

Failed States:
What U.S. Policy on Humanitarian Military
Intervention?

"America goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own. She will recommend the general cause by the countenance of her voice, and the benignant sympathy of her example. She well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy and ambition, which assumed the colors and usurped the standards of freedom."¹

In June of 1999, in the afterglow of what he viewed as a successful air campaign in Kosovo, President Clinton stated that if a state sought to wipe out large numbers of innocent civilians based on their race, ethnic background or religion, and it was within our power to stop it, the U.S. would intervene on their behalf.² At the time, Clinton was speaking to U.S. troops stationed in Macedonia – but the rest of the world was listening.

¹ Secretary of State, John Quincy Adams, speech presented to the citizens of Washington, D.C., July 4th, 1823.

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Abstract The question of whether or not to interene and how to intervene with military force for humanitarian purposes is a complex issue. Problems have been compounded since the end of the Cold War and the increase in the number of failed states throughout the world. Failed states often lead to widespread violence, civil, wars, and mass suffering. The Weinberger-Powell Doctrine, once used as a Litmus test to justify the use of force, has, as of late, been called into question. The purpose of this study is to determine whether or no the recent issues and problems regarding U.s. Intervention were a result of Weinberger-Powell or a more complex problem with the Clinton Administration's Foreign Policy objectives.		
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Was this statement a declaration of a new U.S. foreign policy regarding humanitarian military intervention?

The answer to this question is particularly significant in light of the increase in human suffering that has occurred throughout the world over the past few years. This increase in suffering, oftentimes the result of violent civil wars, is associated with a post-Cold War concept known as "failed states," defined here as "governments that cannot meet a crucial test for the effective assertion of national sovereignty: the ability to pacify their national territories and protect the basic security of the people living within their borders."³ Although the number of groups using violent tactics dropped modestly during the 1990s (from 115 to 95), it is still safe to say that the end of the Cold War has led to an increase in violence, chaos and suffering.⁴

The televised images of the results of violence created by civil wars begs for the type of response promised by President Clinton. Indeed, a great challenge for any administration is how to deal with international crisis as they burst forward over CNN. The answer though, is never as easy as simply sending in the U.S. military. The history of humanitarian military intervention is replete with clashes over issues of sovereignty and non-interference in the internal affairs of other nations. Compounding these concerns is the perception that the Clinton

² *Congressional Quarterly Weekly*, Vol 58, no. 4 (January 22, 2000): 114.

³ John G. Mason, "Failing Nations: What U.S. response?" *Great Decisions*, (1996): 52.

administration's policy on humanitarian military intervention has been a crapshoot at best and a selective process based on U.S. self-interest at worst. For the purposes of this study, humanitarian military intervention is defined as the use or the threat of the use of military force for the purposes of establishing or reinforcing human rights in another state. As such, the use of the U.S. military in support of disaster relief (non-forced), or other events that lead a state to invite U.S. military assistance will not be considered. Of concern instead, is the issue of employing military force in a threatening posture to end some type of suffering under the auspices of humanitarian objectives.

The purpose of this study is to examine the current U.S. policy regarding military intervention into humanitarian crisis. Specifically, in a world defined by the rise of globalization and characterized by an increase in violence and chaos, does the U.S. have a viable policy that justifies and governs unilateral or lead-nation military intervention in the name of human rights? If so, is it properly employed? To answer these questions, it is first necessary to look at the concept of the failed state - its causes and consequences and how it drives the need for a humanitarian intervention policy. The study will then look at the negative aspects of intervention associated with an activist policy. Next, the evolution of modern U.S. intervention doctrine that has led us to our current policy will be examined. Finally,

⁴ Ted Robert Gurr, "Ethnic Warfare on the Wane - A New Way to Manage Nationalist Passions," *Foreign*

the study will address the issue of U.S. intervention policy specifically as it applies to humanitarian intervention - does such a policy exist and is it properly utilized? The study will conclude with the observation that the U.S. is lacking not policy, but a national identity.

THE FAILED STATE

Contrary to what many scholars and policy-makers expected, the end of the Cold War did not ring in the anticipated era of peace, stability and global harmony. Instead, with the collapse of the Soviet Union and the bipolar world order, we have seen a marked increase in wars between "political and ethnic factions that once belonged to common national communities."⁵ The phrase 'common national community', as used here, is synonymous to the term state. The most widely accepted definition of a state comes from the 1933 Montevideo Convention on Rights and Duties of States which affords:

The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other States." ⁶

Additionally, other requirements for statehood have often been pushed, to include that a certain degree of civilization

Affairs, 79, no. 3 (May/June 2000): 54.

⁵ Mason, 52.

necessary to maintain international relations be allowed.⁷

Hence, the breakdown in civilization that accompanies civil war leads to the failed state.

The concept of the failed state is extremely complex. The generally recognized result of a failed state is a "retreat to ethnic nationalism"⁸ and tribal loyalties by people who once co-existed under one sovereign authority. This gravitation of people toward historical ties, as it gains momentum, often results in some form of violence and/or civil war. The unknown variables in the process are the forces that lead a state to collapse. These factors, if identified, could give the signal that a civil war is imminent.

Factors of Failed States

Perhaps the recent failures by the U.S. to recognize the impending collapse of certain states was a result of an inability to understand that state failures do not always stem from the same causal factors. One argument is that stresses associated with overpopulation and negative economic growth are the primary causes of state collapse. In places like Africa, where social divisions already exist, a rapid birthrate can create unmanageable problems that lead to catastrophic failures as the

⁶ Signed 26 Dec. 1933, 165 L.N.T.S. 19.

⁷ Charles C. Hyde, *1 International Law Chiefly as Interpreted and Applied by the United States* (Boston: Little, Brown, 2 vols. 1922): 17.

internal balance of power within a state is upset. The process is compounded and accelerated by the global movement towards open market systems that has bypassed and marginalized many of these countries.

The theory of overpopulation does not however, explain other failures, most notably those that have occurred in Eastern Europe. In the former Yugoslavia, the primary cause of violence is "the result of consciously planned strategies by political and military elites rather than irrational outbursts of ancient or tribal hatreds."⁹ Over the past decade, Slovene and Croatian leaders, along with Serbian president Slobodan Milosevic, have fueled a competing nationalism among their peoples that has ripped apart the former Yugoslavia.

Looked at from another perspective, it appears that governments fail and states collapse for one of two reasons: The government was the wrong institution to lead the state or the government turned into an evil dictatorship which in turn led to a popular uprising. The African model, in which post-colonial governments were built along Western ideals without regard for tribal loyalties or territorial control, is more closely associated with the former. Milosevic's reign of terror over ethnic Albanians is a clear example of the latter.

⁸ I. William Zartman, "Introduction: Posing the Problem of State Collapse," in *Collapsed States, the Disintegration and Restoration of Legitimate Authority*, ed. I William Zartman (Boulder: Lynne Rienner Publishers, 1995), 1.

Implications of State Collapse

Recognizing the signals of state collapse is more complicated than simply identifying those regions where ethnic nationalism is on the rise. Instead, the key is to anticipate a situation where structure and political order are on the decline. State collapse is represented by a breakdown of governance, law and order. The state, previously entrusted as the decision-making, executing, and enforcing institution, can no longer execute the associated tasks. Soon to follow is an internal societal collapse. Society, as the body that dictates the demands on the government, no longer functions in a cohesive manner.¹⁰ These two elements of state collapse almost inevitably signal the coming of chaos and violence. Ethnic nationalism, civil war, and refugee issues will generally be the end result as ambitious and oftentimes ruthless leaders vie for power. The most devastating result is genocidal violence, orchestrated by those in power and fueled through propaganda. Warren Zimmermann, the last U.S. ambassador to Yugoslavia, witnessed such an event, later saying that "many people in the Balkans may be weak or even bigoted, but in Yugoslavia it's their leaders who have been criminal."¹¹

⁹ Mason, 56.

¹⁰ Zartman in *Collapsed States*, 6.

¹¹ Warren Zimmermann, *Origins of a Catastrophe* (New York: Times Books, 1996): 121.

The clearest indicator that the crisis of failing states is on the rise is the increase in the number of deaths resulting from internal conflicts over the past ten years. Of the approximate two-dozen wars that currently rage around the world, virtually none involves aggressive action occurring across recognized national boundaries. Furthermore, of the 82 conflicts noted by the United Nations between 1989 and 1992, only three involved violent actions between sovereign countries. The remainder were civil wars resulting from internal governmental collapse. More chilling is the fact that these internal conflicts seem to be increasing in severity with a higher percentage being labeled as major conflicts resulting in more than 1,000 deaths.¹²

It is at this point during the evolution of a state collapse that public support for intervention will reach its peak as people, through the media, are made aware of homeless refugees and civilian casualties of war. What should be recognized though is that state collapse resulting in civil war is not a short-term phenomenon. In almost all cases, the collapse of a state is a long term, degenerative process that will not necessarily result in civil war.¹³ But it is these consequences of failed states (gross violence, refugees, violations of human rights) that normally compel us to act and then govern our actions. Consequently, the U.S. (and the world community) are left to act when the state has already failed, no clear sovereign authority

¹² Mason, 52.

exists, and internal violence is often out of control.¹⁴ The only viable option left though at the final stages of state collapse, once civil war has erupted, is normally forced military intervention.

THE PRICE OF INTERVENTION

States intervene into the internal politics of other states for a variety of reasons. These reasons include everything from attempting to protect the lives of its citizens abroad, to opportunistic intervention for the purpose of profit, to human rights enforcement. Regardless of the reasoning, forced intervention comes with a price that is paid by the intervening state, the intervened state and the world community. Particular concerns with intervention include issues regarding state sovereignty, the possibilities of prolonging war, and the cost to military readiness on the part of the intervener.

Violation of Sovereignty

The overwhelming concern with intervention is its conflict with the accepted principles of international law: absolute respect for national sovereignty and non-interference in the domestic affairs of other nations. The obvious concern is that

¹³ Zartman in *Collapsed States*, 8.

¹⁴ Susan L. Woodward, "Failed States - Warlordism and "Tribal Warfare, " *The Naval War College Review*, 52, no. 2 (Spring 1999): 63.

intervention for any reason, to include humanitarian, will serve as an alibi for aggressor states in the future and a possible return to a colonial system in the third world. The concern is especially great in cases of unilateral intervention in the absence of UN Security Council Authorization. Condoleezza Rice, prior to assuming duties as National Security Advisor, warned against using the U.S. military too often for humanitarian objectives stating it would "fuel concerns among other Great Powers that the United States has decided to enforce notions of limited sovereignty worldwide in the name of humanitarianism. This overly broad definition of America's national interest is bound to backfire as others arrogate the same authority to themselves."¹⁵

Operation Allied Force, NATO's use of force in Kosovo, is such a case currently being scrutinized by the world community. On 24 March 1999, NATO forces (overwhelmingly U.S. in makeup) began a bombing campaign in Kosovo with the following objectives: stop the Serb offensive in Kosovo, force a withdrawal of Serb troops from Kosovo, allow democratic self-government in Kosovo, force a NATO peacekeeping force into Kosovo, and allow the safe return of Kosovar Albanian refugees. The U.S. intervened in Kosovo for a number of reasons, the most compelling of which was to protect the ethnic minority Albanians. The manner in which the intervention occurred though, opened the door to questions

¹⁵ Condoleezza Rice, "Promoting the National Interest," *Foreign Affairs* (January/February 2000): 52.

regarding the legitimacy of this act in the context of international law.

If the U.S., or any other country, chooses to ignore the principles of international law for humanitarian purposes, when is the use of force authorized? Is it the 100th slain member of an ethnic minority or the 1000th? Humanitarian intervention is predicated by the belief that individuals and not states are the true subjects of international law.¹⁶ Consequently, state sovereignty and jurisdiction over internal affairs are nullified if a state violates the rights of its citizens. However, acting on this belief contradicts both international law and the UN.

Article 2(7) of the UN Charter prohibits forced intervention, even to prevent violations of human rights:

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 or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

The message is simple and straightforward; the UN will not intervene in the domestic affairs of a sovereign state. Further, implied within the article is the message that sovereign states, and not individuals or ethnic groups are the subjects of international law. The enforcement measures referenced in

¹⁶ Robert Tomes, "Operation Allied Force and the Legal Basis for Humanitarian Intervention," *Parameters: U.S. Army War College Quarterly* 30, no. 1 (Spring 2000): 41.

Chapter VII imply that the UN can use force in those cases where the Security Council has identified a situation that threatens international or regional peace and stability. The UN further blocks the use of armed force in Article 2(4) which prohibits "the threat or use of force against the territorial integrity or political independence of any state."

Finally, to clear up ambiguity surrounding the UN Charter's position on intervention, the UN, in 1965, published the Declaration on Intervention. The declaration, which passed with no dissenting votes, asserts that: (1) No state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state; and, (2) No state may use or encourage the use of economic, political, or any other type of measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind.

The UN clearly prohibits the use of force for humanitarian reasons without the explicit authorization of the Security Council. The obvious concern is that a unilateral forced humanitarian intervention could simply be a cover for the geopolitical interest of a stronger nation. Even in cases where no such interest exists, it could set a precedent for powerful states to abuse in the future.

Interventionists who argue that gross abuses of human rights legitimize unilateral intervention are, in essence, arguing that the Security Council does not have the authority to

block the use of force within the territorial boundaries of a sovereign state.¹⁷ The great danger here is the weakening of the international restraints on the use of force. Russia and China perceived the actions of NATO in Kosovo, not as humanitarian, but as an intrusive attempt to remake Europe to NATO standards. Moscow argued that NATO enlargement would be "complemented by NATO's increased willingness to bomb non-NATO members into accepting NATO's economic and political demands."¹⁸

War Begets Peace

The single virtue of war is its ability to resolve political conflicts and bring about peace. Peace follows war when all belligerents permanently culminate or when one side wins decisively. War brings about peace after passing through a culminating point of violence - the key is that fighting continue until this point is reached.¹⁹ Humanitarian military intervention, more often than not, stops the fighting before this point is reached. Recent actions in the Balkans can, again, be used as an example.

Compelled by the war atrocities committed by Serbian forces, the U.S.-led NATO force conducted a high altitude air campaign to bring about a cease- fire. Instead of permanent

¹⁷ Jules Lobel and Michael Ratner, "In Focus: Humanitarian Military Intervention," *Foreign Policy In Focus* 5, no. 1 (January 2000): 2.

¹⁸ Tomes, 40.

¹⁹ Edward N. Luttwak, "Give War a Chance - Premature Peacemaking," *Foreign Affairs* 78, no. 4 (July/August 1999): 37.

peace though, a situation was created where combat was suspended temporarily only to be replaced by a permanent state of hostility. By using force to compel the strong (Serbians) to cease warring against the weak (Albanians), neither side was threatened by defeat or loss and hence neither had incentives to negotiate a lasting settlement. Interventionists argue that their actions were morally obligated because uninterrupted war would have led to further suffering and an unfair outcome from one perspective or another. While it is true that further war would have obviously led to more suffering, prematurely stopping war blocks the road to peace and can create an environment of permanent hostility.

Since the end to NATO's air campaign in Kosovo, the Kosovar Albanians have returned to their homes, but peace and democracy are further away than ever. Instead, those we sought to defend are themselves now committing crimes against their former enemies. It is now estimated that three-quarters of the pre-war Serbian population of Kosovo has been driven from their homes and put into a refugee status.²⁰ The U.S. and NATO have proven reluctant to, if not incapable of, stopping the killing and enforcing peace.

Bosnia also serves to highlight this phenomenon. Immediately after the fall of communist Yugoslavia, large numbers of Serbs, Croats, and Muslims began to move into ethnically pure areas. Spurred by ambitious leaders, they started warring

against one another - raping, maiming and killing their former countrymen and sometimes friends.

Since the mid-1990s, the people of Bosnia have existed in an atmosphere of uneasy peace. Peace defined by the presence of NATO troops and their symbolic threat of Western military might. The parallels and similarities between Cold War Yugoslavia and post-Cold War Bosnia are remarkable. In both cases, the multi-ethnic makeup of the region required that Bosnia be ruled or controlled by a foreign entity.²¹ In all cases throughout the history of the region, whenever the foreign power has withdrawn or crumbled, the ethnic factions have warred against one another. When NATO forces are completely removed from the region, a resumption of the conflict can be expected.

Military Readiness and Costs

No policy decision in the U.S. is more hotly debated than that which determines the proper time and location for the use of military force. Failure to properly answer the questions of whether or not to use force and how to use force for humanitarian purposes has grave consequences for the U.S. military.

In 1993, President Clinton ordered an inter-agency review of the country's peacekeeping policies and programs. This policy review resulted in Presidential Decision Directive (PDD) - 25. Published in May of 1994 as the Clinton Administration's policy

²⁰ Adam Wolfson, "How to Think About Humanitarian War," *Commentary*, (July/August 2000): 44.

on Reforming Multilateral Peace Operations, PDD-25 said among other things:

"In improving our capabilities for peace operations, we will not discard or weaken other tools for achieving U.S. objectives. If U.S. participation in a peace operation were to interfere with our basic military strategy, winning two major regional conflicts nearly simultaneously (as established in the Bottom Up Review), we would place our national interest uppermost."²²

Although PDD-25 makes no attempt to define the national interest, it does recognize the potential negative consequences that humanitarian intervention can have on force readiness. A professional military is designed for one primary purpose - to do battle against an enemy force. Military intervention into humanitarian crisis however, normally involves protecting civilians, negotiating cease-fires, and supporting relief efforts. Over time, these missions reduce the forces ability to successfully carry out its primary mission - combat. While some support units, such as Military Police and Civil Affairs, can hone skills during humanitarian operations, those units designed for the task of engaging and destroying an enemy force find their skills dulled during such missions.²³ In a recent Washington Post article, Lewis MacKenzie, former commander of U.N. troops during

²¹ Fareed Zakaria, "Fighting a Losing Battle," *Newsweek* 130, no. 20 (Nov 17, 1997): 50.

²² Presidential Decision Directive 25, "The Clinton Administration's Policy on Reforming Multilateral Peace Operations," (1994): 3.

²³ John G. Heidenrich, "Reform Humanitarian Intervention Now," draft written for and submitted to *Commentary Magazine*, 3.

the 1992 siege of Sarajevo, stated that "the United States should not risk further erosion of its war-fighting capabilities; it should not allow its military forces to be drawn into small wars and peacekeeping missions that, history has shown, can last years or even decades..."²⁴

Humanitarian intervention missions are normally governed by a strict set of mandates or rules of engagement that are designed primarily for self-protection of the force but also to ensure the safety of the local population. If force must be used, it must be the minimal amount required.²⁵ Even if the military enters the conflict with a robust force and all of the weapons in the arsenal, its members quickly realize that the zero casualty mentality associated with humanitarian intervention reduces their mission to one that is more political than military. Political goals that ask the military to accomplish things foreign to their nature usually result in bad policy. Clausewitz, in Book Eight of *On War* stated "a certain grasp of military affairs is vital for those in charge of general policy."²⁶ Such a break between political objectives and military goals was demonstrated by the U.S.' zealously employing power without the threat of casualties in the air campaign over Kosovo where a 15,000 foot minimum altitude was required for all aircraft engaged in bombing missions. In the words of MacKenzie, this type of conflict will "harm the Warrior Ethic-not so much in the minds of the soldiers,

²⁴ Lewis MacKenzie, "A Crucial Job, But Not One for a Super-Power," Washington Post, 14 Jan 2001.

²⁵ Woodward, 51.

but in the minds of the public."²⁷ The public will view their military not as a force designed to achieve objectives through the application of violence but as some sort of police organization.

Bosnia and Kosovo have demonstrated that in the absence of the U.S. application of combat power, the normal result is a stalemate between the two belligerents in which a ceasefire lasts as long as the U.S. military remains on the scene.²⁸ This often means staying much longer than originally intended with the associated dangers of misunderstandings, charges of partiality, appearances of colonialism and a force whose readiness for real combat is greatly diminished.

Combat readiness of U.S. forces is further reduced through retention and recruitment struggles associated with increased commitments to humanitarian intervention missions. Since the 1992 presidential election, U.S. troop strength has been cut by over 700,000 with the Air Force and Army absorbing the majority of the losses. During the same period, operational commitments that involved deployments such as Bosnia and Kosovo have increased by 300 percent.²⁹

The end result has been a tremendous reduction in morale among the members of the military expressed through declining retention. A vicious cycle has evolved in which more vacancies

²⁶ Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton, N.J.: Princeton Univ. Press, 1989): 608.

²⁷ MacKenzie.

²⁸ Woodward, 52.

mean existing personnel are stressed to do more with less, causing further declines in retention.³⁰ At a time such as this, with U.S. forces being reduced, retention at an all time low and recruiting goals becoming more difficult to obtain, scrutiny over when and how to employ the military must be greater than ever.

THE EVOLUTION OF U.S. INTERVENTION POLICY

As stated previously, this study focuses on the concept of forcible interference for humanitarian causes, normally occurring at the final stages of state collapse. Forcible intervention is characterized by its open and direct use of military force.³¹ The practice of forced military intervention is not new on the world scene, nor is it a novel idea for the U.S. to employ military strength in the name of humanitarian objectives. The question is, what is the appropriate governing policy to determine when, and how forced military intervention should occur?

During the Clinton administration, the U.S. military was employed a number of times for humanitarian reasons. Reasons cited for the use of force included starvation (Somalia), democracy (Haiti), and genocide (Kosovo). Where once the

²⁹ Jason Morrow, "Greater Intervention and Military Cutbacks are a Deadly Combination," *National Policy Analysis* 249, vol 1 (June 1999): 1.

³⁰ Morrow, 3.

³¹ Ibrahim A. Gambari, "The Role of Foreign Intervention in African Reconstruction," in *Collapsed States*, 223.

employment of U.S. forces was dictated by a foreign policy focused on stopping the spread of communism, there now appears to be a void of guidelines and boundaries governing the use of force during humanitarian intervention missions.

Intervention During the Cold War

For almost fifty years, the containment of Soviet expansion defined the U.S. national interest and guided the development of foreign policy. Within this foreign policy were the parameters within which the U.S. would employ its military. The collapse of the Soviet Union has left policy makers scratching their heads as to the limits of America's concerns abroad.³² This inability on the part of policy makers to define the national interest has left us with no real litmus test regarding the application of military force as an extension of foreign policy.

The argument can be made that the Cold War era, and its driving impact on bi-partisan consensus for foreign policy development, was the exception and not the rule. Indeed, ethnic differences and confusion abounded in the debates over America's entry into World Wars I and II. Recent studies of America's definition of the national interest during the 1890s and 1930s seem to conclude that there is no clearly defined national interest whose defense should determine the U.S.'s relationship

with other nations. In a democracy, the national interest is the shared set of priorities regarding relations with the rest of the world.³³

If one accepts the argument that U.S. national interest is a combination of moral and interest-based values, then the question of when to apply forced military intervention becomes even more confusing. The U.S. public has always been willing to accept some degree of humanitarian measures expressed in their foreign policy. Prior to the end of the Cold War though, it was commonly understood that humanitarian policy was only a small part of the national foreign policy.

For the past fifty years, U.S. policy-makers and the American public have been willing to accept some degree of human rights violations in countries that were critical to the balance of power with the Soviet Union. A residual benefit was a common national understanding of how and when the U.S. would employ its military forces - to stop the spread of communism and to support human rights in regions that were not critical to the balance of power.

Accepting the notion that the U.S. has been unwilling to define its national interest since the end of the Cold War further complicates the issue of humanitarian military intervention. Is it a question of a lack of policy or a misapplication of policy? Whichever one chooses to believe, the

³² Joseph S. Nye, "Redefining the National Interest – Confusion After Kosovo," *Foreign Affairs* 78, no. 4, (July/August 1999): 223

³³ Nye, 225.

U.S. must formalize its stance on intervention through a concrete policy based on reasonable and obtainable goals. Such a policy must answer two basic questions: Should the U.S. should employ military force and how should it employ military force in the service of humanitarian assistance.

The Weinberger Model

The search for such a governing set of principles is not a new concept. Indeed, such guidelines currently exist in many forms - a combined product of the work of the Department of Defense, Service Secretaries, and the former Chairman of the Joint Chiefs among others. The first to articulate his ideas on the subject of military intervention and the author of perhaps the most popular views was then Secretary of Defense Caspar Weinberger in 1984. During a speech to the National Press Club, Secretary Weinberger proposed the application of six major tests when weighing the use of combat forces abroad.

Weinberger's tests were designed to determine whether military force should be used as well as how military force should be employed: The U.S. should commit military force overseas only when the cause is vital to our national interest or to that of our allies; if it is necessary to employ forces overseas, it should be done wholeheartedly with the intention of winning; if it is decided to employ forces overseas, it should be associated with a clearly defined political and military

objective; once forces are deployed, the size, composition and disposition must be constantly reassessed and measured against the objective; prior to committing forces, there should be a reasonable assurance of support from the American public and congress; finally, the commitment of U.S. forces to combat should be a last resort.

Weinberger's intent, and his effect, was to establish a solid barrier around the use of military force. In his own words, his test connoted a negative tone and a strong element of caution - when employing military force, "caution is not only prudent, it is morally required."³⁴ Although Weinberger's test was developed prior to the end of the Cold War, it is still used as the foundation for military intervention policy and, as such, is often the basis for debate.

The Gulf War and Colin Powell

Eight years later, following the end of the Cold War and in the aftermath of the Persian Gulf War, questions surrounding military intervention took a new turn. At the time, the question of humanitarian military intervention into Somalia and Bosnia were being publicly debated. General Colin Powell, then Chairman of the Joint Chiefs of Staff, put his own spin on the Weinberger doctrine.

³⁴ Secretary of Defense, Caspar W. Weinberger, speech presented to the National Press Club, Washington, D.C., November 28, 1984.

Similar to Weinberger's six tests, Powell identified six questions that must be addressed prior to committing forces: Is the political objective important and clearly understood? Have all possible non-violent policy means failed? Will military force achieve the objective? What will the costs be? Have the gains and risks been analyzed? How will the situation be further developed once altered by force?³⁵

Like Weinberger, Powell favored a cautious and systematic approach to the application of military force. Powell also went on record as an advocate of the use of overwhelming force to accomplish a mission and as an opponent of policy that calls for a limited intervention instead of a definitive outcome.³⁶ Perhaps most important though was Powell's understanding that humanitarian intervention would be a possible mission for the U.S. military for the foreseeable future.³⁷

Les Aspin and the Clinton Administration

During the fall of 1992, prior to becoming Secretary of Defense, Les Aspin articulated his disagreement with the Weinberger-Powell approach and set the stage for the Clinton administration's break with the previous administration's legacy on foreign policy. Aspin felt that the post-Cold War leadership of the U.S. military basically shared the ideas of Powell and

³⁵ Colin L. Powell, "U.S. Forces: Challenges Ahead," *Foreign Affairs*, 71, no. 5 (Winter 1992/1993): 62.

³⁶ Richard N. Haass, *Intervention – The use of American Military Force in the Post-Cold War* (Washington, D.C.: The Carnegie Endowment, 1994), 14.

Weinberger on the appropriate use of force. According to Aspin, their views could be distilled into four propositions on the use of force: Force should only be used as a last resort; military force should only be used in pursuit of clear cut military objectives, not in support of vague political objectives; there must be an endstate to define the proper time for the withdrawal of forces; and military force should only be used overwhelmingly.

Aspin went on to characterize this as an all-or-nothing approach that would serve only to limit the use of the military in pursuit of national interests. In order to strengthen his position, he defined himself as a member of the "limited objectives" school and likened himself to Margaret Thatcher, characterizing General Powell as their polar opposite.

Aspin argued that the end of the Cold War and improvements in weapons technology, particularly the development of smart weapons, rendered the Weinberger-Powell approach obsolete. With the Soviet Union no longer a threat, Aspin asserted that there would be no threat of escalation if military force were used for limited objectives. If escalation became a concern, the U.S. could walk away with little or no consequences. Improvements in technology, Aspin argued, made it possible for the U.S. to use limited compellant force - striking a target in one location in order to influence events in another. Together, these two elements made the limited use of force a viable option for achieving political goals.

³⁷ Powell, 71.

Secretary Aspin did not have the final say for the Clinton administration regarding the proper use of military force. Interestingly enough, Secretary of State Warren Christopher, testifying before the Senate Committee on foreign relations, outlined four prerequisites for the use of military force that sounded more like Powell's views than Aspin's: clear objectives; probable success; popular and congressional support; and a clear exit strategy.³⁸

Finally, President Clinton himself, during his annual address to the U.S. General Assembly in 1993, listed several questions that would have to be addressed prior to the U.S. supporting U.N. peacekeeping/humanitarian operations. Originally, five questions required answers: Was there a real threat to international peace and stability? Does the proposed mission have clear objectives: Is a cease-fire in place and do the belligerents agree to U.N. presence? Are the necessary financial resources available? Can an endpoint for U.N. participation be identified?

Eight months later, in a policy statement regarding peace operations, the Clinton administration increased the number of criteria that had to be met to 17 if the U.S. were going to support U.N. efforts where combat was likely. Clearly, the Clinton administration, at least early on, was trying to make it more difficult for the U.N. to employ military forces around the world.

Later, the Clinton administration deployed troops to Bosnia and executed the air campaign over Kosovo. On a much lesser scale, U.S. forces supported peace restoration operations in East Timor. The only similarity between these operations was that they seemed to follow no clear pattern or governing policy regarding vital national interest versus humanitarian concerns.

TIME FOR A NEW POLICY OR TIME TO USE AN OLD ONE?

Recently, interventionists and other scholars have assailed the Weinberger-Powell Doctrine as being inadequate to guide current-day policy makers in the use of force. In an October, 2000 article in *Proceedings*, Jeffrey Record, Professor of International Relations at the Air War College argues that the Weinberger-Powell Doctrine is "simplistic and flawed" and that there was no distinction between value-based and interest-based military intervention.

Like many others, Record asserts that there is no consensus on what constitutes vital interest outside the defense of U.S. territory and U.S. citizens. This statement, while obvious, does not invalidate the Weinberger-Powell Doctrine. For one thing, the issue of vital national interest can always be looked at from the opposite perspective. In other words, what is *not* a vital national interest? With the threat of communism a thing of the past, the average U.S. citizen and the above average U.S. policy

³⁸ Haass, 17.

maker may not be able to identify our vital national interest; on the other hand, both are quite capable of understanding that regions of the world like Somalia and Haiti are not vital to U.S. national interest.

Record goes on to argue that a "distinguishing feature of great powers is that they are prepared to threaten and even go to war on behalf of non-vital interests for such purposes as demonstrating credibility and maintaining order."³⁹ This is the argument most often used by politicians and policy makers when they cannot define a particular use of force or intervention in its own terms and purposes: 'We must stand firm here or we will lose all credibility and be unable to deter aggressive nations anywhere.' Again, Record has the argument backwards. The true loss of credibility comes when the U.S. intervenes in complicated conflicts without precise and clear goals. As Fareed Zakaria correctly pointed out, "credibility is the last refuge of bad foreign policy."⁴⁰

Record's most critical error in his attack on the Weinberger-Powell Doctrine is one normally reserved for historians - attempting to invalidate the Doctrine by applying it to events that occurred in the past. Weinberger-Powell was formulated as the world was shifting away from a bi-polar balance of power with an eye towards the future. Applying its tenets to such events as the American Revolution or even World War II in an

³⁹ Jeffrey Record, "Weinberger-Powell Doctrine Doesn't Cut It," *Proceedings*, (October 2000): 35.

⁴⁰ Zakaria, 50.

effort to prove its inapplicability to future conflicts and crisis doesn't work.

Those who argue that the U.S. needs a new policy and doctrine for the use of force for humanitarian purposes should first identify the doctrine that the U.S. has been employing. The only discernable characteristic of the "Clinton Doctrine" was that it was more expansive and impossible to articulate compared to previous doctrines. The U.S. cannot be the moral leader of the world without a formalized policy on humanitarian military intervention. The Weinberger-Powell Doctrine, employed properly, gives us such a policy.

Opponents to Weinberger-Powell have at best misinterpreted the policy and at worst, misrepresented it to policy makers and the public alike. Record views the debate on humanitarian intervention as one clearly defined by those who support the use of the military in the promotion of values opposed by those who believe that the military should only be used in the defense of vital national interest.⁴¹ Weinberger-Powell though, does not fit neatly into either one of these camps. The inherent flexibility of the doctrine is that it makes no attempt to define "vital national interest" - instead leaving that as a privilege and obligation of the policy makers. Furthermore, in no way does it exclude the possibility of including moral or value-based interest into the "vital national interest."

⁴¹ Jeffrey Record, "A Note on Interest, Values, and the Use of Force," *Parameters* 31, no. 1 (Spring 2001): 15.

If one accepts the argument that Weinberger-Powell is adequate to justify and govern the use of force for humanitarian purposes, the question becomes "where has the U.S. gone wrong over the past decade"? The answer lies in the failure of U.S. policy makers to define the national interest and their subsequent failure to properly employ the U.S. military.

DEFINE THE NATIONAL INTEREST (WHAT IS THE NATIONAL IDENTITY?)

The greatest failure of the Clinton administration was their inability (or unwillingness) to articulate the U.S. national identity - those set of principles that govern relationships with other states and guide actions around the world. The national identity, designed to cover all possible situations, sets the framework within which policy (in this case Weinberger-Powell) is applied.

The national identity represents the ideal while policy represents the reality of rules and restraints that a country adopts. Critical to the understanding of a national identity is that it must be declared by a political leader - in the case of the U.S., the President. An abstract concept, it represents his views of his country and how it should interact of the world stage. Further, the task of defining the national identity "must be seen as not just a privilege, but also a duty of political

leadership."⁴² The national identity is created by national leaders who educate the population and then form their opinions. It then receives its authority through the level of acceptance from the populace and the political establishment. The Clinton administration, unwilling to speak out to the American people on matters of foreign policy, never established a national identity.

What then, is a suitable U.S. national identity? The principle focus of the U.S. should always be on threats to the national order - aggression, imbalance of power, terrorism, weapons of mass destruction, etc. The U.S. should also keep an eye on the need to serve human rights throughout the world. While efforts to promote and/or force democracy have had little enduring success, the act of protecting people who cannot protect themselves should be a part of our national identity.

Whether or Not to Intervene

The failure of the Clinton administration to define the U.S. national identity had grave consequences for the application of military power. A result of this failure was the administration's inability to determine *whether* intervention was warranted which in turn led to a string of interventions throughout the decade that now appear neither just nor practical. Although the task of defining the national interest is much more challenging since the end of the cold war, it is far from

⁴² George F. Kennan, "On American Principles," *Foreign Affairs*, 74, no.2 (March/April 1995): 121.

impossible. In the words of former Secretary of State Alexander Haig:

"...the American people will not support a policy that tends to intervene everywhere. Nor will they support its opposite, a policy that abstains altogether. A balance must be found that comports with both our ideals and our sense of reality."⁴³

The idea that military intervention could simultaneously serve both humanitarian objectives and real U.S. interest is not a novel one but one that seems to have been misplaced by the Clinton administration and other members of the Left. In 1996, a group known as the Commission on America's National Interest rated the national interest of the United States into a hierarchy of priorities. The members of this group, which included Condoleezza Rice, John McCain, and Brent Scowcroft among others, rated U.S. interest abroad without regard for a moral or real politik basis. The highest category, vital national interest, defined those conditions strictly necessary to safeguard and enhance the well-being of Americans in a free and secure nation. Below vital national interest were extremely important national interests. Included in this category was preventing genocide - regardless of where it occurred.⁴⁴

Certainly no one would argue that preventing genocide, the ultimate crime against humanity, is not in the U.S. interest.

⁴³ Hon. Alexander M. Haig, Jr., "The Question of Humanitarian Intervention," speech presented to The Foreign Policy Research Institute, Philadelphia, 12-13 February 2001.

Again, this is not a new concept. Theodore Roosevelt stated there were crimes committed in the world on such a scale, and of such horror, that U.S. intervention was not only warranted but obligated. What distinguished these crimes from others Roosevelt believed was the repression or slaughter of entire classes of people.⁴⁵ And yet in December of 1999, the Washington Post argued that Senator John McCain's foreign policy was too forthright in celebrating American power and "complained that the Senator 'Spoke in one breath of the interests of the United States and the rights of man.'"⁴⁶

For those crimes against humanity that fall short of the international definition of genocide, another test must be applied to determine the legitimacy of military intervention. If the Clinton administration proved anything, it was that democracy, forced by the bayonet as it was in Haiti and Somalia, doesn't work. Where does national interest fit into such scenarios?

One such test is to prioritize the threats to the United States. Joseph Nye, director of Harvard's Kennedy School of Government, views such threats in classes as either A, B, or C. The A list contains those threats that directly affected the survival of the United States such as the former Soviet Union. B list threats directly affected U.S. interest but not U.S. survival such as Iraq. Finally, C list threats are those

⁴⁴ America's National Interest (The Commission on America's National Interest, July 1996).

⁴⁵ Wolfson, 46.

⁴⁶ Wolfson, 47.

contingencies that are of interest to the U.S. but not a direct threat (Somalia, Haiti, Rwanda, Kosovo).⁴⁷

By prioritizing our interest in such a manner and articulating it to the public, it becomes easier to focus on those risks that directly threaten the U.S. (for instance a hegemonic China) and thus avoid squandering finite military resources on lower priorities. Those threats on the C list would not warrant military intervention unless humanitarian concerns are reinforced by a real interest (for example the conduct of genocide in Rwanda and Kosovo).

How to Intervene

In 1992, during a meeting regarding the disintegration of Yugoslavia, Madeleine Albright, then the U.S. ambassador to the U.N., confronted Colin Powell, then chairman of the Joint Chiefs, demanding, "What's the point of having this superb military that you're always talking about if we can't use it?"⁴⁸ Implied in the question was the assertion that the U.S. was spending too much money on a military that it was reluctant to use. In actuality, it is the fact that the U.S. spends so much on military readiness that demands such stringent safeguards on how the military is employed.

Peacekeeping normally involves the use of lightly armed forces in a peaceful environment as a buffer between two or more

⁴⁷ Nye.

belligerents. In the words of Richard Haass, peacekeeping has become somewhat of a growth industry. Between 1978 and 1988, the U.N. undertook no peacekeeping operations. Since 1988, the U.N. has supervised 20, 13 of which involved U.S. participation.⁴⁹ It is this type of military intervention that the U.S. must actively avoid.

Despite those who would argue otherwise, peacekeeping does not sharpen combat skills or keep forces strong. The opposite is true. U.S. soldiers, sailors, airmen and Marines are recruited and trained to fight, kill, and overcome. They are not social workers, police officers, or observers; thus, they should not be charged to supervise elections or build nations.⁵⁰

The mission of peacekeeping can be accomplished by the forces of many countries. There is little reason for the U.S. to squander its unique military capabilities that are designed for high-intensity conflict unless it occurs in a region that has vital national interest associated with it. As General MacKenzie correctly stated, "...middle powers should handle the peacekeeping duties while the U.S. maintains a deterrence force capable of fighting and winning a major war anywhere, any time."⁵¹

When the U.S. does decide to intervene militarily, it should do so swiftly, violently, and with overwhelming force. In other words, it should be done with means sufficient to accomplish stated objectives and without the constraints of a

⁴⁸ John Barry and Evan Thomas, "Colin Powell: Behind the Myth," *Newsweek*, (March 5, 2000): 36.

⁴⁹ Haass, 57-58.

⁵⁰ Haig.

zero casualty mentality. Such a policy applied in Kosovo would have called for the immediate and overwhelming use of ground forces to bring the Serbs to capitulation. Further, it would thoroughly test and validate U.S. resolve by demonstrating that humanitarian objectives necessitate some degree of killing. Remember that it was not until the threat of the use of ground forces that Kosovo became a success.

CONCLUSION

President Clinton might have had it right regarding humanitarian military intervention with his statement to U.S. troops deployed to Macedonia in 1999. Genocide is clearly one litmus test to determine whether or not force should be used. Unfortunately, he, along with the rest of his administration, quickly backed away from that statement. More than any President in our history, Clinton sent U.S. forces into harm's way in pursuit of what he defined as humanitarian objectives. The legacy of this administration is a series of failed foreign policy objectives, a military that is weary with degraded combat readiness, and a weakened view of sovereignty throughout the world. Most dangerous though is the fact that the Clinton

⁵¹ MacKenzie.

administration fertilized a generation of abstainers. Formally known as isolationists, this group would have the U.S. stay out of every humanitarian crisis on the grounds of national interest. The failures of Clinton's interventionist policies gave them tremendous strength and voice.⁵²

The Bush administration would be wise to recognize that the U.S. public will not support a humanitarian intervention policy that uses the military as a tool to force American values throughout the world; at the same time, they will not support a policy based solely on real-politik objectives that ignores atrocities like genocide. A balance is needed and a balance can be found. More importantly though, the new administration must realize that U.S. policy on humanitarian intervention, while in dire need of reform, must never be ignored. What the U.S. must have is leadership at the Presidential level dedicated to forging and promoting a national identity.

⁵² Haig