Introduction

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The NATO-led intervention in Libya, Operation Unified Protector, is noteworthy for two central reasons. First, it is the first instance in over a decade of what Andrew Cottey calls "classical humanitarian intervention"—that is, humanitarian intervention that lacks the consent of the government of the target state, has a significant military and forcible element, and is undertaken by Western states.[1] Not since the NATO intervention in 1999 to protect the Kosovar Albanians from ethnic cleansing has there been such an intervention. To be sure, since 2000 there have been some robust peace operations that fall in the gray area between classical humanitarian intervention and first-generation peacekeeping (such as MONUC, the UN Mission in the Democratic Republic of Congo). But, even if these operations were to some extent forcible, they had the consent of the government of the target state.

It appeared for a while as if the sun had set on (classical) humanitarian intervention.[2] The focus of the West, especially of the United States, was on fighting the war on terror and using force in the name of freedom and democracy, rather than attempting to halt mass atrocities. Moreover, the domestic and international costs of the actions in Iraq and Afghanistan led to a widely held expectation that there would not be another major Western-led military intervention any time soon, let alone in response to mass atrocities and in another Muslim state. The lack of robust action in response to the crisis in Darfur appeared to provide evidence for this expectation. Libya thus caught many by surprise.

Second, this is the first (classical) humanitarian intervention since the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, and the agreement among states at the 2005 UN World Summit that there exists a responsibility to protect (RtoP).[3] There has since been much talk of the need to "operationalize," "implement,"

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and "realize" RtoP, as well as to turn "words into deeds" and "rhetoric into practice." Without a major humanitarian intervention in the name of RtoP, the doctrine was viewed by some as a catchy slogan, but ultimately hollow and lacking in any real practical effect.[4] In recent editions of this journal, Alex Bellamy and Edward Luck have disputed this suggestion, asserting that RtoP has had some positive, if largely diffuse, effects—what they call "upstream" effects—on the prevention of mass atrocities and the tackling of potential crisis situations before they become serious.[5] Nonetheless, it is patent that the intervention in Libya is the first major humanitarian intervention under the RtoP umbrella—and humanitarian intervention has always been the most salient and controversial part of the doctrine. The RtoP doctrine was invoked in Security Council Resolutions 1970 and 1973 and, more generally, in the political and public debates on the crisis and the subsequent intervention.[6] Libya, then, is likely to be perceived as the first major case—and perhaps the test case—of the doctrine.

It is in this context in which the contributors to this roundtable write. Three central questions lie at the heart of the discussions. First, what are the implications of Libya for the RtoP doctrine? One potential upshot is that RtoP will continue to be closely associated with, and in some quarters be viewed as equivalent to, humanitarian intervention, despite the efforts of RtoP advocates to make clear that the doctrine involves a wide range of potential political, legal, and military options—before, during, and after a crisis. UN Secretary-General Ban Ki-moon's "narrow and deep" approach has been central in this regard. In his 2009 report, "Implementing the Responsibility to Protect," the more coercive and military aspects of RtoP are largely viewed as only one aspect of one of the three RtoP pillars—namely, pillar three ("timely and decisive response").[7] How successful has this approach been? In their contributions, Thomas Weiss and Jennifer Welsh are critical of it, arguing that the decision to downplay humanitarian intervention was injudicious. Alex Bellamy, on the other hand, is more sympathetic toward the secretary-general's approach to RtoP; he highlights the exceptional nature of the intervention in Libya and the importance of emphasizing alternative, nonmilitary measures.

Second, how should we judge the intervention in Libya morally and politically? Weiss cautions that the use of military force should not be cause for celebration. The intervention in Libya, like most military interventions, is likely to involve human costs, including civilian casualties. Yet, as I argue in my contribution, the intervention is morally permissible because it is a response to a sufficiently

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serious situation and thus has sufficient scope to do enough good to outweigh the harms of military force. Instead of a reason to rejoice, the intervention in Libya, like any humanitarian intervention, is perhaps better seen as the least bad option in response to a grave situation. Moreover, the intervention faces a series of challenges. For instance, Simon Chesterman and Jennifer Welsh argue that the NATO-led coalition lacks a clear, long-term strategy. In addition, the intervention may potentially become one of regime change, rather than humanitarian intervention. In my contribution, I consider the implications of this prospect (along with the issues of epistemic uncertainty and selectivity in the face of worse crises) for the ethics of humanitarian intervention.

Third, what is the likelihood of future action under RtoP? Several of the contributors note that the political impediments to humanitarian intervention may mean that RtoP will not always provide the impetus for military action, even when intervention would be morally justified. Indeed, Resolutions 1970 and 1973 did *not* invoke the international community's remedial responsibility to protect; states are seemingly reluctant to accept this responsibility for fear of being obliged to act robustly in response to similar cases. Nevertheless, according to Bellamy the rise of RtoP now means that what is increasingly debated is not *whether* to act in response to mass atrocities, but *how* to act. And, as Chesterman notes, RtoP makes it harder for states to do nothing at all. This might not always—and perhaps will only rarely—mean military intervention. Yet, rightly or wrongly, RtoP seemed to provide much of the impetus for the view that something had to be done in response to Qaddafi's brutal crackdown, and in this case it was military intervention. Operation Unified Protector shows then that states are sometimes prepared to use military intervention in order to discharge their responsibility to protect vulnerable populations.

NOTES

[1] Andrew Cottey, "Beyond Humanitarian Intervention: The New Politics of Peacekeeping and Intervention," *Contemporary Politics* 14, no. 4 (2008), pp. 429–46, at 440.

[2] Thomas G. Weiss, "The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era," *Security Dialogue* 35, no. 2 (2004), pp. 135–53.

[3] ICISS, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001); and United Nations General Assembly, "2005 World Summit Outcome," A/RES/60/1, October 24, 2005; www.un.org/summit2005/documents.html.

[4] See, e.g., Aidan Hehir, "The Responsibility to Protect: 'Sound and Fury Signifying Nothing'?" *International Relations* 24, no. 2 (2010), pp. 218–39.

[5] Alex J. Bellamy, "The Responsibility to Protect—Five Years On," *Ethics & International Affairs* 24, no. 2 (Summer 2010), pp. 143–69; and Edward Luck, "The Responsibility to Protect: Growing Pains or Early Promise?" *Ethics & International Affairs* 24, no. 4 (Winter 2010), pp. 349–65.

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[6] An example was the invocation of RtoP by the UK Leader of the Opposition, Ed Miliband, in the House of Commons debate on Resolution 1973. Miliband argued that standing by and doing nothing "would be a dereliction of our duty" and cited the ICISS precautionary principles: Hansard Parliamentary Debates, March 21, 2011, col. 716.

[7] See Ban Ki-moon, "Report of the Secretary-General on Implementing the Responsibility to Protect," UN Document A/63/677, January 12, 2009. The other two pillars are "the protection responsibilities of the state" (pillar one) and "international assistance and capacity-building" (pillar two).

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