# R2P, Libya and International Politics as the Struggle for Competing Normative Architectures

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RAMESH THAKUR, SEP 7 2011

The United Nations was neither designed nor expected to be a pacifist organisation. Its origins lie in the anti-Nazi wartime military alliance among Britain, the United States and the Soviet Union. The all-powerful UN Security Council is the world's duly – and only – sworn in sheriff for enforcing international law and order. It was given sharper focus and tougher international law enforcement powers than the League Council.

The system of collective security against interstate aggression never materialised. In the decades after World War II the nature of armed conflict was transformed. Interstate warfare between uniformed armies gave way to irregular conflict between rival armed groups. The nature of the state too changed from its idealised European version. Many communist and newly-decolonised countries were internal security states whose regimes ruled through terror, often with the material assistance and diplomatic support of the United States as it acquired many of the trappings of a national security state in the transcendental struggle with the Soviet Union.

Increasingly, the principal victims of both types of violence were civilians. Advances in telecommunications brought the full horror of their plight into the world's living rooms. In the meantime, the goals of promoting human rights and democratic governance, protecting civilian victims of humanitarian atrocities and punishing governmental perpetrators of mass crimes became more important. The responsibility to protect (R2P), first articulated by the International Commission on Intervention and State Sovereignty in 2001 and endorsed unanimously by world leaders in 2005, spoke eloquently to the need to change the UN's normative framework in line with the changed reality of threats and victims.

R2P attempts to strike a balance between the centuries-old tradition of noninterference and institutionalised non-indifference. It was designed to help the world to be better prepared – normatively, organisationally and operationally – to meet the recurrent challenge of military intervention wherever and whenever atrocities are committed. Its preventive and rebuilding pillars involve strengthening a state's capacity to handle its own law and order problems. The world's comfort level is much greater with action under Pillar One (building state capacity) and Pillar Two (international assistance to build state capacity) than Pillar Three (international military intervention). But, to be meaningful, the R2P spectrum of action must include military force as the sharp-edge option of last resort.

By its very nature, including unpredictability, unintended consequences and the risk to innocent civilians caught in the crossfire, warfare is inherently brutal: there is nothing humanitarian about the means. Still, under contemporary conditions the fundamental question cannot be avoided: under what circumstances is the use of force necessary, justified and required to provide effective international humanitarian protection to at-risk populations without the consent of their own government? Absent R2P, the intervention is more likely to be ad hoc, unilateral, self-interested and deeply divisive.

That was a key difference between Kosovo in 1999, Iraq in 2003 and Libya this year. Failures in Africa and the Balkans in the 1990s reflected structural, political and operational deficiencies that accounted for the UN's inability to save strangers from a life of hell on earth. R2P responds to the idealised United Nations as the symbol of an imagined and constructed community of strangers: We are our brothers' and sisters' keepers.

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Written by Ramesh Thakur

In the Balkans, it took NATO almost the full decade to intervene with air power. In Libya, it took one month to mobilise a broad coalition, secure a UN mandate, establish and enforce no-fly and no-drive zones, stop Gaddafi's advancing army and prevent a massacre of the innocents in Benghazi. Adopted on 17 March by a 10-0-5 vote (with China, Russia, Brazil, Germany, India abstaining), Security Council Resolution 1973 was carefully crafted both to authorise and delimit the scope of intervention. It specified the purpose of military action as humanitarian protection and limited the means to that goal at a time when Gaddafi loyalists were poised to recapture Benghazi, with almost a million people. The decisive factor for many was the highly credible threat to hunt down opponents alley by alley, house by house, room by room, with no mercy or pity.

In contrast to the Bush doctrine, under President Barack Obama the United States acted in concert with others, not alone; coaxed, persuaded and heeded, did not impose its will; and set clear limits on goals and means. This did not please some shadow warriors. Referring to the role of Hillary Clinton, Susan Rice, and Samantha Power in arguing for limited military action in Libya against the noninterventionist inclinations of the male Defense Secretary and National Security Adviser, Jacob Heibrunn derided Obama for effectively having been henpecked into interventionism by 'these Valkyries of foreign affairs' (*National Interest*, 21 March). Mark Krikorian was no less misogynist, commenting caustically that 'our commander-in-chief is an effete vacillator who is pushed around by his female subordinates' (*National Review Online*, 21 March).

The Libyan people's euphoria and NATO's relief over the successful military campaign to remove Gaddafi is likely to temper criticisms of the manner in which NATO rode roughshod over UN authorization to protect civilians. The jury is still out on whether international military action in Libya will promote consolidation or softening of the R2P norm. Resolution 1973 authorised military action to prevent civilian slaughter but not intervene in the civil war (any state has the right to use force to suppress armed uprisings), effect regime change, or target Gaddafi. To the extent that he was so targeted, NATO exceeded UN authority in breach of the Charter law.

That said, we should not retreat into naivety on what may be required in particular circumstances. Already in 2003, I wrote in the *International Journal of Human Rights* that 'If defeat of a non-compliant state or regime is the only way to achieve the human protection goals, then so be it'. In Libya, the West's strategic interests coincided with UN values. This does not mean that the latter was subordinated to the former. It does mean, as was the case with Australia vis-à-vis East Timor in 1999, that there was a better prospect of sustained NATO engagement in an operation on its borders than if Western interests were not affected. Paris, London and Washington – and UN Secretary-General Ban Ki-moon – did not waver in their resolve, despite critics from the left pushing for diplomacy and critics from the right calling for boots on the ground. Too many seemed to expect and demand instant military gratification. Six months to overthrow an entrenched and determined dictator is not tardy.

The outcome is a triumph first and foremost for the citizen soldiers who refused to let fear of Gaddafi determine their destiny any longer. It is a triumph secondly for R2P. NATO military muscle deployed on behalf of UN political will helped to level the killing field between citizens and a tyrant. It *is* possible for the international community, working through the authenticated, UN-centred structures and procedures of organised multilateralism, to deploy international force to neutralise the military might of a thug and intervene between him and his victims with reduced civilian casualties and little risk of military casualties.

But the ruins of Libya's political infrastructure and parlous state of its coffers mean that the third component of R2P – the international responsibility to rebuild – will also come into play. Libya's infrastructure remains largely intact as there was no Iraq-style shock-and-awe bombing campaign. The willingness, nature and duration of outside help will also help to shape the judgment of history on whether Western motivations were primarily self-interested geopolitical and commercial, or the disinterested desire to protect civilians from being killed.

As with the war itself, however, the lead role will have to be assumed by Libyans themselves, while the international community can assist without assuming ownership of the process or responsibility for the outcome. The price of that in turn may require the international community to accept and live with the political choices made by the Libyans. Their immediate priorities are to establish security, law and order; prevent lootings and reprisals and stop attacks on black Africans by lighter-skinned Arabs as the new normal; defeat remaining pockets of resistance by Gaddafi

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loyalists, establish control over the whole country and avert a protracted low-level insurgency; restore infrastructure and public services; and ameliorate the humanitarian suffering. After immediate humanitarian needs have been met, national reconciliation based on the politics of concessions, compromises and power-sharing accommodation, reconstruction, and continuing regional and international support will be the next order of business.

Libya marks the first time the Security Council authorised an international R2P operation. Côte d'Ivoire is the first time it authorised the use of military force by outside powers solely for the protection of civilians. Between them, Resolutions 1973 and 1975 show that including R2P language in the preamble might provide the normative justification for civilian protection demands in the operational paragraphs of UN mandates.

The two operations mark a pivotal rebalancing of interests and values. In the old world order, international politics, like all politics, was a struggle for power. The new international politics will be about the struggle for the ascendancy of competing normative architectures based on a combination of power, understood as the disciplined application of force, and values and ideas. In both Libya and Côte d'Ivoire, regimes that had lost all domestic and international legitimacy declared war on their own people. In both, global political responses were shaped by universal values rather than strategic interests. Because the United Nations is taking the lead in redefining sovereignty by aligning state prerogatives with the will and consent of the people, the ruling class of any country must now fear the risk and threat of international economic, criminal justice and military action if they violate global standards of conduct and cross UN red lines of behaviour.

I can sleep more soundly with that comforting thought.

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