

**STRATEGY
RESEARCH
PROJECT**

The views expressed in this paper are those of the author and do not necessarily reflect the views of the Department of Defense or any of its agencies. This document may not be released for open publication until it has been cleared by the appropriate military service or government agency.

**HUMANITARIAN INTERVENTION- ETHICALLY AND MORALLY
THE RELEVANT MISSION FOR THE NEW MILLENNIUM**

BY

**LIEUTENANT COLONEL JOHN F. CAMPBELL
United States Army**

**DISTRIBUTION STATEMENT A:
Approved for public release.
Distribution is unlimited.**

USAWC CLASS OF 1999

19990611 016



U.S. ARMY WAR COLLEGE, CARLISLE BARRACKS, PA 17013-5050

DRUG QUALITY INSPECTED 4

USAWC STRATEGY RESEARCH PROJECT

**Humanitarian Intervention- Ethically and Morally
the Relevant Mission for the New Millennium**

by

Lieutenant Colonel John F. Campbell
United States Army

Dr. Martin L. Cook
Project Advisor

The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

DISTRIBUTION STATEMENT A:
Approved for public release.
Distribution is unlimited.

U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

ABSTRACT

AUTHOR: John F. Campbell, (LTC), USA

TITLE: Humanitarian Intervention- Ethically and Morally
The Relevant Mission for the New Millenium.

FORMAT: Strategy Research Project

DATE: 7 April 1999 PAGES:33 CLASSIFICATION: Unclassified

One of the biggest post-Cold War debates has been on the use of our military in a new role of humanitarian interventions. When our force structure and budget are downsizing, but our OPTEMPO and involvement around the globe continues to grow, we must look at the mission that is defining our relevance: that of humanitarian intervention. The focus of this paper is the ongoing tension and debate between the idealist impulse to intervene militarily around the globe in humanitarian causes and the realist recognition that the commitment of armed forces must be made only with great discretion and when it is clear that the benefits will outweigh any loss. The paper will examine the legal, moral and ethical considerations concerning humanitarian intervention. It will look at the issue of state sovereignty vs the concern for human rights and the question whether states may unilaterally intervene by force in order to put an end to serious human rights violations.

TABLE OF CONTENTS

ABSTRACT..... iii

HUMANITARIAN INTERVENTION: ETHICALLY AND MORALLY THE
RELEVANT MISSION FOR THE NEW MILLENNIUM..... 1

 HUMANITARIAN INTERVENTION DEFINED..... 6

 SOVEREIGNTY AND LEGAL PRINCIPLES VERSUS HUMAN RIGHTS..... 8

 THE MORAL CASE AND OBJECTIVE CRITERIA..... 16

 CURRENT US POLICY..... 21

 RISKS ASSOCIATED WITH THE CURRENT POLICY..... 24

 HUMANITARIAN INTERVENTION IN THE NEW MILLENNIUM..... 25

ENDNOTES..... 29

BIBLIOGRAPHY..... 31

HUMANITARIAN INTERVENTION: ETHICALLY AND MORALLY

THE RELEVANT MISSION FOR THE NEW MILLENNIUM

To go to war for an idea, if the war is aggressive, not defensive, is as criminal as to go to war for territory or revenue; for it is as little justifiable to force our ideas on other people, as to compel them to submit to our will in any other respect. But there assuredly are cases in which it is allowable to go to war, without having been ourselves attacked, or threatened with attack; and it is very important that nations should make up their minds in time, as to what these cases are.

-John Stuart Mill, "A Few Words on Non-Intervention" (1859)

Over a hundred and forty years later, we still have intense debate about what "cases" we should commit our military forces to. Throughout the Cold War, the United States and the Soviet Union used humanitarian assistance as rationale for sending troops to assist Third World nations in their internal development. Much of the motivation stemmed from geopolitical concerns of the two superpowers (e.g., America's policy of containment) rather than from a desire to help indigent people in desperate need of basic human necessities.¹ During the Cold War we knew that we would use our military force to protect our security and our national interests. The end of the Cold War and the reduction in East-West tensions has had a much different effect on geopolitical realities than many would have

predicted. It has created a new circumstance in which we could use military force to protect our values. Previously suppressed, but never resolved, ideological, ethnic and religious strains have now surfaced unchecked in many countries. In 1999 (a decade after the end of the Cold War) we find ourselves in a time safer than ever from nuclear holocaust, when technological innovations have done much to improve the quality of life, when more people than ever live under democratic regimes. Yet there are an increasing number of complex emergencies or humanitarian crises around the globe. Relatively clear-cut examples of humanitarian intervention include United Nation operations in Somalia to provide security for administering food aid, the intervention in Haiti to restore democratic government, and multilateral efforts following Desert Storm to protect Kurds against violence from the Iraqi government.² A variety of interrelated factors have combined to create the explosion of humanitarian crises we face today:

- economic decline, often resulting in lack of food production and distribution (famine in a number of African countries)
- environmental causes that are brought about because of such factors as natural disasters or because the land will no longer support its inhabitants

- political factors- factors which often entail persecution of particular individuals or groups based on their ethnicity, religion, or ideologies (as in the Kurds and Shiites in Iraq and the tragedy of civilians murdered and starved in the former Yugoslavia)³

Many argue that the United States has global responsibilities because it is the only remaining superpower. It is unchallenged both economically and militarily and therefore has a unique role.⁴ These advocates, the idealists, would argue that the United States should take prudent risks with American forces, especially to uphold our humanitarian values and ethical concerns around the globe. In fact they would argue that current National Security Strategy reflects this;

We seek a world in which democratic **values** and respect for **human rights** and rule of law are increasingly accepted. This will be achieved through broadening the community of free-market democracies, promoting an international community that is willing and able to prevent or respond effectively to **humanitarian** problems, and strengthening international non-governmental movements committed to **human rights** and democratization. These efforts help **prevent humanitarian disasters**, promote reconciliation in states experiencing civil conflict and address **migration and refugee crises**.⁵

The other side of the argument is that we should only commit forces when our nation's vital interests are at stake. The realists look back at hard lessons learned from Vietnam, the Marine barracks bombing in Beirut, or more recently the tragedy in Mogadishu to point out that endless interventions as the "world's moral policeman" smacks of imperialism, and leads to needless casualties. Humanitarian crises have brought this debate on the employment of troops to the forefront.

What is the proper role for the United States in the face of famine, or mass murder, or unspeakable brutalities that demand action? After Somalia it looked as though the United States had cured its appetite for interventionist policies with its unwillingness to commit troops to Rwanda. However, in the end the US intervened in both Rwanda and then Haiti. There are compelling arguments on both sides of the issue and America seems to be groping for some comfortable middle ground regarding humanitarian intervention.

If the United States responds to one humanitarian crisis, must it react to all? Or do we, as Leslie Gelb, former columnist for the New York Times and now president of the Council of Foreign Relations proposed when he coined the phrase, have a "doctrine of limited tears." ⁶ We cannot

cry for all the bankrupt states with human rights abuses, so we have to limit our tears to a select few. The challenge is to exercise judgment, recognize its limits, and either intervene or decline to intervene without apology.

The focus of this paper is the ongoing debate between the idealist impulse to intervene militarily around the globe in humanitarian causes, and the realist recognition that the commitment of the armed forces must be made with great discretion and only when it is clear that the benefits will outweigh any loss to American national interests. Specifically this paper will show that the United States must balance moral and ethical obligations concerning humanitarian crises with the practical imperatives concerning commitment of its military. The paper will briefly discuss the legality of intervention (the issue of sovereignty vs nonintervention), the moral, and ethical implications of humanitarian intervention, present US policy, and finally the risks associated with humanitarian intervention. As we approach the new millennium, it is clear that the United States will continue to be confronted with dreadful humanitarian crises in forgotten places of the world. These places may have no or little significant impact on our national interests and

their governments may not want US involvement. We must have a strategy that can be implemented that abides by international law and continues to advance our prosperity, reinforces our democratic ideals and values, and enhances our security.⁷ In sum, the more carefully the concept of humanitarian intervention is understood, the more resistant it will be to abuse and the more politically feasible it will be to employ military intervention wisely when needed.

HUMANITARIAN INTERVENTION DEFINED

What is humanitarian intervention? Initially the American public understood that intervening in Somalia was for humanitarian reasons. After the United Nations changed the mission (started de-arming clans and looking for clan chiefs), and the US suffered its highest one-day casualty count since Vietnam, the US pulled out and ended its mission.⁸ What then constitutes a humanitarian mission as opposed to other types of military missions? Humanitarian intervention is an evolving term that has gained great currency in recent years. There is no definite or concrete definition but Charles Murphy in his book, Humanitarian Intervention- The United Nations in an Evolving Order describes it as follows: "humanitarian intervention is the threat or use of force by a state, group of states, or

international organization primarily for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognized human rights".⁹

Other literature defines it "as the military response to a humanitarian crisis that has been caused or exacerbated by a government or by actors within a state." Decisionmakers and scholars generally acknowledge that a humanitarian crises include acts of genocide (the intentional killing of people because of their race, ethnicity, or other indelible group membership), denial of food to the starving (the primary reason for US entry into Somalia), and other gross, systematic brutalities or acts of terror.¹⁰

There is a difference between humanitarian intervention and providing relief for areas hit by disaster. Although earthquakes, floods, typhoons, and other natural disasters create what can be termed a humanitarian crisis, the American military has long been associated with relief efforts in response to these. In most cases the country that has experienced the catastrophe welcomes them and this type mission is relatively free of controversy and the risks to American service members are normally limited to environmental hazards. Explicit in the definition of

intervention then is the interference by one or more states in the domestic affairs of another state without its consent. In this paper we will focus on intervention to mean military force. However, a broader definition may include political or economic interventions to influence the domestic concerns of a target country.

SOVEREIGNTY AND LEGAL PRINCIPLES VERSUS HUMAN RIGHTS

Is the concept of humanitarian intervention authorized or even considered legal by international law? By definition humanitarian intervention violates the sovereignty of the state where the intervention takes place. The concept of sovereignty has been attributed to the Treaty of Westphalia in 1648 and has since been one of the basic precepts of international law. The principle of sovereignty gave the ruler autonomy over his state and the people of his state as long as his actions did not negatively affect other nations- and violate their sovereignty.¹¹ The Treaty of Westphalia ended the Thirty Years War and legitimized the right of sovereign states to govern their peoples free of outside interference, whether based on political, legal, or religious principles.¹²

Non-interventionists condemn humanitarian intervention because it allegedly violates the non-interventionist

principles of the Charter of the United Nations.

Furthermore they believe it is a doctrine that is open to abuse by larger states. ¹³ Their concern is that states acting unilaterally, would pursue their own interests, dominating other societies and getting into clashes and wars with each other. Non-interventionists would argue that the concept of sovereignty has served the world well in the past. It has been an ordering principle of international relations. It has provided a clear rule for limiting the uses of force by states and for reducing the risks of war between armed forces of different states. It acts as a brake on states' territorial and imperial ambitions. It involves respect for different societies and their religions, economic systems and political arrangements.¹⁴

Because non-intervention remains so important a principle, it is not surprising that advocates of non-intervention proclaim that the idea of "humanitarian intervention" has never been formally accepted in any general legal instrument. Therefore if international law, which provides predictability and consistency and thus stability to the world, does not provide a legal basis for intervention, it must not be legal. (I disagree with this and believe that its origin is first derived from the UN

Charter and later strengthened by future resolutions out of the Geneva Accords.)

The postulate in international law has been that states do not interfere or intervene in each other's internal affairs. Non-interventionists would argue that on the international law front we would go as far back as Hugo Grotius (the father of international law) who wrote of the barbarity of war and, hence, the need for restraint before rushing into armed conflict.¹⁵ Grotius wrote authoritatively of sovereignty in his 1625 work, The Law of War and Peace. Grotius contended that each state's sovereignty was absolute within itself, including complete control of its subjects and complete independence from external restraint. He believed that sovereign states not only made rules, but also were obliged to live with the rules once made-covenants and contracts were legally and morally binding.

However the actual observance of the rule of non-intervention has been very imperfect. States have violated it on many occasions and for many reasons, including the protection of nationals, the prevention of changes to the balance of power and counter-intervention in response to another state which intervened first.¹⁶ Yet the rule has not collapsed. But the question for the non-interventionist must be: can that rule really apply when the situation in a

country is so serious that it is an affront to the moral conscience of mankind?

We could research many legal sources to answer the question of whether or not humanitarian intervention has support in international law. However, the UN Charter discusses both sovereignty and actions allowed and required of its members to protect human rights. The Charter seems to provide arguments for both sides of this debate. The writers of the document may have foreseen the problems and left it so members could judge each situation on its own merits. I believe that the UN Charter allows for humanitarian intervention as long as certain conditions are met. I'll discuss those conditions after an explanation of what is found in the charter.

The notion of sovereignty was written into the United Nations (UN) charter specifically prohibiting UN intervention into domestic affairs. Article 2 Section 1 states, " The Organization is based on the principle of the sovereign equality of all its Members." Section 4 of Article 2 goes on to say, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Section 7 of Article 2 also supports sovereignty by stating, " Nothing contained in the

present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state." However, Section 7 of Article 2 also provides for humanitarian intervention by continuing, " but this principle shall not prejudice the application of enforcement measures under Chapter VII." ¹⁷ Chapter VII provides for, "Action with respect to threats to the peace, breaches of the peace and acts of aggression." Chapter VII is the heart of the collective security machinery of the United Nations, and it is pursuant to this chapter that the UN Security Council may pursue economic or military measures against a state to maintain or restore international peace and security.¹⁸

Even the preamble of the UN Charter emphasizes human rights, dignity, and equal rights vice sovereignty. The preamble states:

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from scourge of war, which twice in our lifetime has brought sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law be maintained, and to promote social progress and better standards of life in general.¹⁹

In Article 55 of the Chapter VII the mandate seems clear, "the United Nations shall promote...universal respect for and observance of human rights and fundamental freedoms for all." And in Article 56 it is clear that all members are bond together in this commitment, "All members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."²⁰

The UN Charter is built around the importance of regional arrangements or agencies for maintaining international peace and security. Although what constitutes a "threat to the peace" is not defined in the Charter, I believe the drafters purposefully left it out for fear of inhibiting the ability of the UN to act. Because the Charter was drafted after a global war (World War II) which was triggered by the transnational aggression of a few militant states, the Charter's core provisions reflect a clear moral and political decision in favor of collective action over unilateral action. This belief led to further changes that increased the legality of humanitarian intervention.

In an effort to establish human rights through legally binding instruments the UN-continued to refine its debate over the next several years. The adoption of the "Universal

Declaration of Human Rights" by the UN General Assembly in 1948 was the first step. This document set out in detail what is meant by fundamental rights and freedoms. The next step was the adoption of Common Article 3 of the 1949 Geneva Conventions. Common Article 3 endorsed the protection of victims of war and contained an important list of prohibitions on state action, which in turn suggests certain core human rights (violence to life and person, in particular murder of all kinds; outrages upon personal dignity, in particular, humiliating and degrading treatment) that may have passed into customary international law.²¹ Other instruments that helped establish the legitimacy of human rights included the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1951 Convention Relating to the Status of Refugees, 1966 International Covenant on Economic, Social, and Cultural Rights, the 1973 International Convention on Suppression and Punishment of the Crime of Apartheid, and the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²²

Although none of these conventions specifically authorized a state to use force against a state that failed to live up to the standards and obligations, in some cases it set up more of a political argument to do so. A good

example would be Article 1 of the 1948 Genocide Convention that provides that all parties will "undertake to prevent and punish" the crime of genocide, and Article 8 which provides that "any Contracting Party may call upon the competent organs of the UN to take such action under the Charter of the UN as they consider appropriate for the prevention and suppression of the act of genocide."²³ The United States attempted to further solidify human rights violations by signing into law The Restatement (Third) of the Foreign Relations Law which asserts that states violate customary international law if, as a matter of state policy, they commit: " (a) genocide, (b) slavery, (c) torture or other cruel, inhuman, or degrading treatment, and (d) a consistent pattern of gross violations of internationally recognized human rights." ²⁴ All of the human rights conventions had the gradual effect of transforming the treatment of by a state of its nationals from a matter largely of national concern to a matter that in situations was of international concern. This general evolution has confirmed the legality of humanitarian intervention for intervening when there were gross human rights deprivations.

THE MORAL CASE AND OBJECTIVE CRITERIA

What about the moral case for sovereignty? It is true that the moral case for sovereignty is strong-- that sovereignty protects the people from alien domination and intrusion. But I believe this argument breaks down once there are victims of unspeakable crimes committed by their own governments. Stanley Hoffman quoted Judith Shklar and put this succinctly saying:

Refusing to intervene because such interventions violate the sovereignty of states is morally indefensible, for the rights are not holy and depend in the final analysis upon the state's ability and will to uphold the rights of its people. The moral case for sovereignty, which is often strong--that sovereignty protects the people from alien domination and intrusion--breaks down in the instances in which humanitarian tragedies and abominations occur.²⁵

As a former UN representative in Somalia, Mohamed Sohnoun, has said, "Governments cannot invoke sovereignty to prevent humanitarian access to the population...If there is a humanitarian catastrophe, the international community is morally bound to intervene."²⁶

As noted earlier, the greatest reluctance that states have with humanitarian intervention both legally and ethically is that a strong nation could act unilaterally causing clashes and war. A stronger state intervening could dominate a weaker one in pursuit of its own national

interests, while claiming to act for purely humanitarian reasons. (In fact during the Gulf War, the United States faced this criticism in that it was really motivated by concerns for oil rather than protecting the territorial integrity of Kuwait.) This is certainly a possibility but could happen even if humanitarian intervention is viewed as legally and morally correct. The best way to ensure that this does not happen is to ensure that international laws on human rights abuse are clarified. The relationship between sovereignty, human rights and intervention must be defined in lucid and intelligible terms to permit legally justified intervention by, or on behalf of, security organizations for the purpose of maintaining international and regional peace and security. The security organization best suited for this is the United Nations. Tom Weiss is probably correct that "UN decision-making is the only available and sensible way to coordinate global response to genocidal misery and massive human rights abuse in war zones around the world."²⁷ Hedley Bull noted in 1984 that an era characterized by increased attention to human rights and focus on the UN was bound to see doctrines of humanitarian intervention revised.

Ultimately, we have a rule of non-intervention because unilateral intervention threatens the harmony and concord of the society of sovereign

states. If, however, an intervention itself expresses the collective will of the society of states, it may be carried out without bringing that harmony and concord into jeopardy.²⁸

The decision about where to participate in selective humanitarian interventions could be based on factors like a country's proximity to the United States and the degree of linkage between its ethnic group and key American voting blocs.²⁹ Others argue that the government is driven solely by CNN and that if the clamor gets high enough, they will send the troops in. But these are insufficient decisionmaking criteria for a country with the values of the United States. A good attempt at qualifying this and providing some objective criteria for decision makers is found in Felix Lopez's article entitled, "The Lawfulness of Humanitarian Intervention." In the article Lopez provides a good test qualifying the lawfulness of humanitarian intervention:

- There can be no lawful intervention unless there exists a gross violation of human rights
- Interventions to remedy gross violations of human rights should be carried out by the United Nations or a group of nations acting under the authority of the United Nations

- Interventions should bear the imprimatur of the international community
- The victims of the alleged abuse welcome or would welcome the intervention
- Except in dire need and distress, an intervener must first employ the gamut of noncoercive strategies to help put an end to the offending policies
- The intervener must demonstrate necessity and further must ensure that the force is used in proportion to the objective
- An intervention cannot be intended solely for the purpose of infringing on the territorial integrity or political independence of the human rights violator
- An intervention should be of limited duration
- The net effects of the intervention must be positive for the community of victims and for the larger community³⁰

Paul Christopher in his book, The Ethics of War and Peace- An Introduction to Legal and Moral Issues, lays out five additional objective criteria that a "neutral" party like the UN Security Council could use to make decisions. Christopher believes that since the Just War Tradition provides a set of objective criteria for decision makers

contemplating the use of force against a sovereign nation, then that would be a great place from which to modify our criteria for humanitarian intervention. He addresses four criteria:

- **There must be a just cause-** states forfeit their right to nonintervention when their leaders intentionally engage in practices that result in widespread, catastrophic human suffering. (Christopher also discusses what is not a just cause such as political or religious causes or defense of democracy)

- **The political objective must be publicly declared by lawful authority in advance-** this requirement opens debate within one's own political community and sends the message to the government responsible for the abuses that it must cease or face intervention

- **Humanitarian intervention must be a last resort-** toughest one to apply. There can always be additional measures taken short of armed force.

- **The costs must be proportional to the expected objectives-** here he emphasizes that it is the cost to innocents associated with achieving the goal and not the costs to those that are guilty of perpetrating the injustices.³¹

The conclusion is clear... the United States and the world not only have legal standing, but a moral duty to intervene when massive violations of human rights or human suffering are involved. Even if there is the possibility of abuse, in most cases it is better to risk improper intervention by a stronger state than to allow gross violations of human rights to go unchecked. General Bernard Trainer stated it as follows:

The international community has a moral and ethical obligation to intervene under certain circumstances. The United Nations represents the legal authority for intervention. So the violation of human rights is one limit on absolute sovereignty.³²

CURRENT US POLICY

The need for humanitarian intervention is not going to go away. On the contrary, increased economic, social and environmental independence underscores the requirements of common security. Refugee flows, human rights abuse, environmental disasters and economic disturbances will continue to have great impact on regional and international peace and security. After the Somalia debacle, there was a need for a strategy to outline how the US would use its military in this new post-Cold War environment. In May of 1994, President Clinton signed Presidential Decision Directive (PDD) 25 for Reforming Multilateral Peace

Operations. PDD 25 provided criteria for looking at peace operations, and more importantly outlined factors to consider when authorizing military forces to participate in peace operations. PDD 25 outlined eight factors to consider when deciding on whether to support peace operations and humanitarian intervention is included. The PDD specifically states that we should consider supporting intervention if;

- there is a threat to or breach of international peace and security, defined as...urgent humanitarian disaster coupled with violence
- Sudden interruption of established democracy or gross lack of human rights coupled with violence, or threat of violence
- The political, economic and humanitarian consequences of inaction by the international community have been weighed and are considered unacceptable³³

The current policy for determining if military forces will be used is decided after considering the following factors:

- Participation advances U.S. interests and both the unique and general risks to American personnel have been weighed and are considered acceptable
- Personnel, funds and other sources are available

- U.S. participation is necessary for the operation's success
- The role of U.S. forces is tied to clear objectives and an endpoint for U.S. participation can be identified
- Domestic and Congressional support exists or can be marshaled
- Command and control arrangements are acceptable³⁴

Another PDD that was developed to continue refining for operations like a humanitarian intervention was PDD 56. This new policy, signed in 1997, recognizes the changing world situation and tries to incorporate additional lessons learned from previous peace or humanitarian intervention operations. It is a policy on managing "complex contingency operations". The Administration understands that the military would be just a small part of the humanitarian intervention and that to ensure success the "interagencies" must be incorporated into the overall plan. This policy incorporates the interagencies and takes lessons learned from recent experiences and mandates that all governmental agencies review their structure, budget, training, and crisis management procedures for future crises. The significant portion of this PDD for the military is that it requires a political-military implementation plan be

developed as an integrated planning tool for coordinating U.S. government actions in a complex contingency operation.³⁵ PDD 56 will ensure that the military gets a situation assessment, a mission statement, objectives, and most importantly a desired endstate. It will also require a rehearsal prior to execution with all major players. The intent is to centralize planning with the interagency process and then to decentralize execution.

RISKS ASSOCIATED WITH THE CURRENT POLICY

The risks to the United States of humanitarian intervention include those inherent to any hostile action. There is the possibility of death of military personnel and loss of national will and international prestige and influence due to an unsuccessful or failed operation.

With the downsizing of the military there is the risk that due to the diversion of already scarce resources the military's readiness would be degraded. Time spent concentrating on humanitarian missions would degrade the military's primary mission of winning our nations wars. Others would argue that we do not have an adversary and we must be flexible enough to do humanitarian missions plus win our wars if we are to justify our annual budget of over \$250 billion dollars. Another risk is the problem of not

really addressing the root cause of the problem. But the military must remember that they are designed to provide a respite from the problem at an affordable cost, not a solution. The military intervention is designed to last until politics evolves—then other elements of power must step in.³⁶

The United States must really watch out for unilateral military intervention when the UN is unable to act. Such action could be seen as a narrow self-serving intervention and could lose its legitimacy in the eyes of the world.

HUMANITARIAN INTERVENTION IN THE NEW MILLENIUM

Our options are to continue engaging in humanitarian interventions when properly authorized by the President and United Nations or to become isolationists and retreat within our borders. Since we now have global boundaries I believe that we will stay engaged. It is because of our commitment to the principle that all men are created equal; we as a nation have a genuine concern for humanity. But making the decision to engage in humanitarian intervention operations must be done by understanding the American people, as well as careful weighing of the possible benefits of such an operation against its costs. More insight, energy, and resources devoted to improving

preventive measures and nonmilitary coercive instruments to deter gross violations of human rights could yield rewarding dividends in the long run.³⁷

Once the decision has been made we must do everything within our power to ensure that there is a quantifiable end state and exit strategy. We should also be cognizant of mission creep, the media effect, the problems of working with interagency groups, and disengaging once we complete the original mission. Current policies are adequate for now, although we must ensure that the President and his senior decisionmakers engage with Congress in meaningful debate and dialog to ensure we very selective about use of military force.

It should only be used when all other organizations are overwhelmed and the situation is the magnitude that nothing else will solve the problem. The military must not forget that it is just one element of National Power. In humanitarian intervention there may be a desire to do something in the face of disaster, and a tendency to forget that in all these cases the disaster has been man-made, and requires changes in politics, institutions and possibly even in the structure of states and their boundaries.³⁸ We should continue to keep "humanitarian assistance" missions in the National Military Strategy. This will give it some

focus (and allow the military to budget for it) and allow units to train for missions that they invariably will get involved in. Fighting our nation's wars is still paramount, but having the training and institutional knowledge will enhance survivability and increase mission success in the future. Pressure on the UN to enforce badly needed reforms (as outlined in PDD 56) should be continued. Requirements for soldiers in humanitarian intervention missions will not decrease. Other deployments and requirements will continue to strain an already downsized force. The military must hold its baseline structure and continue to work on enhancing quality of life. Innovative ways to relieve the pressure on high density units (ones that will always be required for humanitarian missions, ie. Military police, engineers, water purification units) should be tested. The Air Force Expeditionary force is a good example of this, rotational plans to "share the wealth" must be encouraged.

Word Count=5,321

ENDNOTES

¹ Matthew S. Klimow, Moral versus Practical- The Future of US Armed Humanitarian Intervention (Ontario, Canada: Queen's University Kingston, 1996), 6.

² Robert C. Johansen, "Limits and Opportunities in Humanitarian Intervention," in The Ethics and Politics of Humanitarian Intervention, ed. Stanley Hoffman (Notre Dame, Indiana: University of Notre Dame Press, 1996), 67.

³ Patricia Irvin, "Strategy for Humanitarian Interventions." lecture, James E. Smith Midwest Conference on World Affairs, University of Nebraska at Kearney, 9 October 1994. Cited from Defense Issues, Vol. 9 No 83.

⁴ Klimow, 1.

⁵ The White House. A National Security Strategy For A New Century (Washington, D.C.:U.S. Government Printing Office, 1998), 5.

⁶ Bernard E. Trainor, Military Perspectives on Humanitarian Intervention and Military-Media Relations (Berkeley, CA: University Of California, 1995), 4.

⁷ The White House, iv.

⁸ Klimow, 6.

⁹ Sean D. Murphy, Humanitarian Intervention- The United Nations in an Evolving World Order (Philadelphia: University of Pennsylvania Press, 1996), 12.

¹⁰ Klimow, 7.

¹¹ Trainor, 1.

¹² Lewis W. Goodman, "Democracy, Sovereignty, and Intervention," American Journal of International Law and Policy 9 (1993), 27.

¹³ Felix Lopez, "The Lawfulness of Humanitarian Intervention," USAFA Journal of Legal Studies, Vol.2, 1994, 97.

¹⁴ Adam Roberts, "The Road to Hell...A Critique of Humanitarian Intervention," Harvard International Review Vol.XVI, No1 (Fall 1993):10.

¹⁵ Michael H. Hoffman, "War, Peace, and Interventional Armed Conflict: Solving the Peace Enforcer's Paradox," Parameters 15 (Winter 1995-1996):43.

¹⁶ Roberts, 11.

¹⁷ Appendix A contains the Charter of the United Nations, Richard N. Haass, Intervention- The Use of American Military Force in the Post-Cold War World (Washington D.C.:A Carnegie Endowment Book, 1994), 159.

¹⁸ Murphy, 76.

- ¹⁹ Haass, 159.
- ²⁰ Ibid., 160.
- ²¹ Murphy, 133.
- ²² Ibid., 123.
- ²³ Ibid.
- ²⁴ Ibid., 133.
- ²⁵ Stanley Hoffman, "Out of the Cold- Humanitarian Intervention in the 1990s," Harvard International Review Vol. XVI, No 1 (Fall 1993): 8-9, 62.
- ²⁶ Johansen, 68.
- ²⁷ Ibid., 72.
- ²⁸ Adam Roberts, Humanitarian Action in War- Aid, Protection and Impartiality in a Policy Vacuum (New York: Oxford University Press, 1996), 23.
- ²⁹ Michael O'Hanlon, Saving Lives with Force- Military Criteria for Humanitarian Intervention (Washington D.C.: Brookings Institution Press, 1997), 5.
- ³⁰ Lopez, 105.
- ³¹ Paul Christopher, The Ethics of War and Peace- An Introduction to Legal and Moral Issues (Upper saddle River, New Jersey: Prentice-Hall Inc., 1999), 199.
- ³² Trainor, 3.
- ³³ Office of the President, Presidential Decision Directive 25, The Clinton Administration's Policy on Reforming Multilateral Peace Operations, May 1994, "Executive Summary." Cited from Course 2: "War, National Policy and Strategy" Vol V-Part A. US Army War College, Carlisle Barracks, PA., 175-192.
- ³⁴ Ibid, 182.
- ³⁵ Office of the President, Presidential Decision Directive 56, The Clinton Administration's Policy on Managing Complex Contingency Operations. May 1997. Cited from Course 2: "War, National policy and Strategy, Vol II-Part B. U.S. Army War College, Carlisle Barracks, PA. 405-412.
- ³⁶ Haass, 99.
- ³⁷ Johansen, 83.
- ³⁸ Roberts, Humanitarian Action in War, 27.

BIBLIOGRAPHY

- Armed Forces, Title 10. U.S. Code Vol. III, chapter 20 (1995)
- Best, Geoffrey. War and Law Since 1945. New York: Oxford University Press, 1994.
- Boles, Vincent E. Military Involvement in Humanitarian Assistance Operations, Is it a Distractor to or, in our Strategic Interests? Study Report. Carlisle Barracks: US Army War College, 25 Feb 1997.25pp.
- Chairman of the Joint Chiefs of Staff, National Military Strategy of the United States Of America Shape, Respond, Prepare Now: A Military Strategy For a New Era. 1997.
- Christopher, Paul. The Ethics of War and Peace. Upper Saddle River, New Jersey; Prentice-Hall Inc., 1999.
- Goodman, Lewis W. "Democracy, Sovereignty, and Intervention." American Journal of International Law and Policy 9 (1993):27-32.
- Graham, James R., eds. Non-Combat Roles for the U.S. Military in the Post-Cold War. Washington D.C.; National Defense University Press, 1993.
- Haass, Intervention- The Use of American Military Force in the Post-Cold War World. Washington D.C.: A Carnegie Endowment Book, 1994.
- Hartle, Anthony E. Moral Issues in Military Decisionmaking. Lawrence, Kansas; University Press of Kansas, 1989.
- Hoffman, Michael H. "War, Peace, and Interventional Armed Conflict: Solving the Peace Enforcer's Paradox." Parameters 15 (Winter 1995-1996):41-58.
- Hoffman, Stanley. The Ethics and Politics of Humanitarian Intervention. Notre Dame, Indiana; University of Notre Dame Press, 1996.
- _____. "Out of the Cold- Humanitarian Intervention in the 1990s." Harvard International Review Vol XVI, No1 (Fall 1993):8-9,62.

- Irvin, Patricia. "Strategy for Humanitarian Interventions." Lecture. James E. Smith Midwest Conference on World Affairs, University Of Nebraska at Kearney, 9 October 1994. Cited from Defense Issues, Vol. 9 No 83.
- Klimow, Matthew S. Moral versus Practical- The Future of US Armed Humanitarian Intervention. Ontario, Canada: Queen's University Kingston, 1996.
- Lillich, Richard B. Humanitarian Intervention and the United Nations. Charlottesville: University Press of Virginia, 1973.
- Lopez, Felix. " The Lawfulness of Humanitarian Intervention." USAFA Journal of Legal Studies, Vol 2, (1994):97-112.
- Murphy, Sean D. Humanitarian Intervention- The United Nations in an Evolving World Order. Philadelphia: University of Pennsylvania Press, 1996.
- Office of the President, Presidential Decision Directive 25, The Clinton Administration's Policy on Reforming Multilateral Peace Operations. May 1994.
- Office of the President, Presidential Decision Directive 56, The Clinton Administration's Policy on Managing Complex Contingency Operations. May 1997.
- O'Hanlon, Michael, Saving Lives with Force- Military Criteria for Humanitarian Intervention. Washington D.C.; Brookings Institute Press, 1997.
- Roberts, Adam. Humanitarian Action in War- Aid, Protection and Impartiality in a Policy Vacuum. New York: Oxford University Press, 1996.
- _____ "The Road to Hell... A Critique of Humanitarian Intervention," Harvard International Review Vol.XVI, No1. (Fall 1993):10-13.
- Shalikashvili, John M. "The DoD- CARE Humanitarian Connection." Speech given at the CARE 50th Anniversary Symposium, 10 May 1996.

- Summers, Harry G. The New World Strategy: A Military Policy for America's Future. New York City, New York: Rockefeller Center, 1995.
- Sutton, Ernest L. The New Role of Humanitarian Assistance in National Military Strategy: How to Make it Work. Study Report. Carlisle Barracks: US Army War College, 15 April 1992. 27pp.
- Taw, Jennifer M and John E. Peters. Operations Other Than War: Implications for the U.S. Army. Santa Monica, CA: Rand Corporation, 1995.
- Teson, Fernando R. Humanitarian Intervention; An Inquiry into Law and Morality, Irvington-on-Hudson, New York; Transnational Publishers Inc., 1997.
- The White House. A National Security Strategy For A New Century, Washington D.C.: Government Printing Office, October 1998.
- Trainor, Bernard E. Military Perspectives on Humanitarian Interventions and Military-Media Relations. Berkeley, CA: University of California, 1995.
- Tucker, David. "Engaging in Humanitarian Operations: Parameters for the Arguments." Strategic Studies Institute-Two Perspectives on Interventions and Humanitarian Operations. US Army War College, July 1997.
- US Army Combined Arms Command. Center for Lessons Learned. Operations Other Than War. Vol.1: Humanitarian Assistance. CALL Newsletter No. 92-6. Fort Leavenworth: December 1992. 1 vol
- US Department of the Army. Army Vision 2010. Washington: US Department of the Army, 1996.
- US Department of the Army. Peace Operations. Field Manual 100-13. Washington: US Department of the Army, 30 December 1994.
- Walzer, Michael. Just and Unjust Wars, Cambridge, Massachusetts, Basic Books, 1977