

The Responsibility to Protect: Libya and Beyond

Written by Alex J. Bellamy

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ALEX J. BELLAMY, MAR 30 2011

In 2001, the International Commission on Intervention and State Sovereignty (ICISS) called for a profound change to the way in which the world responded to the problem of mass atrocities. Instead of a debate about the so-called right of humanitarian intervention, the commission called for a responsibility to protect and with it a focus on protecting the victims of mass atrocities.

What we are witnessing in the world's response to the crisis in Libya is the fruition of that change of ethos towards a politics focused on protecting the would-be victims of mass atrocity. But whilst the response to Libya marks a number of significant milestones, it is important to stress that the Responsibility to Protect (RtoP) does not begin and end with Libya. Libya is but one of many recent and ongoing examples where international responses to major humanitarian emergencies have been framed by a focus on the victims.

Each case is different in terms of the nature of the threat and the range of politically plausible options for prevention and protection. What is right and possible in the case of Libya, may not be right and possible elsewhere. The world's response to the outbreak of violence in Kenya in 2007-8 shows that even very late prevention does not always require the use of force; the on-going situation in Cote d'Ivoire attests to very real operational problems when risk is high and the political room for manoeuvre very limited; the management of the recent referendum in Sudan shows the importance of early warning and coordinated management of difficult transitions – one of the troubling consequences of Libya is that warnings about violence around Abyei have been largely ignored. What marries all of these cases together is the palpable shift in the debate and in the international community's focus to preventing atrocities and protecting the victims. Of course, that shift doesn't resolve difficult dilemmas about how to best achieve these goals. There is no silver bullet either for Libya or Cote d'Ivoire. Nor does it resolve genuine differences about how to respond most effectively, as the world's response to Darfur attests.

Using Darfur as an example, what is significant is that the international debate over the past few years revolved around what *should* be done, not whether the more general point of whether anything should be done. Whilst the response in Darfur was far from satisfactory, milestones were reached there too: the deployment of a large peace operation with a Chapter VII mandate for civilian protection; the referral of the matter to the International Criminal Court and indictment of a sitting President for crimes against humanity; and one of the largest ever humanitarian operations which undoubtedly saved hundreds of thousands of lives.

However slow and uneven, progress is clearly being made towards the goal of privileging the protection of people against grave abuses.

In passing Resolution 1973, the UN Security Council has sent a clear signal of its commitment to the Responsibility to Protect principle. First enunciated by the ICISS but significantly revised in subsequent international negotiations, RtoP insists that governments have a duty to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and the international community a duty to help states to meet their obligations. When they fail to do this, RtoP demands that the international community – acting through the Security Council – protect threatened populations. This is no academic abstraction: it was agreed in 2005 by all UN Member States and endorsed by the Security Council.

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It is important to stress that Libya is not the first time that the international community has used RtoP. The Council's hesitant response to Darfur was considerably strengthened after the adoption of RtoP in 2005 and African mediators were guided by RtoP in their successful effort to stop the post-election violence in Kenya in 2008. In Guinea and South Sudan the principle has contributed to the prevention of mass killing.

What, then, is special about Resolution 1973? Besides the remarkable fact that the Council was responding to Arab demands for military intervention – unthinkable just a month ago – those that criticise the Council's foot dragging should remember that this is the first time it has authorised force against a functioning government to protect civilians. In Somalia and Rwanda, the Council authorised force only once it judged there was no functioning government to consult. Diplomats thought it virtually impossible to persuade the Council to authorise force for humanitarian purposes without the consent of the target state. It was commonly assumed that at least two of the veto-wielding permanent members (China and Russia) and several other non-Western members would never concede that functioning states lose their right to non-interference when they abuse their own populations. With the Council often deadlocked, groups of states were sometimes forced to act without UN authorisation – as in Kosovo – and bear all the associated political and material costs. Not this time. In 2011, RtoP has helped broker a grand bargain for protection – on the one hand, those states traditionally sceptical about coercive interference were persuaded that the international community should act; on the other, traditional interventionists struck a cautious tone and committed themselves to securing Security Council authorisation.

Building an international consensus on military intervention involves complex and painstaking diplomacy. The Arab League's call for a no-fly zone was a game-changer. Some Arab governments were no doubt motivated by dislike of Gaddafi and a desire to divert attention from their own troubles. But only the most jaundiced would dismiss entirely the role of humanitarian concern. African support was important but not surprising. The African Union led the way on RtoP – its Charter, agreed in 2000, gives the organization a right of humanitarian intervention in Africa. The support of the three African members of the Security Council was pivotal. Strident advocacy by the UK, France, and Australia, and the Obama Administration's cool-headed diplomacy forged a wide consensus on limited military intervention.

It is important to stress the pivotal role played by the UN Secretary-General, Ban Ki-moon and the UN's new joint office for the Prevention of Genocide and RtoP. Unfairly maligned in the West, Ban has proven to be a highly effective Secretary-General and a passionate advocate of RtoP. Ban's determined work, persistence and personal commitment to the principle was essential for translating RtoP from high-sounding principle to common international practice. He deserves much praise and a second term for his tireless efforts to build consensus and push the agenda forward. Advised by the UN's new Genocide Prevention and RtoP office, which warned of an imminent threat of crimes against humanity in the first days of the crisis in Libya, Ban urged the Council to act. This put the issue firmly on the agenda, paving the way for Resolution 1970 which imposed sanctions and referred Libya to the ICC – a remarkably quick and decisive response from the Council. Ban then contacted Gaddafi personally and tried to persuade the Libyan leader to change his course. When this, and other, diplomatic options failed, the Council took more determined action. Ultimately, the Council faced a choice between authorising the use of force without knowing where it would lead in the hope that it would avert a catastrophe and trusting that Gaddafi's forces would not follow through on their leader's very public threats to destroy all their enemies and perpetrate a massacre in Benghazi.

Why didn't China cast its veto? China has endorsed RtoP more than once but that doesn't mean it agrees with the West on how to act in the face of crises. Chinese views about how to respond to major crises are influenced by the opinions of relevant regional organisations. Diplomats knew that if the Arab League and AU were prepared to back the military option in Libya, China would not block it. This is precisely what China told the Council after the passage of Resolution 1973. For its part, having accepted the need for a second resolution and tabling its own draft calling for a ceasefire, Russia was boxed in politically and unwilling to stand alone against the resolution. This is the power of norms at work in limiting the types of behaviour states think they can legitimise.

Of course, whether Resolution 1973 marks a decisive shift for the better or a new cautionary tale about the limits of humanitarian war depends on what happens next in Libya. But as I mentioned earlier, RtoP does not begin and end

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with Libya. Other crises in Yemen, Bahrain, Syria as well as in Cote d'Ivoire, eastern DRC, Sudan have generated their own questions about RtoP. What the most appropriate and effective response to these crises should be depends on the nature of the threat, the level of international agreement and the expected utility of various measures. Whilst Libya is no doubt important, it is but the tip of the iceberg. The uncertainty and costs associated with the use of military force – necessary to avert a larger tragedy in this case – should remind us that the challenge of RtoP should be to prevent crises from escalating to the point of imminent catastrophe. In the long run, whilst timely and decisive action such as this will continue to be a recurrent but painful necessity, we will make most progress towards a world without mass atrocities by reducing the number of cases that become so acute.

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