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Op-Ed

## R2P and the Libya mission

### When does 'responsibility to protect' grant countries the right to intervene?

By Simon Adams

September 28, 2011

The Palestinian bid for statehood and traffic congestion weren't the only things going on in New York last week as the 66th U.N. General Assembly convened. One of the issues privately discussed by foreign ministers at the United Nations was the "responsibility to protect," or R2P. This concept was central to the U.N. mandate to protect civilians in Libya, which led to NATO's aerial involvement there. As the dust settles in Tripoli, it has become necessary to refute a powerful myth that has developed among some pundits and politicians. That myth is that R2P bestows "the right to intervene" in Libya.

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Even though R2P features in just two paragraphs of the 40-page "outcome document" of the 2005 U.N. World Summit, historian Martin Gilbert has suggested that it constituted "the most significant adjustment to national sovereignty in 360 years."

R2P's core idea is that all governments have an obligation to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity. It is primarily a preventive doctrine. However, R2P also acknowledges that we live in an imperfect world and if a state is "manifestly failing" to meet its responsibilities, the international community is obligated to act. It is not a right to intervene but a responsibility to protect.

The distinction is not diplomatic artifice. After the 1994 Rwandan genocide and the 1995 massacre in the Bosnian town of Srebrenica, the international community resolved to never again be a passive spectator to mass murder. Still, it would not have been surprising if R2P had quietly expired after 2005. The United Nations, after all, can be a place where "good ideas go to die." Instead, within the U.N. the debate now is about how R2P should be meaningfully implemented, rather than whether such a responsibility exists.

Enter Moammar Kadafi and the gruesome violence he unleashed on his own people in February. Threatening "no mercy or pity" for the "cockroaches" who had risen against him, and with the rebel city of Benghazi encircled, the U.N. response — Security Council Resolution 1970 — was unprecedented. Not because it referred Kadafi's regime to the International Criminal Court and imposed sanctions but because of its unanimous endorsement (15 votes to 0) of "the responsibility to protect" as its motivation for doing so.

In the face of continuing killings, Resolution 1973, passed weeks later, authorized "all necessary measures" and established a no-fly zone. The rest is history.

However, as the bombs fell, R2P became entangled with the regime-change agenda of some of those enforcing the U.N.'s mandate. It is, therefore, time to remind ourselves of two essential facts.

The first is that NATO's action was clearly the lesser of two evils. If Benghazi had fallen to Kadafi, there is every indication that widespread, indiscriminate and deadly violence against civilians would have resulted. Former British statesman Paddy Ashdown's recent comment that we should measure our success by "the horrors we prevent, rather than the elegance of the outcome," is relevant in this regard.

Second, before February Libya wasn't on anyone's watch list for mass atrocity crimes. Kadafi's regime was a renowned abuser of human rights, but it had not previously demonstrated an inclination to bomb its own cities or indiscriminately massacre people. The commission of mass atrocities was, like the Arab Spring that provoked it, sudden and unexpected.

The challenge after Libya is how to improve our capacity to respond to future R2P risk situations. Those of us whose business is preventing mass atrocity crimes need to get better at monitoring countries, states and conflicts before they reach "boiling point." When things do reach a critical stage, we need to ring alarm bells in a way that not only provides adequate warning but mobilizes meaningful responses.

We need to coordinate these responses locally, regionally and internationally. We need better policy instruments, learning not only from Libya and Ivory Coast but also Guinea, Kenya and other places where R2P has been invoked but military force was unnecessary. The standard Security Council menu — which ranges from envoys and mediation, to referral to the ICC, sanctions or a no-fly zone — is inadequate. We need a wider range of preventive, mediated and coercive options.

The situation in Libya moved so rapidly that it was too late for preventive responses. When a regime is already wantonly killing its own people, the options for policymakers are narrow, but that doesn't mean alternatives don't exist.

The bottom line is we don't need to choose between prevention or intervention, or between sovereignty and universalism. We need timely, proportional, multidimensional reactions to all R2P risk situations. We need a U.N. Security Council dedicated to nuance. Hesitation and inaction remain a recipe for complicity with evil.

Finally, we can't be distracted by the obfuscation of those who think that Kadafi should have been left to his own devices. Or those who argue that Libya is the sole benchmark by which to measure R2P. R2P is not regime change with mood lighting. Each crisis is unique. But a warning to President Bashar Assad of Syria: We are watching and learning.

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