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## NATIONAL SECURITY COUNCIL

### Responsibility to Protect

By Harlan Downs-Tepper

#### Introduction

As the military situation in Libya began to wind down in the late summer of 2011, leaders around the world were scratching their heads, questioning the initial decision to invade the North African nation and the security and economic implications of invasion versus tolerance of the Muammar Qaddafi's former regime. The beginning of the military operation was quick: French, British and American aircraft operated jointly under a United Nations (UN) **mandate** to protect Libyan civilians, securing the support of the Arab world as well. Yet after the transfer of military operations to the North Atlantic Treaty Organization (NATO) and the withdrawal of Arab support, coupled with the shift in the UN's apparent mandate, the intervention in Libya was no longer perceived with the same positive outlook as it was at its outset. The conflict in Libya is hardly the first such international intervention to protect civilians against an abusive leader; the Responsibility to Protect was conceived within an international legal framework more than a decade before and was put into practice even earlier. The Responsibility to Protect, as legislated at the 2005 UN World Summit, gives primary responsibility to protect populations to the state, with international support, and in cases of crimes against humanity, **genocide**, and ethnic cleansing, the international community can take more decisive action, as established by the UN Security Council. In the wake of the first major intervention conceived as an action based on the Responsibility to Protect, the United States and the international community must rethink the mandate established by the Responsibility to Protect, particularly with regard to the economic implications of this policy.

**mandate**—the authority to carry out a policy or course of action.

**genocide**—the deliberate killing of a large group of people, especially those of a particular ethnic group or nation.

#### History of the Problem

Over the past forty years, the gap between the rich and poor has increased, and the gap between authoritarian and inclusive ideologies has paralleled that economic disparity. The richest ten percent of the world now collect fifty percent of the world's income, and the richest five percent control 165 times the income of the poorest five percent. This income inequality, however, does not reveal the extent of the problem: the richest countries rely on the poorest countries to supply a substantial portion of the natural and human resources by which the rich become wealthier. This reliance, in turn, creates a situation of dependence in which rich nations are hesitant to interfere in the politics of re-



source suppliers, while resource-rich countries, both relatively rich and poor, consolidate power and repress their populations.

Following World War II, the international community pledged to never again tolerate genocide, and, implicitly, acts of violence within a population. Yet in the twenty years since the end of the Cold War alone, there have been about a dozen mass atrocities, from Saddam Hussein's actions in Iraq, to the Liberian Civil War, to, most recently, the situation in Libya. Each of these atrocities has raised the question of the seriousness with which the international community commits to stop such atrocities.

The Rwandan Genocide of 1994 was a turning point for the United States and the international community alike. The international community and the United States consciously ignored the Hutu effort to eliminate Tutsis in Rwanda, leading to an estimated 800,000 civilian deaths, or three-fourths of the Tutsi population. When the UN finally intervened, it was largely too late, and with a very limited mandate. The implications of the genocide, and the failure to respond, were huge: in an age of modern media, the world had stood by as nearly a million men, women, and children perished. Embarrassed and angry, UN Secretary-General Kofi Annan encouraged world leaders to ask themselves when it would be appropriate to intervene in the domestic perpetration of atrocities.

Finally, in September 2000, the Canadian government established the International Commission on Intervention and State Sovereignty. A year later, the Commission released its report, recommending the **doctrine** of the Responsibility to Protect. In 2005, the African Union included the Responsibility to Protect in its founding charter, establishing that it would intervene in internal state affairs if necessary in order to protect human rights, namely in war crimes, genocide, and crimes against humanity.

At the 2005 World Summit, the UN incorporated the language of the Right to Protect in its 2005 World Summit Outcome Document, reaffirmed by the UN Security Council in April 2006. In 2009, UN Secretary-General Ban Ki-moon established criteria for execution of the Responsibility to Protect in a report called "Implementing the Responsibility to Protect." When this document was brought to the General Assembly six months later, member states agreed that regional organizations would need to play a large role in its implementation.

**doctrine**—a stated principle of government policy, mainly in foreign or military affairs.

## Explanation of the Problem

### *The Legal Framework of the Responsibility to Protect*

The two most important documents concerning the Responsibility to Protect doctrine are the 2001 Canadian Report of the International

Commission on Intervention and State Sovereignty and the 2005 World Summit Outcome Document.

The Report of the International Commission on Intervention and State Sovereignty breaks the Responsibility to Protect down into several subcategories. The Responsibility to Prevent is the first step, which the Committee argues the international community must provide more than token rhetoric to prevent conflict and avoid “international consequences and costs.” Early warning systems, “preventive toolbox” responses, and a willingness to apply these measures are key to successful intervention. The Responsibility to React is equally important, and this will be the focus of debate. Military action is the final option, but must be preceded by coercive measures, such as political, economic and military **sanctions**. Any of these actions should only be undertaken if there is just cause to intervene, defined as the large scale loss of life, ethnic cleansing, or crimes against humanity. Finally, should there be any intervention, the international community must act to rebuild. Peace building is a multistep process, but all interventions should be undertaken with the expectation that peace efforts and rebuilding systems will eventually take place, and reconstruction should be planned from the inception of the intervention. Security, justice, and economic development are all expectations of the reconstruction

**sanction**—*measures taken by a nation to coerce another nation to conform to an international agreement or norms of conduct.*

The 2005 World Summit Outcome Document reiterated many of the same points made by the International Commission Report. It enshrined in international law the basis of international intervention. First, individual countries have the responsibility to protect their own citizens, first and foremost. The international community must support the efforts of states to that end. Moreover, the international community has a responsibility to “use appropriate diplomatic, humanitarian and other peaceful means... to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” If a domestic situation deteriorates substantially, then the international community, through the UN Security Council, can intervene on a case-by-case basis with sanctions and military action.

The United States is a **signatory** of this document and has affirmed its commitment to the responsibility to protect. In a letter to the United Nations in advance of the 2005 Outcome Document, former United States Ambassador to the UN John Bolton affirmed that it is more a moral responsibility than an obligation to intervene, but noted that the United States “stands ready” to do so. More recently, President Obama has made it clear that the United States stands ready to support all such interventions to protect people against dictators.

**signatory**—*a party or country that has signed an agreement or treaty.*

### *Current Responsibilities*

The so-called “Arab Spring” of 2011 has yielded grassroots protests from around the globe, overturned governments, and created a real-

ity of the democratic ideals sought by former President George W. Bush. In Egypt and Tunisia, international political pressure aided the grassroots movements, leading to regime changes. In Libya, on the other hand, international military action has destabilized the country and has not decisively yielded victory. Bahrain, Jordan, Yemen and Syria have all had similar movements, and dramatic repression of the same type, if not greater, than that in Libya, has occurred in Syria and Bahrain.

As evidenced by the dramatic display of government and military power against their own citizens, Syria and Bahrain, an international **pariah** and a tenuous ally respectively, appeared to stop at nothing to put down the domestic uprisings. The international response has been limited: several countries, including the United States, have condemned the response in Syria, but fewer have taken an equally-marked response with regard to oil-exporting and Iran-buffering Bahrain.

**pariah**—an outcast.

### *The Options*

The United States, Group of Eight, United Nations and other bodies have similar options as to how to respond to the conflict. The options boil down to three categories: military, economic, and political/diplomatic.

In the military category, individual countries and the international community can respond with **arms embargoes** and withdrawal of military cooperation. This type of action has already been taken in response to Syria. Bahrain remains free of military sanctions.

**arm embargo**—an official ban on the trade of weapons with a particular country.

In the economic category, the Group of Eight, National Security Council, and UN Security Council can work together to call for unilateral and multinational sanctions on the foreign assets of the entire government, or, in this case, leaders and their families. The international community can also seek more direct restrictions on income-generating activities, including restrictions on access to petroleum products. One key way to do this is to place an aviation ban, thereby restricting international travel to the country.

In the political and diplomatic category, there are more symbolic measures that can be taken. These include restrictions on representation in international bodies, or restrictions on American invitations. Additionally, travel restrictions can be placed, or the countries in question can be prohibited from entering international bodies.

The last option is the military option, which can be taken either unilaterally by the United States with National Security Council approval, or through an international consortium with regard to the UN. The Group of Eight and other bodies should comment on the expected economic impact of such activity.

## The Debate

Today's debate should focus on which, if any, of these options should be undertaken. The debate can remain theoretical, attempting to apply a blanket policy to all such occurrences, or it can comment on the present situation in the Arab world. The economic and political impact of each policy should be debated in full.

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