

The Illusion of Progress: Libya and the Future of R2P

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The term "the Responsibility to Protect" (R2P) has, as its supporters seldom tire of stating, made a swift ascension from the periphery to the centre of international political discourse. The March 2011 intervention in Libya catalysed a further surge in the term's currency and a renewed championing of its efficacy. If, however, the ubiquity of a term was indicative of its practical importance R2P would never have had to be contrived. Following the Holocaust "Never Again!" was an oft repeated refrain finding legal expression with the 1948 Geneva Convention. Unfortunately, "Never Again!" became little more than a tragically ironic shibboleth- a 'dead letter' according to Kofi Annan [\[i\]](#) - as mass atrocities occurred with depressing regularity.

The problem with R2P is precisely that which rendered "Never Again!" and the Genocide Convention impotent, namely that its enforcement is predicated on the assent of the Security Council. [\[ii\]](#) As per the 2005 World Summit Outcome Document and various General Assembly and Security Council resolutions since, the implementation of R2P is explicitly conditional on the support of the permanent five members of the Security Council (P5). Only the very naive imagine that the P5 honour Article 24.1 of the Charter and act on behalf of UN members states; each state's respective national interest determines their position on a particular issue much more so than their commitment to legal or moral principles.

The emergence of R2P was, in fact, a function of this flawed system. On a number of occasions during the 1990's the Security Council used its Chapter VII powers to sanction intervention for humanitarian purposes but many other cases- most notably Rwanda-were simply ignored. [\[iii\]](#) NATO's intervention in Kosovo in 1999 occurred without COuncil sanction and the ensuing outcry was a causal factor in the creation of R2P. What has R2P done to redress this structural barrier to effective action? The answer, sadly, is nothing. The laws governing the use of force and the structure of the UN are the same now as they were in 1991.

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For all the hype surrounding R2P it constitutes no more than a slogan which has served to embolden those convinced that eloquent appeals to behave responsibly influence world politics. Since R2P was officially recognised at the World Summit a number of mass atrocities have occurred which undeniably warranted external intervention. Yet, in the face of state-sponsored slaughter in Sri Lanka, Darfur and the DRC, the Security Council chose not to sanction effective action. If R2P meant something and had real influence, why was this? Supporters argue that R2P constitutes more than military intervention and such action is not always prudent. A more accurate explanation, however, is that the response of the "international community" remains dependent on the interests of the P5; in the absence of a duty to act R2P constitutes no more than a 'discretionary entitlement'.

[\[v\]](#)

Hence inconsistency and inertia are inevitable.

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