

**STRATEGY
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**A NEW DOCTRINE FOR AMERICAN MILITARY
INTERVENTION IN THE POST-COLD WAR ERA**

BY

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A New Doctrine for American Military Intervention in the Post-Cold War Era

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ABSTRACT

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This study examines changing policy trends as America's role as the single world Super-Power evolves. It suggests new criteria for leaders to consider as they evaluate using the military instrument of power in the post-Cold War era. The *Weinberger Doctrine* helped America's political and military leaders decide when and how to employ military force since 1984, but its Cold War principles are not directly transferable to America's post-Cold War challenges. New centers of decision making; weaker nation-states; and mostly democratic, market-oriented societies in the wake of the perceived Soviet-Communist failure distinguish the post-Cold War landscape. America's modern military must be able to deter violence, fight traditional wars, cope with proliferation of weapons of mass destruction, and deal with lesser but demanding humanitarian contingencies. This paper presents six new criteria for military intervention modeled after Weinberger's classic design. They are derived from a combination of: a) national values, interests, and policy from the National Security Strategy; b) international law; and c) a review of models for military intervention from three different perspectives: legal, humanitarian, and political-military.

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A NEW DOCTRINE FOR AMERICAN MILITARY INTERVENTION IN THE POST-COLD WAR ERA

Since 1984, the *Weinberger Doctrine* has helped America's political and military leaders decide when and how to employ military force.¹ Its six criteria are elegantly simple. They remind civilian leaders of the principles for American military involvement, while simultaneously reassuring soldiers, sailors, airmen, and Marines that they are committed with full national and public support. Other defense officials subsequently elaborated, clarified, or updated selected Weinberger criteria. During the Gulf War, Former Chairman of the Joint Chiefs Colin Powell emphasized overwhelming force and clearly defined objectives. Later former Defense Secretary William Perry outlined a system for ranking national interests from A to C to help discriminate and identify the most *vital* among competing national interests.² All three algorithms help focus the conceptual debate when the U.S. contemplates force as an instrument of national power. But Secretary Weinberger promulgated his axiom as a Cold War doctrine principally to avoid Vietnam-like entanglements and to ensure broad public support when the nation commits its military. The Cold War is now over and U.S. foreign policy is evolving without a galvanizing vision for the future. Nevertheless, America increasingly exercises its super-power strengths, including military, to advance values and interests in the post Cold-War era.

The air campaign against Serbs in Kosovo may be a harbinger of things to come – waging war for human rights rather than defending traditional national interests. It also marks a dramatic departure from previous U.S. policy for committing combat power. For the first time, coalition forces intervened in another nation's sovereign internal affairs. Even Vaclav Havel of the Czech Republic said: "This is probably the first war that has not been waged in the name of national interests but rather in the name of principles and values. Kosovo has no oil fields to be coveted [NATO] is fighting out of the concern for the fate of others." Britain's Prime Minister Tony Blair said: "This is a just war, based not on any territorial ambitions but on values."³ The issue is not interstate aggression, but intrastate savagery and repression – the insidious policies of murder, rape, pillage and human degradation of Yugoslav President Slobodan Milosevic's regime.⁴ The Weinberger Doctrine that traditionally guided political decisions for committing U.S. force is beginning to exhibit *policy creep* as leaders attempt to adapt Cold War policy in Post Cold War circumstances.

For the military, the challenge is to provide sound advice to civilian leaders regarding *under what conditions* and *how* to employ military force. America's military is already engaged in non-traditional roles throughout the world. Defense and National Security officials need new *Weinberger-like* parameters to advise civilian leaders on *how* to employ force as an instrument of national power in the post-Cold War era. The action in Kosovo was not sanctioned by international law, and more importantly highlights a policy void that causes the U.S. to *react* to media, among others, rather than *lead* from a thoughtfully conceived and clearly defined policy foundation.

POST COLD-WAR CHALLENGES

From a national security standpoint, most threats facing the United States have diminished in order of magnitude. The U.S. will not likely face any non-nuclear military challenges comparable to the former Soviet Union during the next two decades. Nevertheless it increasingly responds to a host of emerging threats including: terrorism, weapons of mass destruction, missile proliferation, growing economic disparity between North and South, increasingly scarce resources, and intra-state conflicts resulting in mass refugee migrations and humanitarian relief needs.⁵ Few contemporary circumstances threaten traditional national interests or appear to require military response. Furthermore, what politicians might interpret as vital national interests may be biased by ideology, convictions of the elite "common wisdom," policy inertia, media coverage, and the general state of the world. This occurrence is particularly common in nations experiencing internal dislocations as they shift from authoritarian rule and central command economies to democracy and free markets. Involvement in Vietnam and Central American exemplify unwise political tendencies to pronounce current but transitory issues "vital" to the nation.⁶ Civilian leadership must interpret and reconcile two important issues: International Law and U.S. policy for military intervention. As civilian leaders increasingly use the military instrument in post-Cold War circumstances, it is incumbent on military leaders to both safeguard the force and ensure successful engagement. The absence of a unifying foreign policy vision leads to confusion and extemporaneous crisis response. The value of Weinberger's Doctrine was the enduring and immutable character of his axioms even as current events changed within the Cold War containment strategy. This study examines changing policy trends as America's role in the world evolves and suggests new criteria for consideration when leaders contemplate military intervention in this post Cold War era. It presents six new criteria for military intervention modeled after Weinberger's classic design. They are derived from a combination of: a) national values, interests, and policy from the National Security Strategy; b) international law; and c) a review of three models for military intervention from three different perspectives: legal, humanitarian, and political-military.

THE WEINBERGER DOCTRINE

Following the Vietnam War, an interesting tension developed between the Secretaries of State and Defense. Both wrestled with the moral justification necessary to deploy military force. Traditionally, the Secretary of State was more reserved, while the Secretary of Defense was more willing to use force. Ironically, sometime during the 1980s the trend reversed and Secretary of State Schultz seemed more willing to use force than did Defense Secretary Weinberger. On November 28, 1984, then Secretary of Defense Caspar W. Weinberger delivered an historic speech designed to structure U.S. strategic thinking about using America's military as an instrument of foreign policy. In his elegantly simple criteria, Weinberger at once codified a logical algorithm for political leaders by which to decide whether or not to use military force; while at the same time reassuring the uniformed military they would not be frivolously and half-heartedly committed. He proposed six criteria largely aimed to help U.S. military forces avoid another Vietnam-like debacle:

- 1) The United States should not commit forces to combat overseas unless the particular engagement of occasion is deemed vital to our national interest or that of our allies.
- 2) If we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all.
- 3) If we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have, and send, the forces needed to do just that.
- 4) The relationship between our objectives and the forces we have committed – their size, composition and disposition – must be continually reassessed and adjusted if necessary.
- 5) Before the United States commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation.
- 6) The commitment of U.S. forces to combat should be a last resort.

Secretary Weinberger was clearly influenced by the Vietnam War, where the United States won every major battle but lost the war. In many respects, Vietnam was the antithesis of the Weinberger Doctrine. Americans did not understand what was at stake because their leaders could not identify vital national interests. America piece-mealed military force into the theater apparently not seeking *military victory* but *containment*. On the whole, national leaders arguably never defined the National interest and largely ignored the domestic political environment – culminating in an unpopular war without widespread public support.⁷

More recently, former Chairman of the Joint Chiefs of Staff, General Colin Powell and former Defense Secretary William Perry sought to adapt or augment Weinberger's Doctrine and adjust it to contemporary circumstances. The Powell Doctrine is often mentioned in the same breath as the Weinberger Doctrine. Even though General Colin Powell had a hand in drafting both, they are slightly different. Powell sought to ensure the U.S. used overwhelming force to achieve clearly defined objectives by expanding Weinberger's third principle. Powell placed special emphasis on using force solely in defense of vital U.S. interests. He was less concerned with limiting the objectives than with defining them clearly and using decisive force to achieve them. Powell rejected the idea of using force without clearly defined and achievable objectives and ample means of accomplishing them.⁸

Former Secretary of Defense William Perry, along with former assistant defense secretaries Ashton Carter and Graham Allison, developed a matrix called the "ABC list." The "A" list includes threats to U.S. survival – the former Soviet Union and current Russia (because of its nuclear arsenal). The "B" list includes threats to U.S. interests but not to its survival – such as North Korea or Iraq. And the "C" list

encompasses a host of contingencies that indirectly affect U.S. security but do not directly threaten U.S. interests -- such as Kosovo, Bosnia, Somalia, Rwanda, and Haiti. The "ABC list" is essentially a realist algorithm to discriminate the most vital among competing national interests.

Theoretically, the "A" list should command more time and resources than the "C" list. In fact, "C" priority issues have dominated the attention of world leaders for the past several years – Haiti, Panama, Rwanda, Somalia, Tienanmen Square, Bosnia, Kosovo, and more recently, East Timor and Chechenya. The crisis in Kosovo, though it took place in southeast Europe, did not directly threaten American interests and may have had little effect on the interests of major European states. Traditional "A" list issues are simply less threatening since the end of the Cold War; while the "C" list issues are more televisual.⁹ Because these catastrophes are so graphic, they evoke an emotional response among Americans that translates into political pressure on national leaders to "do something." America progressively expresses its concern and leadership by rapidly deploying its military. The US military sends an immediate message both nationally and internationally – it satiates domestic conscience, reassures allies, and threatens potential adversaries. Yet the military is no panacea under these circumstances. Joseph Nye, dean of Harvard's Kennedy School of Government and a former assistant Secretary of Defense wrote in the current issue of Foreign Affairs that

...the dramatic visual portrayals of immediate human conflict and suffering are far easier to convey to the public than "A" list abstractions like the possibility of a 'Weimar Russia,' the rise of a hegemonic China and the importance of our alliance with Japan, or the potential collapse of the international system of trade and investment. Yet if these large, more abstract issues were to turn out badly, they would have a far greater impact on the lives of most Americans [and Europeans].¹⁰

THE POST-COLD WAR ENVIRONMENT

The greatest challenge for military leaders in the post-Cold War era is the conspicuous lack of any galvanizing and universally accepted national vision for the future. By default, undefined objectives leave the *post-Cold War era* governed primarily by *Cold War* policies mired in bi-polar world paradigms. This is not to suggest that policy makers are naïve, but that many policies are simply relics of circumstances which no longer exist. The very use of "post-" as a prefix is evidence that even experts are encountering difficulty designing policy. The "post" label reveals that people know only where they have been, not where they are now, much less where they are heading.¹¹ The post-Cold War is a period of uncertainty and has been for the better part of decade. Although the V-E and V-J days are associated and defined by significant events, V-CW day is elusive. The Berlin Wall fell in November 1989 and two years later the Russian flag over the Kremlin signified the end of the Soviet Union. German unification and U.S. – Soviet cooperation during the Gulf crisis are no less significant. Still, no grand vision has galvanized and focused world resources and efforts. In the absence of a defining vision, countries are resigned to carry their Cold War baggage and policy relics with them into the future.

Nevertheless, as time inevitably progresses, the post-Cold War world begins to exhibit some distinguishing characteristics. Richard Haass asserts that the world is becoming *de-regulated*. Three prominent features define the de-regulated landscape:

The first involves a loosening of international relations – the emergence of new centers of decision making, a corresponding diffusion of power, and an absence of universally accepted norms. Second, the nation-state is weaker, having lost some of its authority to new actors on the international scene at the same time it has become increasingly vulnerable to forces that respect no border. Third, a majority of the world lives, for the moment, in societies that are mostly democratic and market-oriented, a change that reflects the widespread appeal of these models and the perceived failure of the Soviet model of state control over political and economic life. Together these three trends make for a world that is fundamentally different from the world of the Cold War.¹²

According to Haass, the *status quo* that the United States currently enjoys can be described as *Regulated*. Indeed this is a common theme of analysts lamenting the “predictability” of a bipolar Cold War world, where super-powers kept “less than super-powers” in check to avoid global war. The greatest challenge to sustaining a foreign policy of *Regulation* may be the U.S. domestic situation. Robert Tucker framed this dilemma succinctly: “The great issue of American foreign policy today ... is the contradiction between the persisting desire to remain the premier global superpower and an ever deepening aversion to bear the costs of this position.”¹³ Continuing a foreign policy of *Regulation* is costly. It requires a modern military that can deter the use of force, fight traditional wars, cope with the proliferation of nuclear, biological, and chemical weapons, and advanced delivery systems, and deal with lesser but still demanding humanitarian contingencies. The best justification for such expense is that the alternatives – including doing less – are likely to prove more costly in the end. The result would be a world less safe for American interests and less compatible with American values.¹⁴

NATIONAL VALUES, INTERESTS, AND POLICY

Although this analysis examines *when* and *how* force should be engaged as an instrument of national power, reviewing current policy and interests may help point to future foreign policy direction. The 1998 National Security Strategy generally advocates *Engagement* as America’s foreign policy. Three key concepts are addressed in the first seven pages of a nearly sixty-page document: values, objectives, and interests.

VALUES. Many nations around the world have embraced America’s core values of representative governance, free market economics and respect for fundamental human rights and the rule of law, creating new opportunities to promote peace, prosperity and greater cooperation among nations.¹⁵

OBJECTIVES. The three core objectives are: To enhance our security. To bolster America’s economic prosperity. To promote democracy abroad.¹⁶

INTERESTS. The strategy identifies three interests:

- 1) Vital interests – those of broad, overriding importance to the survival, safety, and vitality of our nation.

- 2) Important national interests – do not affect our national survival, but they do affect our national well being and the character of the world in which we live.
- 3) Humanitarian and other interests. In some circumstances our nation may act because our values demand it. Examples include responding to natural or manmade disasters or violations of human rights, supporting democratization and civil control of the military, assisting humanitarian demining, and promoting sustainable development.¹⁷

Regarding engagement, President Clinton emphasized that *Globalization* accelerates economic, technological, cultural, and political integration. External events, such as outlaw states and ethnic conflicts threatening regional stability and economic progress, increasingly affect America. The U.S. must be willing to use all appropriate instruments of national power to influence the actions of other states and non-state actors.¹⁸ The President asserted:

We must have demonstrated will and capabilities to continue to exert global leadership and remain the preferred security partner for the community of states that share our interests. We have seen in the past that the international community is often reluctant to act forcefully without American leadership. In many instances, the United States is the only nation capable of providing the necessary leadership and capabilities for an international response to shared challenges.¹⁹

Without articulating a vision for the future, the President clearly understands one of the fundamental lessons of the Cold War. In short, the end of the Cold War is more attributable to the West's victory than the Soviet Union's failure.²⁰ The United States, as the sole super-power nation, assumes a leadership responsibility as other national and non-national entities jockey for position and power in an increasingly de-regulated world.

INTERNATIONAL LAW AND THE STRATEGIC ENVIRONMENT

International Law places sovereignty and state integrity at the root of the UN Charter governing use of force. Force is justified under two conditions:

- 1) individual or collective defense [Art 51], and
- 2) If the Security Council determines "the existence of any threat to the peace, breach of the peace, or act of aggression" [Art 39] and decides to end the situation with coercive measures [Art 42].²¹

The U.S.-led NATO intervention in Kosovo violated Yugoslav sovereignty under the auspices of enforcing humanitarian law. International Law distinguishes between *human-rights law* and *humanitarian law*, although the two are often used either incorrectly or interchangeably.

International human rights law is an offshoot of the UN Declaration of Human Rights. It is a body of rules adopted either at the universal level (the 1984 Covenant against torture), or at the regional level (the 1949 Convention on Human Rights) to provide a set of political or judicial procedures to monitor respect for the rights involved. A glaring weakness of human-rights law is that it fails to define *gross and massive violations of human rights*, except for genocide – which is the object of a specific convention

(1948 Convention on the Prevention and Punishment of the Crime of Genocide). Even in the case of genocide, which each signator state is obliged to *prevent* and *punish*, the Convention has no enforcement mechanism, and is vague or mute regarding prevention.²² In other words, both compliance and enforcement are state responsibilities. *Humanitarian law* is much more ancient and evolved from incremental efforts by theologians, lawyers, and politicians to *humanize war* by defining rules for *jus in bello*.

A major difference between the two is that international human rights law is considered the responsibility of states, whereas humanitarian law violations may lead to criminal prosecution of individuals. However, in conditions combining civil war with genocide or massive human rights violations, international human-rights law and humanitarian-law increasingly tend to converge. Although they are both becoming more sophisticated in defining sanctions, neither prescribe preventive measures.²³

NATO's unilateral use of force in Kosovo was more political than legal and a significant departure from classic international law. The action jeopardizes international order predicated on the UN Charter entrusting the Security Council with responsibility to monitor and guarantee international peace and security.²⁴ Political and moral consensus that intervention is sometimes necessary to prevent large-scale human rights violation has not been formalized into law. International law governing humanitarian intervention is incomplete.

OPTIONS AND ANALYSIS IN THE POST-COLD WAR WORLD

The end of the Cold War gives way to an era of smaller conflicts not necessarily threatening vital national security interests – the circumstances under which the Weinberger Doctrine was conceived. The Weinberger Doctrine remains probably the most useful guide for evaluating military intervention as governing factors migrate toward total war. But, Weinberger's criteria are not directly transferable to situations over the past ten-year period – particularly humanitarian intervention. Applying Weinberger's criteria to humanitarian crisis is simply the wrong tool for the job. Unfortunately the eventuality of more clear-cut struggles of national survival are also probably inevitable, so the Weinberger Doctrine cannot be eschewed. Therefore new criteria must be created to govern conflicts arising in this contemporary era. Realizing that not all contemporary conflicts threaten national security and that civilian leaders have and will continue to use military force to advance national interests, three possible policy options are:

Status Quo – evaluate each crisis on its own merit;

Let War Resolve the Issues – abstain from intervention; let civil and regional wars run their course to resolution; and

Develop a Policy – amend International Law, re-evaluate U.S. national interests, and develop criteria for involving military force.

Status Quo. The international community is increasingly intolerant of human rights abuse, but humanitarian intervention is extremely complex. Each circumstance is different and demands

consideration on its own merits. The void in U.S. policy for dealing with humanitarian intervention and other operations short of war is most evident in an escalating number of humanitarian crises: Rwanda, Bosnia, Croatia, Sierra Leon, and most recently East Timor.

No policy may, in fact, be the best policy. Formal policy obliges the U.S. to respond to violations in some measure. Policy creates a dual challenge: detection and enforcement. In other words, once the U.S. articulates a policy, they are obligated to follow impartially and act on it. As the political landscape changed from "bi-polar black and white" to a "multi-spectral gray" the absence of policy allows each circumstance to be considered in its own unique context, under its own particular circumstances as it relates to U.S. interests in specific regional settings. In essence, the U.S. has wide latitude to formulate responses specifically tailored to regional needs and circumstance, and is not constrained by policy that would surely lack universal applicability.

Treating each incident in isolation, though, is susceptible to the political winds of expedience and indulgence – a dangerous issue when dealing with American lives. For example, the public advocacy value to the President when he mobilizes the military is unmatched. In one single Presidential act, the entire national news media, and much of the rest of the world, focuses its attention on that particular issue. American soldiers and the U.S. flag are visual evidence of the U.S. leadership, presidents often mean to underscore.²⁵ On the other hand, the President's political risk increases geometrically when U.S. troops go into harm's way.²⁶

The absence of policy is similar to navigating without map and compass. Michael O'Hanlon, a defense expert at the Brookings Institution, says Clinton's criteria for humanitarian intervention (during the Kosovo crisis) differ from those stated by either National Security Advisor Berger or Secretary of State Madeleine Albright. The President said the U.S. will try to halt genocidal acts if it has the ability to do so; Berger adds that vital American interests must be at stake, while Ms. Albright says there is no specific doctrine. She also set Europe apart as a special case where U.S. interests mandate intervention. "They are left in a situation where it is a case-by-case ad-hockery, because there is no framework," says O'Hanlon.²⁷ Once again, no policy leaves the U.S. *reacting* to each crisis, rather than *leading* from a firm policy foundation. The confusion is exasperating.

Let War Resolve the Issues. During the Cold War, the UN and super-power politics rarely allowed wars among lesser powers to run their course. The objectionable and repugnant truth is that war is a historically proven method to resolve political conflict and lead to peace. This happens when either both belligerents are too exhausted to continue, or one side wins decisively. The key to resolution is that fighting continues until one or both sides culminate. Cease-fires only suspend war-induced exhaustion and allow belligerents to reconstitute and rearm their forces. It intensifies and prolongs the struggle once the cease-fire ends – and it usually does end. The most disinterested of all interventions in war – and the most destructive – are humanitarian relief activities.²⁸ Moreover, humanitarian intervention sets up the world's most powerful states as sole judges of what humanity needs.²⁹

No matter how nobly intended, outside intervention to prevent or stop massive human rights violations is difficult, complex, and virtually impossible to achieve. Separating the belligerents by force does not resolve the underlying causes of violence. Consequently, violence normally resumes following the withdrawal of intervening forces. Failed interventions often aggravate suffering among the repressed population that intervenors intend to save. The road to hell is paved not only with abuses; it is often paved with good intentions.³⁰

Develop an Intervention Policy – Revise the Wienberger Doctrine to accommodate Post Cold War Realities. A comprehensive and deliberate policy, based on revised international law would provide a road map for political leaders, establish standards to judge internal human rights practices, and weigh the need for intervention. Revising international law is a complex issue beyond the scope of this paper. However, increasing United Nations attention on human rights compels the UN to amend International Law and give outlaw nations notice that under no circumstances is it “lawful” to massacre its own population on the grounds that everything that goes on inside the country is an “internal matter.”

People or populations have a fundamental right to assistance when they are in danger of starvation, massacre, or other forms of massive suffering – this is at the motivation of American intervention. As a world leader then, the United States is obliged to reassess national values and interests, and develop criteria for force deployment under humanitarian circumstances. This is no mean task because it inverts the “national interests and risks” categories proposed by Defense Secretary William Perry.

SYNTHESIZING NEW CRITERIA

Not surprisingly, at least three authors propose criteria for military intervention to accommodate contemporary challenges. The following models reflect three important perspectives: legal, humanitarian, and political-military. Catherine Guicherd analyzed NATO's justification to intervene in Kosovo from a legal perspective. Her examination of international law and precedent resulted in the following criteria:

- 1) Humanitarian assistance or rescue is not directed against the territorial integrity or political independence of the state in which it takes place, but guarding rights guaranteed under international law.
- 2) Intervention would have to be a last resort, having exhausted all other means of peaceful resolution and unarmed coercion to avert a major humanitarian disaster.
- 3) Intervention should have a limited duration and use means that are strictly proportional to the humanitarian goal.
- 4) It should not be aimed at permanent transformation of pre-existing legal arrangements – for example the secession of a province.
- 5) Intervention should be carried out by a group of states – ‘coalition of the willing’ to dispel suspicion of narrow national interest.
- 6) Participating states should act in coordination with the UN to obtain post facto legitimization by the Security Council and, when possible, hand the matter back to the UN.

- 7) The goal must be achievable using military means.³¹

The Task Force on Ethical and Legal Issues in Humanitarian Assistance met in fall of 1993. It was comprised of a wide variety of groups and individuals interested in meeting human needs under the most difficult conditions. Many found that long-held principles and modes of operation were inadequate for coping with new realities. These organizations recognized that humanitarian disasters, following the end of the Cold War, occurred in conditions so complex, dangerous, and violent that they needed to hire armed guards or request military assistance for protection. Ironically, several of these agencies formerly viewed the military as antagonists and the root cause of the suffering they sought to alleviate. They now found the U.S. military the only force with the requisite character to separate belligerents, establish security, and ensure relief stores were distributed to the needy and not commandeered by thugs or partisan factions. The organizations developed the *Mohonk Criteria* during the course of four meetings. It was subsequently circulated to the major relief agencies and other relevant experts worldwide. Reaction was overwhelmingly positive. They endorsed criteria for military involvement, within a larger humanitarian framework. Some excerpts relevant to this discussion follow:

- 1) Be used only as a last resort;
- 2) Be employed in exceptional circumstance to protect, support and deliver humanitarian relief;
- 3) Be used sparingly because of their disproportionate human and financial cost;
- 4) Comply with decision of the appropriate international civilian authority;
- 5) Respect the independence and freedom of movement of humanitarian organizations.³²

Although not specifically listed under their criteria for military force, the article renders related concepts germane to this discussion:

- Governments or others must not subordinate or subvert the integrity of the humanitarian mandate for political or military purposes.
- The principles of non-interference and sovereignty should not be used as an obstacle to humanitarian assistance. The objective of humanitarian assistance is to save lives and is not intended to challenge the sovereignty of the state on whose territory aid is to be delivered.
- Internationally authorized military force should never be used for partisan purposes.
- Humanitarian, peacekeeping, peace-enforcement and political mandates should be clearly defined and made known to all relevant parties.
- Joint political, humanitarian, and military planning should consider effectiveness in saving lives and minimizing the disruption to at-risk populations, and provide for swift and effective fulfillment of their mandate.
- The degree of military force used should be proportional to the security environment.
- If the human cost of acts of peace-enforcement exceeds the benefit in humanitarian assistance, the military operations should be reduced or suspended.

FIGURE 1
CRITERIA/COMPARISON CHART

Guicherd (International Legal)	Task Force on Ethical & Legal (Criteria)	Issues in Humanitarian Assistance (Additional Considerations)	Natsios (Political-Military)	Weinberger Doctrine	New Criteria
1) Humanitarian assistance or rescue is not directed against the territorial integrity or political independence of the state in which it takes place, but guarding rights guaranteed under international law.[a]	1) Be used only as a last resort.[b]	Governments or others must not subordinate or subvert the integrity of the humanitarian mandate for political or military purposes.[a]	1) The U.S. will not likely initiate a humanitarian intervention requiring troops if that seriously compromises the geostrategic interests of the United States or risks a U.S. military defeat.[c]	1) The United States should not commit forces to combat overseas unless the particular engagement of occasion is deemed vital to our national interest or that of our allies.[e]	1) Military force may set the stage to resolve underlying tensions and challenges but will not end strife and suffering; lasting peace requires a comprehensive and synchronized interagency effort toward an achievable goal.[g]
2) Intervention would have to be a last resort, having exhausted all other means of peaceful resolution and unarmed coercion to avert a major humanitarian disaster.[b]	2) Be employed in exceptional circumstance to protect, support and deliver humanitarian relief.[c]	The principles of non-interference and sovereignty should not be used as an obstacle to humanitarian assistance. The objective of humanitarian assistance is to save lives and is not intended to challenge the sovereignty of the state on whose territory aid is to be delivered.[a]	2) Military intervention in a complex emergency must reduce the death rate from violence, disease, and starvation, not increase it.[c]	2) If we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all.[e]	2) Lead with viable instruments of power if possible, but if military force is the only viable instrument of power of power, earlier is better.[b]
3) Intervention should have a limited duration and use means that are strictly proportional to the humanitarian goal.[c]	3) Be used sparingly because of their disproportionate human and financial cost.[c]	Internationally authorized military force should never be used for partisan purposes.[a]	3) If U.S. policy makers decide to intervene in a complex crisis for humanitarian purposes, the mission given the military must be defined and achievable. It must also include a strategy for extrication and some non-military measurable indicators of success.[g]	3) If we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have, and send, the forces needed to do just that.[f]	3) The action is not directed against the territorial integrity or political independence of the state in which it takes place.[a]
4) It should not be aimed at permanent transformation of pre-existing legal arrangements – for example the secession of a province.[a]	4) Comply with decision of the appropriate international civilian authority.[e]	Humanitarian, peacekeeping, peace-enforcement and political mandates should be clearly defined and made known to all relevant parties.[f]	4) Although military intervention should not be the first resort, the earlier it is invoked, the better.[b]	4) The relationship between our objectives and the forces we have committed – their size, composition and disposition – must be continually reassessed and adjusted if necessary.[c]	4) Intervention should be a coalition effort.[d]
5) Intervention should be carried out by a group of states – 'coalition of the willing' to dispel suspicion of narrow national interest.[c]	5) Respect the independence and freedom of movement of humanitarian organizations.[e]	Joint political, humanitarian, and military planning should consider effectiveness in saving lives and minimizing the disruption to at-risk populations, and provide for swift and effective fulfillment of their mandate.[g]	5) Collective action involving U.S. forces should be undertaken if possible under UN auspices and should enjoy broad international support. Action under a UN resolution should not, however, be an absolute requirement.[f]	5) Before the United States commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation.[e]	5) Clearly define all humanitarian, peacekeeping, peace-enforcement, and political mandates and ensure all parties know and understand them.[f]
6) Participating states should act in coordination with the UN to obtain post facto legitimization by the Security Council and, when possible, hand the matter back to the UN.[d]		The degree of military force used should be proportional to the security environment.[c]	6) U.S. military intervention should make a decisive difference in the conflict.[c]	6) The commitment of U.S. forces to combat should be a last resort.[b]	6) Proportional Risk : Cost : Value Relationship – does not risk national security and saves more lives than it costs.[c]
7) The goal must be achievable using military means.[g]		If the human cost of acts of peace-enforcement exceeds the benefit in humanitarian assistance, the military operations should be reduced or suspended.[c]	7) Military assets should be employed in a complex emergency intervention only when they enjoy a comparative advantage over other humanitarian actors. (Military intervention is not economically neutral; expenditures may drive local prices artificially high and collapse markets when forces leave. Or money can end up in local "warlord" coffers and exacerbate or prolong the conflict.)[g]	Cross-compare by bracketed letters	

Andrew Natsios is well qualified to design and implement strategies to deal with complex emergencies. He is an experienced relief manager, reservist, and former member of the Massachusetts House of Representatives. Natsios has been Assistant Administrator of the Bureau of Food and Humanitarian Assistance within the United States Agency of International Development (USAID) and Director of the Office of Foreign Disaster Assistance (OFDA). President Bush appointed him to coordinate government relief efforts during the Somalia famine, and he is now vice president of World Vision U.S., a non-governmental organization (NGO) providing relief and development assistance, and the executive director of its technical arm. In his book, *U.S. Foreign Policy and the Four Horsemen of the Apocalypse: Humanitarian Relief in Complex Emergencies*, Andrew Natsios notes that complex emergencies share five characteristics: 1) civil conflict, 2) the disappearance of government authority, 3) massive population displacement, 4) macro-economic failure, and 5) general decline in food security. He persuasively argues that in "failed states" where the entire social, political, and economic fabric is unraveled, decisive U.S. leadership may be able to bring order from chaos under the following conditions and circumstances for military involvement:

- 1) The U.S. will not likely initiate a humanitarian intervention requiring troops if that seriously compromises the geostrategic interests of the United States or risks a U.S. military defeat.
- 2) Military intervention in a complex emergency must reduce the death rate from violence, disease, and starvation, not increase it.
- 3) If U.S. policy makers decide to intervene in a complex crisis for humanitarian purposes, the mission given the military must be defined and achievable. It must also include a strategy for extrication and some non-military measurable indicators of success.
- 4) Although military intervention should not be the first resort, the earlier it is invoked, the better.
- 5) Collective action involving U.S. forces should be undertaken if possible under UN auspices and should enjoy broad international support. Action under a UN resolution should not, however, be an absolute requirement.
- 6) U.S. military intervention should make a decisive difference in the conflict.
- 7) Military assets should be employed in a complex emergency intervention only when they enjoy a comparative advantage over other humanitarian actors. (Military intervention is not economically neutral; expenditures may drive local prices artificially high and collapse markets when forces leave. Or money can end up in local "warlord" coffers and exacerbate or prolong the conflict.)

DEVELOPING NEW CRITERIA

Contrasting Weinberger's Cold War doctrine with the post-Cold War framework, suggested in the three models, reveals some obvious differences. Bi-polar adversaries waged war to settle differences they could not solve through diplomatic, political, economic or other means. Conversely, violence may be the only means to settle differences between failed states because their diplomatic, political, economic,

legal, and social institutions are by definition, dysfunctional. Consequently, successful humanitarian intervention, peacekeeping, and peace enforcement operations separate belligerents and restore institutions in order to resolve the conflict without armed confrontation. In other words, since bi-polar wars are resolved by aligning military objectives with political goals, once the military objectives were achieved, political resolution followed. Humanitarian and peace operations begin by separating belligerents in order to engage in meaningful political, economic, and diplomatic negotiations – which are generally not the military's purview; and require State Department and other Interagency involvement. Therefore, resolving conflicts of humanitarian strife and failed states requires an interagency effort to design and execute.

The three models provide a basis of comparison to draw the best concepts from a variety of perspectives. The new criteria are a synthesis combining the post-Cold War environment with legal, humanitarian, and political perspectives from the three models. Figure 1 shows the perspectives graphically in comparison with the new criteria. The color of each new criteria traces a common theme through the other models. Rarely do all agree on the specificity and particulars. But the important concept is that the notion is addressed throughout. Additionally, too many qualifiers may lead to a policy of non-intervention that also will not serve America's interests. The criteria suggest *when* and *how* to consider military force as an instrument of foreign policy in circumstances other than war:

- 1) Military force may set the stage to resolve underlying tensions and challenges but will not end strife and suffering; lasting peace requires a comprehensive and synchronized interagency effort toward an achievable goal.
- 2) Lead with viable instruments of power if possible, but if military force is the only viable instrument of power, earlier is better.
- 3) The action is not directed against the territorial integrity or political independence of the state in which it takes place.
- 4) Intervention should be a coalition effort.
- 5) Clearly define all humanitarian, peacekeeping, peace-enforcement, and political mandates and ensure all parties know and understand them.
- 6) Proportional Risk : Cost : Value Relationship – does not risk national security and saves more lives than it costs.

ANALYZING NEW CRITERIA

Military force may set the stage to resolve underlying tensions and challenges but will not end strife and suffering; lasting peace requires a comprehensive and synchronized interagency effort toward an achievable goal. This notion is prevalent in all three models. The response effort should be a composite organization of relevant U.S. agencies (State, Justice, Commerce, etc.) structured under unifying leadership with the military's role defined as either *supporting* or *supported*. Although the military can separate belligerents and accomplish limited tasks to alleviate suffering, they cannot resolve the fundamental problems or sources of conflict. The end of hostilities marks the beginning of a transition to peace – not peace itself. Other U.S. or International agencies must be intervention partners and come

replete with plans to resolve the deep-rooted causes of confrontation. The goal must be to return some normalcy to a traumatized society and help the victims help themselves. Otherwise old adversaries will resume hostilities. However, as Andrew Natsios notes, "Interagency and inter-organizational coordination has become the bogeyman of complex emergency response, and it is not likely to be seriously addressed without the organizational expertise of the U.S. military."³³ Consequently, the military should anticipate a leading role orchestrating governmental and non-governmental agencies, but should not be responsible to accomplish tasks associated with expertise in those supporting agencies. The military mission must be defined and achievable. The concept must also include measurable indicators of success for diplomatic, economic, political progress toward resolving the fundamental causes of conflict.

Lead with viable instruments of power if possible, but if military force is the only viable instrument of power, earlier is better. Although military equipment support may be required, involvement is different from intervention. Prior to military intervention, even as a demonstration of political will, the international community should assess and, if possible, employ other instruments of power. Their effort should include encouraging and facilitating the host of non-governmental agencies. Guicherd and the Task Force on Ethical and Legal Issues advocate force as a last resort; Natsios disagrees. Many of these catastrophes are characterized by a complete break down of social institutions which often leaves force as the only means to set the stage to begin meaningful progress toward peaceful resolution. Timing is critical because these situations quickly accelerate down an ever more complicated spiral. Warlords and armed bands of outlaws fill the power vacuum when social and governmental institutions fail (Afghanistan, Bosnia, and Somalia). If food becomes a weapon in civil conflict, the relief effort can generate more violence as armed and unarmed factions fight to control relief supplies. Since their authority and power come from the gun, they have no interest in political accommodation or peaceful settlement. In fact, perpetuating chaos and violence better serves to strengthen their power base and survival. The longer chaos reigns, the greater the number of factions battling for power, the more atrocities, and the more entrenched the unending cycle of retributive violence and escalating brutality. Eventually, *revenge* replaces political compromise and peaceful settlement as the only viable option among competing groups.³⁴

The action is not directed against the territorial integrity or political independence of the state in which it takes place. The intervention must guard the rights guaranteed under international law; otherwise it is not compatible with UN goals. Humanitarian intervention is just that. The single U.S. national interest is to save lives and alleviate human suffering. Powerful states with large militaries must resist the temptation to cast all lesser conflicts as an assault on vital national interests. They must not contrive to alter sovereign boundaries or governments and embark on twenty-first century imperialism under the guise of humanitarian assistance by converting lesser nations in their own image. Safeguarding civilians by separating factions in temporary safe zones may be necessary, but permanently altering territorial boundaries or sovereign governments is best left to endogenous cultural design, historic precedent, or legitimate international forums.

Intervention should be a coalition effort. Intervention by a group of states – whether they act in the context of an alliance, a regional organization, or a “coalition of the willing” demonstrates multi-lateral consensus and builds in checks and balances against limited self-serving interests. Since UN approval for intervention is unlikely, coalitions, nevertheless help dispel suspicions of narrow national interests.³⁵ Both Natsios and Guicherd agree from political-military and international legal viewpoints respectively. Participating states should coordinate with the UN and pursue post facto Security Council legitimization. The intervening coalition must substantiate the necessity of military action and demonstrate the legality of intervention under the presumption of sovereignty, and political and territorial integrity. Intervention without Security Council consent is risky in terms of precedent. Any coalition contemplating intervention must realize that other states or coalitions with less noble motives may claim similar right in different circumstances. Unless coalitions limit intervention strictly to predetermined criteria, worthy in the eyes of the International Court of Justice, they increase the likelihood of confrontation between power blocs and increasing world anarchy producing more not fewer civilian victims.³⁶

Clearly define all humanitarian, peacekeeping, peace-enforcement, and political mandates and ensure all parties know and understand them. This step accomplishes three key tasks: 1) assures coalition leaders agree on clearly defined parameters, 2) establishes a contract with all intervention partners by enumerating functional expectations for each organization, and 3) dispels suspicions and allegations of improper or imperialist designs early on. Conflicting factions may not like intervention, but at least they can be assured all sides are treated equally and fairly. Further, they understand the incentives, penalties, and process toward peaceful resolution.

Proportional Risk : Cost : Value Relationship – does not risk national security and saves more lives than it costs. The U.S. should not engage in humanitarian intervention requiring forces that compromise national security, geostrategic interests, or risk military defeat. In other words, a “C” priority should not subordinate an “A” priority. Moreover, the U.S. cannot enter into a situation for humanitarian reasons and be drawn into a conventional war. Governments always assume great risk committing military force, but the objective of intervention is to save lives and eliminate suffering. Therefore, military intervention must make a decisive difference toward alleviating suffering. The *Proportional Risk : Cost : Value Relationship* principle will inevitably lead to more intervention in smaller countries than in great power states. Realpolitick virtually guarantees that no permanent Security Council member will vote to invade itself. Further, the U.S. cannot save countries by destroying them. An intervention that begins with heavy casualties in order to bring a situation under control to begin relief operations ought not to have occurred in the first place. For example, had the U.S. intervened during Tienanmen Square demonstrations, the ultimate cost in American and Chinese lives would have far exceeded the number killed in the demonstration. Unfortunately, the realities of the world sometimes subordinate principle to political and military reality. Military intervention must reduce the death rate from violence, disease, and starvation – not increase it.

SUMMARY

The United States must lead from a responsible position based on international law and sound national policy. International law needs clarification regarding humanitarian intervention when human rights are threatened. America itself must be willing to commit its super-power resources and lead relief efforts. Political and military leaders are obliged to devise criteria that weigh the benefits and risks of deploying U.S. troops in hostile environments for humanitarian purposes.

The end of the Cold War thrust "Sole Super-Power" status upon America; nevertheless, it cannot shy away from the incumbent responsibilities. American *values* are synonymous with *interests*. Massive human-rights violations threaten international peace and security. As a wealthy status quo power, the United States has an interest in maintaining international order. Behind the abstraction of rising interdependence are changes that make it more difficult to isolate the United States from the effects of events in the rest of the world.

Preventing disorder beyond American borders is a national interest for two reasons. First, external events and actors *can* hurt U.S. citizens and interests; and second, Americans *want* to influence governments and organizations on a variety of issues such as the proliferation of weapons of mass destruction, terrorism, drugs, shared resources, and the environment. The United States must realize a basic proposition of public-goods theory: if the largest beneficiary of a public good (such as international order) does not provide disproportionate resources toward its maintenance, the smaller beneficiaries are unlikely to do so.³⁷

Fortunately, Americans have rarely accepted pure realpolitik as a guiding principal, and human rights and the alleviation of humanitarian disasters has long been an important aspect of U.S. foreign policy. The realities of *non-vital* crisis like Somalia, Bosnia, Haiti, and Kosovo continue to force their way to the foreground because of their ability to command massive media attention. Such crisis raise moral concerns that the American people consistently include in their list of foreign policy interests. Policy experts may deplore such sympathies, but they are a democratic reality.³⁸

WORD COUNT = 7,060

ENDNOTES

¹ Casper Weinberger, Secretary of Defense during the Reagan Administration, developed six criteria to help determine whether or not to commit U.S. combat forces: 1) The conflict should be of vital national interest to the United States and its allies, 2) Intervention must occur wholeheartedly with a clear intention of winning, 3) The country must have clearly defined political and military objectives, 4) The relationship between the objectives and the forces must be continually reassessed and adjusted if necessary, 5) There must be a reasonable assurance that the American people and Congress will support the intervention, and 6) Commitment of U.S. forces should be the last resort.

² Former defense secretary William Perry and his deputy, Ashton Carter, divided national interests and security risks into three categories. The A list includes threats to national survival. The B list are threats to American interests but not to survival. Civil wars in Kosovo or in Africa are C list problems – they do not present a threat to the economic or physical well-being of the American people but are nonetheless humanitarian tragedies.

³ "America's Double-edged Sword," Boston Globe, 5 July 1999, sec. A, p. 14.

⁴ J. Bryan Hehir, "What Makes a War Just? NATO's Laudable Goals And Questionable Means," Washington Post, 16 May 1999, sec. B, p. 3.

⁵ John J. Shanahan, Vice Admiral, USN (Ret.), Director, Center for Defense Information, Statement Before the National Defense Panel Public Hearing, April 29, 1997, quoting from Lieutenant General Patrick Hughes, Director of the Defense Intelligence Agency (DIA).

⁶ Ibid.

⁷ David T. Twining, "The Weinberger Doctrine and the Use of Force in the Contemporary Era," from Alan Ned Sabrosky and Robert L. Sloane, eds., The Recourse to War: An Appraisal of the "Weinberger Doctrine" (Carlisle: Strategic Studies Institute, U.S. Army War College, 1988), 15-16.

⁸ Ivo H. Daalder and Michael E. O'Hanlon, "Unlearning the Lessons of Kosovo," Foreign Policy, 116 (Fall 1999): [database on line]; available from UMI ProQuest Direct, Bell & Howell.

⁹ John Lloyd, "America says: Never Again!" New Statesman, 12 (2 August 1999): 9-10.

¹⁰ Joseph Nye, "Redefining the National Interest," Foreign Affairs 22 (July/August 1999): 22-35.

¹¹ Richard N. Haass, The Reluctant Sheriff – The United States After the Cold War (New York: Council on Foreign Relations, 1997), 21.

¹² Ibid, 27.

¹³ Robert Tucker, "The Future of a Contradiction," National Interest, no. 43 (Spring 1996): 20; quoted in Richard N. Haass, The Reluctant Sheriff – The United States After the Cold War (New York: The Council on Foreign Relations, 1997), 7.

¹⁴ Haass, 7-8.

¹⁵ William J. Clinton, A National Security Strategy for a New Century (Washington, D.C.: The White House, October 1998), 1.

¹⁶ Ibid, iii.

¹⁷ Ibid, 7-8.

¹⁸ Ibid, 1.

¹⁹ Ibid.

²⁰ Jack Matlock, the former U.S. ambassador to the Soviet Union, makes a useful distinction among the end of the Cold War, the end of Soviet communism, and the end of the Soviet Union. He accords the United States and the West the critical role in ending the Cold War. Gorbachev is cited as being the person most responsible for the end of Soviet communism, and former KGB chairman Vladimir Kryuchkov (among others) for the demise of the union itself. From Jack F. Matlock Jr., Autopsy on an Empire: The American Ambassador's Account of the Collapse of the Soviet Union (New York: Random House, 1995) pp 667-72; cited in Richard N. Haass, The Reluctant Sheriff – The United States After the Cold War (New York: Council on Foreign Relations, 1997), 18.

²¹ Catherine Guicherd, "International Law and the War in Kosovo," Survival 41 (Summer 1999): 2 [database on-line]; available from UMI ProQuest Direct, Bell & Howell.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Andrew S. Natsios, U.S. Foreign Policy and the Four Horsemen of the Apocalypse – Humanitarian Relief in Complex Emergencies (Washington, D.C.: Center for Strategic and International Studies), 109.

²⁶ Ibid, 107.

²⁷ Jonathan S. Landay, "New Tug at America's Conscience East Timor Is Now the Latest Test of When to Use Military Might for Humanitarian Intervention," Christian Science Monitor, 10 September 1999, p. 1.

²⁸ Edward N. Luttwak, "Give War a Chance," Foreign Affairs, 78 (July/August 1999): 4 [database on-line]; available from UMI ProQuest Direct, Bell & Howell.

²⁹ Olivier Corten, "Humanitarian Intervention: A Controversial Right," Unesco Courier, 52 (July/August 1999) 7/8 [database on-line]; available from UMI ProQuest Direct, Bell & Howell.

³⁰ Rein Mullerson, "Humanitarian Intervention: The United Nations in an Evolving World Order," American Journal of International Law, 92 (July 1998) 3: 583-586.

³¹ Guicherd.

³² Task Force on Ethical and Legal Issues in Humanitarian Assistance, "The Mohonk Criteria for Humanitarian Assistance in Complex Emergencies," Human Rights Quarterly 17 (February 1995) 192-208.

³³ Andrew S. Natsios, 109.

³⁴ Andrew S. Natsios, 119.

³⁵ According to Catherine Guicherd, "International Law and the War in Kosovo," Survival, London; Summer 1999, "...the combined right of victims to assistance and the right of the Security Council to authorize humanitarian intervention with military means do not amount to a right of humanitarian intervention by states, individually or collectively. Indeed, the overwhelming majority of international lawyers consider that such a right cannot be recognized because it would violate the Charter's prohibition of the use of force." She goes on to say, "Politics is present in international law at another level: except in cases of self-defence, the current international legality of the use of force is determined by the UN Security Council, where the five veto-wielding members have the final word. This makes the legality of the use of force ultimately dependent on the political atmosphere prevailing at any moment among those five powers."

³⁶ Guicherd.

³⁷ Nye.

³⁸ Ibid.

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