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Libya, the UN, the ICC and the Responsibility to Protect Marianne Ducasse-Rogier Senior Training and Research Fellow

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(...) In 2005, the UN heads of states and governments gathered at the global summit to celebrate the UN's sixtieth anniversary and solemnly endorsed the

'responsibility to protect'

(R2P) principle. (...)

This principle has generated numerous criticisms and fears since 2005, but also hopes. It has, however, slowly moved out of the headlines as international crises occurred without reaction. Darfur, Kenya, Guinea and Ivory Coast: in all of these places, very few voices were heard to invoke the

responsibility to protect

while civilian populations were the target of human rights' violations and deliberate violence.

(...) This is why UN Security Council Resolution 1970 is a true revolution in international crisis management.

R2P

is not mentioned in the resolution: nonetheless, its flavour impregnates the decision. In referring the situation to the ICC, and thus sending a clear signal to unscrupulous leaders that their crimes will not go unpunished, the UN Security Council brings the responsibility to protect to the forefront of the battle to maintain international peace and security in the world.

This may not have been the primary objective of the countries sponsoring the resolution, which also incidentally covers them against potential future accusations of failing to prevent a genocide, but the decision taken on 26 February 2011 is nevertheless a huge step forwards for the UN Security Council, after years of contrition and stagnation following the interventions in Kosovo in 1999 and Iraq in 2003. It is also a major recognition for the ICC. In association with the UN Human Rights Council (another new institution born from the ashes of the UN Commission for Human Rights, which was discredited precisely because it could not take action against states such as Libya, which was elected its chair in 2003), the ICC is now appearing as a primary actor of international peace and security. The fight against impunity has become a concrete way to implement the

responsibility to protect

UN Security Council Resolution 1970 is perhaps not a sufficient answer, and it might not be solving all of the issues. A no-fly zone over Libya or even an international military intervention may well be required as an additional step if the situation worsens in Libya. The 1990s taught

us that such a decision has to be backed up by appropriate means in order to be efficient. To date, it is only a (small) part of the

R2P

implementation measures that has been engaged; this is not negligible, however, contrary to what would be implied by the relatively small media attention that it has been granted. It is a long-awaited demonstration that the fate of civilian populations can still be taken seriously at the UN. This is definitely good news.

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