

Has R2P Worked in Libya?

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The 'responsibility to protect' tries to strike a balance between unilateral interference and indifference

The United Nations was neither designed nor expected to be a pacifist organisation. Its origins lie in the anti-Nazi wartime military alliance among Britain, the United States and the Soviet Union. The all-powerful UN Security Council is the world's duly- and only- sworn-in sheriff for enforcing international law and order.

In the decades after World War II the nature of armed conflict was transformed. Interstate warfare between uniformed armies gave way to irregular conflict between rival armed groups. The nature of the state too changed from its idealised European version. Many communist and some newly-decolonised countries were internal security states whose regimes ruled through terror, often with the material assistance and diplomatic support of the US as it acquired many of the trappings of a national security state in the transcendental struggle with the Soviet Union.

Increasingly, the principal victims of both types of violence were civilians, and the goals of promoting human rights and democratic governance, protecting civilian victims of humanitarian atrocities and punishing governmental perpetrators of mass crimes became more important.

The responsibility to protect (R2P), first articulated by the International Commission on Intervention and State Sovereignty in 2001 and endorsed unanimously by world leaders in 2005, spoke eloquently to the need to change the UN's normative framework in line with the changed reality of threats and victims.

R2P attempts to strike a balance between unilateral interference and institutionalised indifference. It was designed to help the world to be better prepared- normatively, organisationally and operationally- to meet the recurrent challenge of military intervention when atrocities are committed and something can be done by outsiders to save strangers at acceptable costs and risks: institutionalised non-indifference, if you will.

R2P's preventive and rebuilding pillars involve strengthening a state's capacity to handle its own law and order problems. The world's comfort level is much greater with action under Pillar One (building state capacity) and Pillar Two (international assistance to build state capacity) than Pillar Three (international military intervention). But, to be meaningful, the R2P spectrum of action must include military force as the sharp-edge option of last resort. By its very nature, including unpredictability, unintended consequences and the risk to innocent civilians caught in the crossfire, warfare is inherently brutal: there is nothing humanitarian about the means. Still, under contemporary conditions the fundamental question cannot be avoided: under what circumstances is the use of force necessary, justified and required to provide effective international humanitarian protection to at-risk populations without the consent of their own government? Without R2P, the intervention is more likely to be ad hoc, unilateral, self-interested

and deeply divisive. (...)

The jury is still out on whether international military action in Libya will promote consolidation or softening of the R2P norm. The Libyan people's euphoria and NATO's relief over the successful military campaign to remove Gaddafi is likely to temper criticisms of the manner in which NATO rode roughshod over UN authorisation to protect civilians. (...)

The outcome is a triumph first and foremost for the citizen soldiers who refused to let fear of Gaddafi determine their destiny any longer. It is a triumph secondly for R2P. NATO military muscle deployed on behalf of UN political will helped to level the killing field between citizens and a tyrant. It is possible for the international community, working through the authenticated, UN-centered structures and procedures of organised multilateralism, to deploy international force to neutralise the military might of a thug and intervene between him and his victims with reduced civilian casualties and little risk of military casualties. (...)

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