

Libya and R2P: What Now?

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(...) should the international community respond to make sure Benghazi and Zawiyah do not become today's Srebrenica and Kigali — places that the world stood and watched as atrocity crimes were being committed?

Initial signs are hopeful. The UN Security Council Resolution of 26 February called for 'decisive action' and 'tough measures' against the Qadhafi regime. R2P was invoked for the first time in a Security Council resolution against a specific country. This is already being seen by R2P advocates as a pivotal sign of the norm's growing acceptance as a guide to international action.

But the circumstances triggering the Security Council's deliberation are unusual. First, the Libyan Ambassador to the UN denounced the Qadhafi regime, leaving it without a single ally. Second, the measures adopted – travel bans, freezing assets, criminal court investigations – are robust but will do nothing to prevent further atrocities if the army and security forces remain loyal.

(...) Leaders of Western governments are contemplating tough action, including a no-fly zone and securing a humanitarian corridor to ease the passage of refugees.

Unless Qadhafi goes quickly, it is likely that the international community will take tougher action against his regime. But will this be done at the behest of the Security Council? Veto-wielding

powers such as Russia and China have intimated they would oppose a resolution permitting force. If they do not shift ground, an alternative possibility is that action could be taken by NATO. This would appeal to many advocates of intervention in the US. A strongly worded letter to the US president, calling for decisive action, has been [posted on the Foreign Policy Initiative website](#). It was signed by 40 policy analysts, and included prominent neo-conservatives associated with the George W Bush Administration such as Robert Kagan, William Kristol and Paul Wolfowitz, who was deputy-defence secretary under Bush.

The letter demands that the US and NATO develop operational plans to command Libyan waters and air space. Consistent with the position that the neo-conservatives adopted in relation to Iraq, there is no mention of the need to establish a wider consensus behind this action.

For neo-cons, as well as some internationalists who support the Obama Administration, the UN is too weak and divided to take effective action. They would rather see it replaced by some kind of league of democratic states which has both the power and, in their eyes, the moral authority to taken international action.

The problem with actions outside the UN Security Council is that they are in breach of a rules-based international order, and as Foreign Minister Rudd put it in his [recent speech to the UN Human Rights Council](#), states such as Australia which aspire to be 'good international citizens' must 'build, sustain, and enhance' global and regional rules.

It is the last part of this quotation that provides an intriguing possibility for coercive action against the Qadhafi regime should the UN Security Council fail to authorize action. NATO forces took action against Yugoslavia in 1999 without authorisation; the process whereby Western states sought legitimacy for their actions outside the Security Council could become an important precedent in the coming weeks.

Back in 2000, former South African President Nelson Mandela criticized the Kosovo intervention not on the grounds that NATO powers had circumvented the Security Council, but because they had failed to act when Africans had been slaughtered.

Should Qadhafi and his army fight to consolidate their power, it is hoped that the Security Council authorizes all necessary coercive measures that are likely to succeed and that meet the test of proportionality. Mandela should be given an answer to his question about double standards.

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