

## R2P: Seeking Perfection in an Imperfect World

Written by Rodger Shanahan

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RODGER SHANAHAN, OCT 7 2011

During the early 1990s the international community engaged heavily in debating the pros and cons of humanitarian intervention. But for all its theoretical credibility it was a concept that ultimately came to have negative connotations for a number of reasons. There were issues during this period that cried out for international intervention to relieve widespread suffering from ethnic cleansing (as in the case of Rwanda), to the combination of natural disasters and the absence of the rule of law (as in Somalia). But in addressing the humanitarian emergencies the international community either failed to react quickly enough or in sufficient numbers to prevent the situation, or it found the situation too intractable to justify the kind of blood and treasure required to fix it. At the same time, to countries of the south, humanitarian intervention smacked of a neo-colonialist concept that permitted western countries to intervene militarily in the affairs of less-developed states.

For supporters of legally sanctioned humanitarian interventions, the new millennium ushered in the possibility of a more nuanced, but no less robust response from the international community. Sovereignty, so it was argued was no longer a case for the defence. Rather it carried with it responsibilities of the state towards its citizens and the inability or unwillingness to carry out those responsibilities could abrogate the protection that sovereignty had hitherto afforded. At the same time, in contrast to the concept of humanitarian intervention, the notion of R2P was always thought of as a multi-phased approach, with military intervention as a last resort in only the most extreme circumstances.

The outcomes of the 2005 World Summit and the 2006 UN Security Council Resolution 1674 were seen to enshrine the principles of R2P. But the fatal flaw of the R2P concept was apparent in the wording of the World Summit outcome, ‘...we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, **on a case-by-case basis and in cooperation with relevant regional organizations** as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.’[1]

Fast forward to 2011 and the strengths and weaknesses of the concept have been on full display. There is perhaps no better way to illustrate this than by juxtaposing two similar situations in the same region:

Imagine two Arab cities of approximately 700,000 people, each surrounded by the military forces of autocratic regimes intent on crushing rebellions against its rule.

In one case, the West mounts an argument based on the concept of R2P and the UN authorises ‘all necessary measures’ to protect civilians in the city. The Arab League supports action and government forces are attacked by coalition warplanes, sparing the city and its inhabitants. In the other case, there are harsh words of condemnation from some Western countries and eventually from the Arab states and UN Security Council President, but only well after government forces enter the city and large numbers of people are killed.

The cities are of course Benghazi in Libya and Hama in Syria. And the different international reactions to events that exhibit tremendous similarities on the surface show why R2P is so laudable theoretically but practically unworkable. The problem remains the same as that of humanitarian interventions of the 1990s; while the lives of all

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human beings are worth saving, the willingness of states to intervene in other states and the ability of military force to save the people in danger differs significantly depending on the circumstances.

That is not to say that the architects of R2P are some sort of starry-eyed idealists. Nevertheless, while the development of R2P as a concept has been the preserve of international relations theoreticians (albeit ones with large amounts of practical experience), its implementation rests on the practitioners of the day. And these practitioners deal in the world of *realpolitik* with all of its inconsistencies, relativities and competing national interests. How else to explain the Australian Foreign Minister's justification of Libya as a special case deserving of a military response

...the reason why Libya so far falls within a different category is because of the mass use of the full armed forces, the full security forces against innocent civilians in mass levels of destruction right across the Libyan state.[2]

At the same time those very conditions that were cited as the justification for a military response under R2P existed in Syria and yet the international community has only enacted sanctions and issued condemnations against the Assad government. The reason for this anomaly (some might say hypocrisy), of course lies in the UN World Summit outcome that noted R2P interventions would be dealt with on a case-by-case basis. Syria is a more complex country than Libya, and the impact of a change of government in Damascus has much greater ramifications regionally than the downfall of Ghaddafi's regime in Tripoli. The problem with the real-world invocation of R2P is that those political leaders quickest to justify military action based on the principle never explain why they don't call for it in apparently similar circumstances.

Another aspect of the R2P concept that may yet have negative repercussions is the way it was applied in Libya, particularly the degree to which the UN-authorized forces became partisan. Initially the no-fly zone was seen as a purely defensive measure to prevent the pro-government Libyan military forces from directly firing on civilian population centres. Although NATO claimed that it did not provide close air support to the NTC forces, this was in reality a definitional distinction as it undertook offensive, if not necessarily close, air support. As a consequence, the subsequent conduct of NTC forces and of the future Libyan government will be intimately tied to the governments whose actions helped put them into place. And while any future government is likely to be a vast improvement on the Ghaddafi regime, if there is any hope for R2P to become part of the normative behaviour of the international community, then the Libyan intervention must not only work, it must be seen to work.

If a new government fails to deliver a better life to the Libyan people then R2P will likely be judged a failure. The selectivity of the concept's application has already opened it up to criticism from those parts of the international community who see in R2P another justification for western interference in the developing world's internal political affairs. The next few years will see whether R2P is likely to prosper or fade away as its practical limitations are judged against whatever successes it can claim. As Gareth Evans, one of the main proponents of the R2P concept, recently noted 'The Libya case I think represents a high watermark of the application of this. It's important that it not be the high watermark from which the tide now recedes.'[3]

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[1] 2005 World Summit Outcome, dated 15 September 2005, p 31 [http://responsibilitytoprotect.org/world%20summit%20outcome%20doc%202005\(1\).pdf](http://responsibilitytoprotect.org/world%20summit%20outcome%20doc%202005(1).pdf) accessed 3 October 2011

[2] Interview with Foreign Minister Kevin Rudd, 27 March 2011 <http://tvnz.co.nz/q-and-a-news/kevin-rudd-interview-transcript-4088315>

[3] Interview with Gareth Evans, YaleGlobal, 15 April 2011 <http://yaleglobal.yale.edu/content/gareth-evans-responsibility-protect-transcript>, accessed 3 October 2011