



SMALL WARS JOURNAL

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Libya and the Responsibility to Protect

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There has been a fair amount of debate over Obama's decision to join Western powers in using force to protect civilians in Libya. Among [various refrains](#) is the claim that "Responsibility to Protect" (R2P) doctrine lacks moral strength if applied selectively.

According to this line of thinking, the international community can't legitimately go after Qaddafi if it won't/can't also go after every other dictator. However, it is important to recall that R2P doctrine, as laid out by the [International Commission on Intervention and State Sovereignty](#) and acknowledged as a legal principle in [several multilateral documents](#), actually promotes military force for civilian protection *not* in every case where it might be merited, but rather only in limited circumstances mapping roughly onto just war theory.

The criteria include *just cause* (which I agree would be fulfilled in a case like North Korea or Bahrain) but also *right authority* (which in R2P requires multilateral consent – not feasible in Bahrain) and *proportionality* (requiring a judgment that the overall good to civilians outweigh the potential harm – unlikely in North Korea). They also require a *reasonable likelihood of success* (unlikely in Sudan), that the intention be *genuinely humanitarian* (exactly why humanitarian claims quickly [fell flat in Iraq](#)), and that military force be a *last resort* (though it's unclear precisely how many bodies should pile up while great powers wait to exhaust diplomatic options).

In cases not clearly meeting this threshold, R2P doctrine urges merely non-coercive protection measures, including humanitarian assistance and diplomacy. This is why Western powers' choice to send humanitarian assistance rather than intervene militarily in Chechnya, where just cause arguably existed but the requirements of right authority, proportionality and likelihood of success would not have been met, was perfectly consistent with R2P doctrine, as is their focus on Libya to the exclusion of other locations today.

One of the key critiques of R2P is that the threshold for the use of force – which is in some cases the [only effective response](#) to unfolding crimes against humanity – is so unreasonably high as to render the doctrine useless for the cases in which it is most needed. So it was [actually reassuring](#) to see the international community act relatively swiftly and [effectively](#) in the case of Libya, in contrast to its months and years of dithering over Kosovo and Bosnia, respectively, or the lack of timely military action in the case of Darfur.

R2P as currently constituted includes no normative requirement of consistency. As [David Hillstrom correctly notes](#), it is not an international organization with a mandate and procedures for fairly adjudicating each case much less the capacity and resources to implement civilian protection evenly. Rather it's a set of [loosely understood and still contested principles](#) put forth as a counter-point to the disconnect between the UN Charter Regime protecting territorial integrity of states and the human rights regime protecting individuals from the predations of their governments. It enables yet relies entirely on the political will of states.

So it's one thing to wish that a UN Organization for the Protection of Civilians existed with the capacity to adjudicate and enforce compliance with international law and to work toward that aim; I share that wish. But it's very hard to see how to get from this world to that one. And as [Judah Grunstein notes](#), it seems unjustified to ask Libyan civilians at risk of slaughter to [wait for their deaths](#) simply because it's politically infeasible to save them *and* everyone else at risk, given the nature of the international system.

The more important critique to consider is whether the type of force being used is appropriate to the endeavor, particularly if Libyan civilians are being hit by stray bombs. These are fair questions. But as with Kosovo, I would be surprised if the collateral damage from the intervention ends up exceeding [the carnage that would have likely unfolded in its absence](#); and more importantly in legal if not practical terms the two are apples and oranges.

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