

Impact of Action in Libya on the Responsibility to Protect

1. What is the Responsibility to Protect?

The Responsibility to Protect ("RtoP" or "R2P") is an international human rights norm adopted at the UN World Summit in 2005 to **prevent and stop genocide, war crimes, ethnic cleansing and crimes against humanity** (often called collectively "mass atrocities"). The Responsibility to Protect rests on three pillars:

1. **The State carries the primary responsibility for the protection of populations** from mass atrocities.
2. The international community has a **responsibility to assist States** in fulfilling this responsibility.
3. The international community should use **appropriate diplomatic, humanitarian and other peaceful means** to protect populations from these crimes. If a State fails to protect its populations or is in fact the perpetrator of crimes, the international community must be prepared to take stronger measures, **including the collective use of force approved by the UN Security Council**.

2. How does RtoP apply to Libya?

Every state has a responsibility to prevent and protect populations within their borders from genocide, war crimes, crimes against humanity or ethnic cleansing that is occurring or threatens to occur. These crimes can be perpetrated by the government itself or by non-state actors. In the case of Libya, the government of Libya allegedly committed war crimes and crimes against humanity in response to peaceful civilian protests, crimes which fall under the RtoP framework. Muammar Gaddafi called on his supporters to go out and attack protestors, which he labeled "cockroaches", and to "cleanse Libya house by house". Gaddafi expressed clear intent to continue committing massive human rights violations by announcing to Benghazi residents that his forces would show "no mercy" to rebels. He stated on 17 March that he would search every house that night, indicating an imminent intention to massacre the city's population. It was at this point that it became clear that tough international action in response to the Libyan government's manifest failure to uphold its responsibility to protect was needed to *prevent* a bloodbath.

3. How did the international community respond and why is their response consistent with RtoP?

Beginning in mid-February, a **range of peaceful and coercive measures** (diplomatic incentives, asset freezes, travel bans, arms embargo, expulsion from intergovernmental bodies, ICC referral) were adopted by **an array of international and regional actors**, including the Human Rights Council, General Assembly, Security Council, Arab League, African Union, Gulf Cooperation Council, NATO and European Union, and with unprecedented speed and decisiveness. And while the ultimate adoption of a no-fly zone on March 17 is the first time the Security Council has authorized a military response to protect populations in a non-consenting state, this was likely due to the influence that regional organizations had in supporting stronger measures. See [this page](#) on our website for a full overview of the responses taken in the case of Libya.

4. Why is Libya not the "first RtoP case"?

The case of Libya has certainly garnered significant media attention following the revolutions in Tunisia and Egypt, with much debate on the need for the use of force for protection purposes. **There are several other cases however, where the international community has worked to prevent atrocities from occurring and escalating through a range of peaceful measures**, including the UN and AU's role in facilitating post-election mediation efforts in Kenya in 2007, strong voices from the Economic Community of West African States (ECOWAS) and the UN Security Council following election violence in Guinea in 2010, and the world-wide efforts by a range of actors to prevent bloodshed during the Sudan referendum in 2011.

5. How does RtoP apply to the recent case in Cote d'Ivoire?

The 2010 presidential election between incumbent Laurent Gbagbo and opposition member Alassane Ouattara resulted in a political stalemate and violent conflict after Gbagbo refused to honor the results that declared Ouattara the winner. As of April 2011, Secretary-General Ban Ki-moon reported that over 1000 civilians had died as a result of clashes, and the UN High Commissioner for Refugees stated that more than 500,000 Ivoirians were

forcibly displaced, and 94,000 Ivoirians fled to neighboring Liberia out of fear of violence. Forces loyal to both Gbagbo and Ouattara were failing to protect civilians and were accused of gross human rights violations that could amount to crimes against humanity. In an effort to protect the people of Côte d'Ivoire from further atrocities, a military operation began on 4 April following a statement by the UN Secretary-General in which he instructed UN Operations in Côte D'Ivoire (UNOCI) to "take the necessary measures to prevent the use of heavy weapons against the civilian population." Gbagbo's hold on power ended on April 11, 2011 when he was arrested by Ouattara's forces after days of fighting with involvement of UNOCI and the French military.

6. Why military operations in Libya and not in other places?

Libya presented itself as a unique situation where Gaddafi arguably committed crimes against humanity and shockingly announced through the media his intentions to commit further atrocities against his own people. Governments, regional and international bodies worldwide opted in 48 hours to take measures to respond more forcefully to Gaddafi's threats to destroy the city of Benghazi. This all led to the passage of Security Council Resolution 1973 and the agreement to install a no-fly zone, without a single veto from Security Council Members.

In places such as Syria, there are reports that one or more of the four "RtoP crimes" may be occurring. States as well as regional organizations have started to respond, denouncing the violence and imposing measures, such as sanctions. The question remains as to what the best course of action is to stop the killing of innocent civilians. RtoP requires that a range of measures be used from diplomatic to more coercive, if necessary. The formula of *which measures to use at what time is not precise*; each case will require a tailored response.



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It remains critical to eliminate double-standards and political bias from Council decisions of this magnitude. But it is also important that appropriate action be taken when warranted. All states have a responsibility to protect their populations, this includes Syria, Bahrain and Yemen, countries where populations are currently at risk of gross human rights violations. The challenge ahead for RtoP advocates is to encourage consistency not only in the invocation of the language of RtoP but also in response.

7. What is the impact of Libya on RtoP?

The debate among Member States around the situation in Libya was not about *whether* to act to protect civilians for mass atrocities but *how* to best protect the Libyan population. That Member States prioritized the protection of civilians from mass crimes reflects a historic embrace of the RtoP principles agreed to at the 2005 World Summit. The current debate over tactics and strategy is necessary and important but any legitimate implementation concerns should not obscure the value of RtoP in preventing and halting mass atrocities. We must help governments understand that **RtoP seeks to protect civilians from genocide, war crimes, crimes against humanity and ethnic cleansing with a range of measures, of which military intervention is a last resort.** At the same time, we must remind Member States not to undermine RtoP by confusing civilian protection with other motives such as regime change or resource control.

8. What impact will the response to Libya have on future cases?

That human carnage was contained in Libya should be seen as a positive outcome of the international community's response. If the UN and NATO had failed to take stronger actions, we would now be questioning whether the commitment to RtoP holds any value. As Special Adviser on the Responsibility to Protect Edward Luck has said, we are now dealing with the dilemma of RtoP being *too relevant*, in that the UN and regional bodies will be compelled to act in more cases. Civil society can and will continue to push for **appropriate action by the international community in all cases where crimes are occurring or threaten to occur.** Whether this will translate into political will of the international community is up to us all.