Situation in Yemen, 19 September 2017", italics mine.

[156] OSAPG, "Special Advisers' Statement on the Situation in Northern Rakhine State, Myanmar, 19 October 2017", italics mine.

[157] OSAPG, "Special Advisers' Statement Marking a Full Year of Violent Suppression of Anti-Government Protests in Syria, 15 March 2012", italics mine.

[158] OSAPG, "Special Advisers' Statement on the Situation of Civilians in the Syrian Arab Republic, 12 February 2016", italics mine.

[159] In 31/44 statements available at OSAPG, "Public Statements."

[160] Annan, "Report of The Secretary-General to The Security Council on The Protection of Civilians in Armed Conflict."

[161] See e.g. OSAPG, "Special Adviser's Statement on the Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, 14 March 2014"; OSAPG, "Special Advisers' Statement on Accountability and Reconciliation in Sri Lanka, 17 September 2015."

[162] Welsh, "Civilian Protection in Libya," 257.

a diamond shape.[163] The contingence between the two norms has been driven *inter alia* by transformations in the international society post-Libya, as the coercive use of force, including under the R2P's third pillar, faced renewed resistance among both the 'watchdogs' of sovereignty and the Western publics.[164] As the international politics shifted the focus to POC, most notably operationalized in the UN PKOs conditional on the host-state consent,[165] R2P and particularly its second pillar aligned more tightly with protection of civilians.

The Special Advisers played a visible role in linking the two normative agendas. Firstly, bridging POC and R2P was part of the advisers' continuous effort to demonstrate the breadth of the R2P principle whose implementation extends far beyond collective military action mandated by the Security Council. Secondly, the postholders pointed out the R2P's conceptual, institutional and operational embeddedness in the existing global framework for human protection, where it is placed alongside other related norms such as protection of refugees, internally displaces persons, women and children in armed conflict, and civilians. In public statements and annual reports on R2P, the advisers mainstreamed the POC language amplifying and normalizing the linkage between the two norms.[166] Moreover, the advisers encouraged the transformation of the POC norm to become a strategic priority in the PKOs and thus a more robust path for action on R2P, for example in Sudan and CAR.[167] For the missions in Mali, South Sudan, and Cote d'Ivoire, the UNSC "explicitly referenced the need to support national authorities in upholding their responsibility to protect."[168]

This normative development is remarkable, as before the early 2000s, POC including by the use of lethal force was virtually unheard of in the peacekeeping context.[169] In contrast,

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[163] Rhoads and Welsh, "Close Cousins in Protection."
[164] Welsh, Inside the Issues 4.5 | Implementing the Responsibility to Protect, min 21-22.
[165] Sebastián and Gorur, "UN Peacekeeping & Host State Consent: How Missions Navigate Relationships with Governments."
[166] See e.g. Ki-Moon, "A/63/677."
[167] OSAPG, "Special Advisers' Statement on the Situation in South Kordofan State, Sudan, 7 September 2011"; OSAPG, "Special Advisers' Statement on the Situation in the Central African Republic, 10 October 2013."
[168] Welsh, "The Responsibility to Protect after Libya & Syria," 77.
[169] Sloan, "The Evolution of the Use of Force in UN Peacekeeping."

today six out of the twelve active missions operate with the 'robust' protection mandates contributing to the efforts of the international community to uphold its R2P and assist states in building up their protection capacities, providing "indirect" humanitarian and "direct" physical protection of civilian populations.[170]

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[170] Hunt and Bellamy, "Mainstreaming the Responsibility to Protect in Peace Operations."

CONCLUSION

This thesis has explored the role of the Special Adviser on the Responsibility to Protect in the ongoing normative and political debate on an appropriate response to mass atrocities. It has been argued that the postholders do not merely enact institutional scripts but 'perform' certain meanings of the R2P norm, both creatively and strategically, while being deeply situated in a rigid environment with particular rules. The contribution of this study is two-fold. First, it innovates a theoretical framework for analysis of agents such as the Special Adviser by connecting strategic norm construction with symbolic interaction and performativity. This synthesis is reflected in the notion of "performative leadership." Second, this thesis has analyzed new empirical data of the Special Adviser's office, almost completely overlooked in the previous norm research on R2P. The normative innovations and discursive micro practices of the advisers discovered in this analysis illustrate how performative leaders may routinely engage in social construction of global politics via symbolic means of meaning-making.

The reconstruction of the advisers' leadership performances offers a new perspective on R2P as a global norm. Against the background of the seemingly waning debate around R2P,[171] this study brought to the fore a few subtle yet deep-seated and ongoing contestations, which only become visible with the postholders' strategic efforts to advance specific interpretations of the norm and incentivize political action. Future research might further study the "leaderization" of international politics and apply the concept of performative leadership beyond the cases of the High Representative of the European Union,[172] and the Special Adviser on R2P. Finally, the scope of this thesis allowed for a limited, primarily illustrative and heuristic empirical analysis. Therefore, a more profound exposure to the postholders' activities alongside the systematized data triangulation might substantiate potential inferences regarding the ways in which certain policy options grow more possible due to discursive exchanges.

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[171] Kurtz and Rotmann, "The Evolution of Norms of Protection."
[172] Aggestam and Hedling, "Leaderisation in Foreign Policy."

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