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American Humanitarian Intervention: How National Interests, Domestic and International Factors, and 'Historical Milieu' Shape U.S. Intervention Policy

Grant Stegner
Macalester College

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Author: Grant Stegner

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American Humanitarian Intervention: How National Interests, Domestic and International

Factors, and 'Historical Milieu' Shape US Intervention Policy

Grant Stegner

Political Science Honors Thesis

Advised by Professor Wendy Weber

May 5th, 2008

Abstract

This paper examines why the US intervenes militarily in some humanitarian crises, but not in others. While US national interests at stake in humanitarian intervention scenarios initially guide policy formation, causal factors such as domestic and international influences, and 'historical milieu' create an 'operational environment' in which national interests and intervention policy evolve. These causal factors are then applied to the 1999 US-led NATO intervention in Kosovo, and the US' current non-intervention in Darfur. US humanitarian interventions and non-interventions form a broader, non-linear trajectory of engagements in which past precedents and experiences continually reshape subsequent intervention policy. The critical denominator in American humanitarian interventionism is neither solely 'humanitarian' concern nor simply furthering national interests. Instead, policy-makers process a convergence of domestic and international pressures through the 'historical milieu' of past experiences and a context of evolving international and legal norms.

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Introduction

Human rights abuses such as the genocide in Darfur are a horrific reality of today's world. During this five-year crisis, more than 200,000 people have been murdered and over 2.5 million have been displaced and are homeless. The Sudanese government and the Janjaweed militia are acknowledged as responsible for the bloodshed. Yet, the genocide continues. Such anarchy and atrocities, abetted by the Government of Sudan, seriously challenge international laws and norms, and call into question the ability of the international community to stop killing. Few would deny that ending the genocide should be of foremost concern for the United Nations and nations like the United States. However, the realities of intervention for humanitarian reasons are more complex.

Why was genocide stopped in 1999 in order to rescue the Kosovar Albanians from Slobodan Milosevic's campaign of terror, but left to fester in Darfur? Though similar atrocities, such as the 1994 Rwandan genocide, have been tolerated in the past, they can no longer be ignored. During recent decades, humanitarian intervention has been debated as a legitimate foreign policy option, challenging traditional Westphalian notions of unlimited state sovereignty. However, a new, easily enforced system to replace the old mentality has yet to emerge, and the practice has been difficult to enforce.

Despite the growing international and UN consensus that states must be held accountable for human rights abuses, there is considerable debate over *how* and *when* humanitarian intervention should be used. Definitive and standard criteria for identifying and preventing such behavior remain elusive. Even with new benchmarks, it would be hard to impose standards about when states must and will intervene.

Because 'humanitarian'[1] intervention has been a highly selective practice for the United States, the question arises as to why the US intervenes militarily in some humanitarian crises, but not in others? This question is significant because human rights abuses and acts of genocide show no sign of abating and because the US exerts significant influence on the foreign policy decisions of other nations. By distinguishing what factors influence US decisions whether or not to intervene in humanitarian crises, the international community and the UN may be more equipped to address the US' role in the complex diplomatic environment surrounding future intervention scenarios.

Moreover, scholarly and policy debates regarding American-led humanitarian interventions have dramatically increased in reaction to the divergent responses by the US to recent and highly publicized humanitarian crises. While human rights abuses vary in form and severity, this paper is limited to humanitarian crises that include mass murder or genocide.[2] Although a precise definition of 'humanitarian intervention' is "extremely difficult and virtually impossible to apply rigorously,"[3] the concept may be regarded as a coercive, military action by one or more states without the consent of the target state's authorities, and with the goal of preventing widespread suffering or genocide.[4]

The issue of humanitarian intervention often surfaces when a government has turned its military or paramilitary machinery against its own people, or when a state has collapsed into lawlessness.[5] Such a context provides policy-makers and world leaders with the opportunity to alleviate and prevent widespread suffering. Still, individual states, the United

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[1] The degree to which the use of military force can ever be referred to as 'humanitarian' is highly contested.
[2] See Appendix A for this paper's operational definition of genocide.
[3] Franck & Rodley. (1973). After Bangladesh: The Law of Humanitarian Intervention by Military Force. *American Journal of International Law, 67(275)*, 305.
[4] Roberts, Adam. (2000). *The So-Called 'Right' of Humanitarian Intervention. Yearbook of International Humanitarian Law, (3)*, 1-2.
[5] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics.* In The Globalization of World Politics, edited by John Baylis and Steve Smith. Oxford: Oxford University Press, 393.

Nations, and the international community[6] have not consistently intervened in humanitarian crises with military force. While large-scale human rights violations are a matter of legitimate and increasing *international* concern, this paper focuses on the role of the United States in stopping humanitarian crises. This paper will examine how US national interests – along with other causal factors, such as domestic and international influences, and 'historical milieu'[7] – shape its intervention decisions.

After first hypothesizing that the realist and idealist paradigms[8] are in themselves insufficient to explain America's selective humanitarian interventionism, this paper will examine the causal factors detailed in the theoretical framework which relates to the 1999 US-led NATO intervention in Kosovo, and the United States' non-intervention in Darfur. The cases of Kosovo and Darfur offer two similar episodes of genocide in which the US acted in two different ways. Comparing an intervention with a non-intervention has the benefit of including the full spectrum of possible policy outcomes. While parts of the literature were combined and reformulated to create the theoretical framework, the comparative case study relied on an extensive body of secondary sources. It also included primary sources, such speeches, press releases, and statements from US political elites, and commissioned reports and official documents from the US government.

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[6] The United Nations and the international community are not interchangeable terms. While the United States and other developed countries of the West constitute the international community, the United Nations is an international organization, composed of 191 sovereign states. Member states must adhere to principles established by the UN Charter, which seek to maintain international peace. UN decisions tend to reflect the opinions of the UN Security Council's five permanent members (P-5): the United States, the United Kingdom, Russia, China, and France. Divergent national interests of the P-5 often influence UN decisions, and inhibit intervention. Darfur is not the first time the US and UN have not responded rapidly and effectively to a humanitarian crisis: the twentieth century included numerous episodes of genocide, such as the massacres in Rwanda, Cambodia, and Bosnia.

[7] The term 'historical milieu' will be thoroughly addressed in the theoretical framework chapter.

[8] The realist and idealist paradigms are the two primary and distinctly opposed viewpoints in the literature regarding humanitarian intervention.

As a result of this case study, this paper suggests that the critical determinant of US

humanitarian interventions is neither 'humanitarian' concern nor simply furthering national

interests. The reality is much more complex. Instead, US policy-makers *process* a

convergence of domestic and international pressures through the 'historical milieu' of past

experiences and a context of evolving international and legal norms.

Before reviewing the broader body of literature addressing humanitarian intervention,

the final section of the introduction will examine definitions of the practice.

Definitions and Norms of Intervention: From the Doctrine of Non-Intervention to

'Humanitarian' Intervention

The idea of 'humanitarian' intervention emanates from traditional notions of

intervention. Wheeler summarizes Vincent's[9] classical definition of intervention as:

> ...undertaken by a state, a group within a state, a group of states, or ainternational organization which interferes coercively in the domestic affairs of another state. It is a discrete event having a beginning and an end, and it is aimed at the authority structure of the target state. It is not necessarily lawful or unlawful, but it does break a conventional pattern of international relations .[10]

Here, traditional definitions are rooted in a "coercive breach of the walls of the castle of

sovereignty."[11] Such a "breach" defies the post-Cold War norms of state sovereignty, and its

"logical corollary the principle of non-intervention," as encapsulated in Article 2 (7) of the

UN Charter. Likewise, Regan defines intervention as "convention-breaking military and/or

economic activities in the internal affairs of a foreign country targeted at the authority

structures of the government with the aim of affecting the balance of power between the

government and opposition forces."[12] Doyle agrees with Regan, further defining

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[9] Vincent, R.J. (1974). *Nonintervention and International Order*. Princeton: Princeton University Press.
[10] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics, 393.*
[11] Ibid., 393
[12] Regan, Patrick. (1998). Choosing to Intervene: Outside Intervention in Internal Conflicts. *Journal of politics,*

'intervention' as the "dictatorial use of force, overt or covert, against the territorial integrity and political independence of another independent state."[13] He suggests that historically states have had a right to "territorial integrity and political sovereignty," and rights to "a certain piece of space that they can call their own."[14]

Within this territory, states distinguish between what is good and bad, what is just and unjust. However, many states have signed conventions that restrict their sovereignty and jurisdictional freedoms. For example, "The UN Charter empowers the Security Council to act in the name of the international community on matters of international peace and security. The Genocide Convention prohibits genocide and requires all states to stop it should it occur."[15] Thus, states relinquish a certain degree of sovereignty in exchange for the benefits of UN membership.

The Semantic Relationship between the Terms 'Humanitarian' and 'Intervention'

This section will address the political constraints of the term 'humanitarian,' its capacity as a rhetorical device, and its relationship to the notion of coercive and deadly, military intervention. First, the degree to which the use of military force can ever be viewed as 'humanitarian' is highly contested.[16] The International Committee of the Red Cross defines humanitarian acts as those that "prevent and alleviate human suffering." Fixdal and Smith define humanitarian intervention as "intervention into armed conflicts for

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60(3), 754-779: 757.

[13] Doyle, Michael W. (1997). *Ways of War and Peace: Realism, Liberalism, and Socialism*. New York: W.W. Norton & Company: 386.

[14] Ibid, 387.

[15] Ibid, 387.

[16] For example, Parekh suggests that no intervention can be termed 'humanitarian' "if the desire to promote the well-being of another state, and the willingness to make the required sacrifice of one's own interest, does not play a decisive or at least an important part in it." Such a debate hinges on the assumption that states frequently utilize humanitarian rhetoric to mask self-interested motives. See Parekh, Bhikhu. (1997). Rethinking Humanitarian Intervention. *International Political Science Review, 18*, 4-69: 53-54.

humanitarian purposes with a range of means including armed force."[17] Fixdal and Smith

add the concept of the 'use of force' as a strategy to mitigate human suffering, instead of

increasing it. As will be shown by Kosovo, humanitarian intervention has the potential to

temporarily increase the level of atrocity.

Murphy develops a more specific, international legal approach. He distinguishes

humanitarian intervention as the "threat or use of force by a state, group of states, or

international organization primarily for the purpose of protecting the nationals of the target

state from widespread deprivations of internationally recognized human rights."[18]

Parekh suggests the act of intervention hinges on four factors. First, the object of

intervention [the state] must be internationally acknowledged as sovereign. Second, while

intervention attempts to shape a state's internal affairs, it does not colonize, or exert long-

term control over it. Third, the object of intervention [sometimes not the state itself, but a

group within the state] must be opposed to the act, and fourth, intervention is "not

inadvertent but intended, not incidental but direct and targeted, and pertains to areas in which

the affected state is entitled to enjoy autonomy."[19]

Humanitarian intervention "is an act of intervention in the internal affairs of another

country with a view to ending the physical suffering caused by the disintegration or the gross

misuse of the authority of the state, and helping create conditions in which a viable structure

[17] Fixdal, Mona and Dan Smith. (1998). Humanitarian Intervention and Just War. *Mershon International Studies Review, 42(2),* 283-312: 284.
[18] Murphy, Sean. (1996). *Humanitarian Intervention: The United Nations in an Evolving World Order.* Philadelphia: University of Pennsylvania Press. 11-12.
[19] Parekh, Bhikhu. (1997.) Rethinking Humanitarian Intervention. 53-54.

of civil authority can engage."[20] It intends to establish proper conditions for building a legitimate civil authority/state acceptable to its citizens.[21]

Jones adds another layer to Parekh's definition by broadening traditional definitions of humanitarian intervention that focus on humanitarian *motives*, and instead addresses humanitarian *outcomes*.[22] For Jones, humanitarian interventions initiated to satisfy domestic criticism or mollify public opinion are not cases where 'humanitarian' *motives* are primary, but if such interventions successfully prevent or stop humanitarian crises then they are justified by their humanitarian *outcomes*.

While this paper will rely on Jones' definition in its discussion of how 'humanitarian' *outcomes* shape policy-makers perceptions of the 'historical milieu,' Roberts' definition of humanitarian intervention – a "coercive action by one or more states *without the consent* of its authorities, and with the purpose of preventing widespread suffering or death among its inhabitants"[23] – provides this paper's underlying view of the practice. Roberts' definition emphasizes intervention based on the unsolicited deployment of military force, or the lack of consent from the target state. Roberts' view is important because it sharply contrasts with definitions of traditional peacekeeping and aid operations, which are underpinned by principles of neutrality, target state-consent, and the use of force only in self-defense.

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[20] Ibid., 55, *emphasis added*
[21] The Kosovo and Darfur case studies will later detail how 'humanitarian' motives and the desire to promote the well-being of another state influence American humanitarian interventionism.
[22] Jones, Bruce. (1996). Early Warning and Conflict Management. Study 2 of the Project on International Response to Conflict and Genocide: Lessons from the Rwanda Experience, 231-232.
[23] Roberts, Adam. (2000). *The So-Called 'Right' of Humanitarian Intervention*, 1-2.

Weiss clarifies this distinction by adding that humanitarian intervention can entail "peace enforcement, coercive protection, and war fighting," and is therefore "distinct from peacekeeping, a situation in which there is 'peace to keep.'"[24]

Though many scholars have attempted to define 'humanitarian intervention,' controversy and anxiety still surround the juxtaposition of the two terms. For some, the idea evokes an image of the need to kill in order save lives. For others, such as Jones, and more recently Seybolt, military intervention "is *not* humanitarian in character but can be humanitarian in *outcome*."[25] Walzer suggests that although national interests always motivate intervention, when humanitarian concerns are being addressed the intervention may be defined as 'humanitarian.'[26] In contrast, former UN Secretary General Kofi Annan believes that while "military intervention may be undertaken for humanitarian motives," states and the international community should "get right away from using the term 'humanitarian' to describe military operations."[27]

From a post-9/11 perspective, Finnemore views humanitarian *motives* as primary: "states now entertain claims from non-white, non-Christian people who previously would not have registered on their consciousness," but "*when they intervene, they will do so now only multilaterally with authorization from an international organization*."[28] The debate over

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[24] Darfur (a crisis in which there is no "peace to keep") demonstrates why the AU and UN engagement cannot be considered a humanitarian intervention. See Weiss, Thomas. (2007). *Humanitarian Intervention: Ideas in Action*. Polity Press, 1-176: 10.

[25] Seybolt, Taylor. (2007). *Humanitarian Military Intervention: The Conditions for Success and Failure* Oxford: Oxford University Press: 259, *emphasis added*.

[26] Walzer, Michael. 1977. *Just and Unjust Wars*. New York: Basic Books.

[27] Annan, Kofi. (2000). Opening Remarks, Humanitarian Action: A Symposium.

[28] Finnemore, Martha. (2003). The Purpose of Intervention: Changing Beliefs about the Use of Force. Ithaca, NY: Cornell University Press: 3, *emphasis added*. Such reasoning appears to align with America's current non-intervention in Darfur. However, the question will later be addressed as to whether this reasoning precludes a state from intervening unilaterally on altruistic and sympathetic grounds to advance universal human rights even if the UN or the UNSC does not back them.

motives for, and *outcomes* of intervention will later inform this paper's discussion of how US policy-makers view the 'historical' milieu of a given intervention scenario.

The overall purpose of this paper is to determine what causal factors[29] shape US decisions whether or not to intervene to stop humanitarian crises. Chapter 1 examines the literature regarding humanitarian intervention, while Chapter 2 lays out the theoretical framework. Chapters 3 and 4 presents the case studies of Kosovo and Darfur, and the conclusion compares the two cases and arrives at several conclusions regarding American humanitarian interventionism. The afterword will provide suggestions for advocacy groups, and examine possible alternatives for stopping the genocide in Darfur.

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[29] National Interests, Domestic and International Factors, and 'Historical Milieu'

Chapter I: Literature Review

The first section of this chapter will examine the historical development of the doctrine and practice of humanitarian intervention. It will then trace the extent to which it existed in state policy and practice during the pre-UN Charter/pre-Cold War, post-UN Charter, Cold War, and post-Cold War eras.

The second section will identify various domestic and international political factors that the literature has distinguished as influencing decisions whether or not to militarily intervene to stop humanitarian crises. The debates and issues surrounding humanitarian intervention will be divided into three subsections: (1) state sovereignty and notions of human rights; (2) morality; and (3) legality.

The third section will examine the discourse between the realist and idealist paradigms; and between the sub-fields of these two analytical frameworks. Finally, it will identify several gaps in the literature, and suggest that neither the realist nor idealist paradigm is sufficient in explaining the selective interventionist policy of the United States, or in predicting when the US is likely to intervene.

The Evolution of the Humanitarian Intervention Doctrine

Not until NATO's 1999 intervention in Kosovo did humanitarian intervention, as it is perceived today, become an underlying component of the international political system. While traces of the practice can be seen (albeit retrospectively) during the pre-UN Charter/pre-Cold War, post-UN Charter, Cold War, and post-Cold War eras, prior to the 1990s, the idea of humanitarian intervention was a marginal concept in international relations.

The notion of humanitarian intervention first surfaced as the idea that nations have a responsibility to guarantee their citizens fundamental human rights essential to their existence. These rights are so fundamental and universal that violations by any state cannot be disregarded by other states, and when states overtly denied these rights to their own citizens, outside intervention became a possibility. The classical notion involved "any use of armed force by a state against another state for the purpose of protecting the life and liberty of the nationals of the latter state unable or unwilling to do so itself."[30]

Early in the 20th century, the 'right' of humanitarian intervention achieved wider recognition in relation to the norm of non-intervention. Many scholars began to view state sovereignty not as absolute, but instead as vulnerable to exceptions and restrictions. In situations where states encroached on human rights, the offending state was to be held responsible for its violations. It is important to note that while the notion of humanitarian intervention was supported by religious, philosophical, and ideological justifications, these arguments did not establish precise criteria for its implementation. There was also no consensus on how to incorporate the doctrine into international law, however, "a great number of authorities not only sanctioned permissible intervention, but also argued that it was necessary:"[31]

> The doctrine also sought a balance between the sovereignty of states and certain basic or 'natural' laws aimed at the protection of human dignity. For, when a state's conduct toward its subjects is such that it leads to massacres, brutality, religious or racial persecution, and when these acts are of such nature that they shock the conscience of mankind, the international community has the right to intervene to restore some semblance of civilized conduct. *In some situations, such action may even lead to the removal of a tyrannical sovereign.*[32]

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[30] Abiew, FK. (1999). *The Evolution of the Doctrine and Practice of Humanitarian Intervention.* Martinus Nijhoff Publishers.
[31] Ibid., 44
[32] Ibid., 44, *emphasis added.*

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The following section traces how such a precedent existed in state policy and practice during the pre-UN Charter/pre-Cold War, post-UN Charter, Cold War, and post-Cold War eras.

Pre-UN Charter/Pre-Cold War Era

An overview of US 'humanitarian' interventions in the pre-Cold War era shows that US policy elites believed in the 'right to intervention.' The 1898 American action against Cuba demonstrates how this 'right' involved humanitarian motives. President McKinley told Congress that the intervention was:

> ...in the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and therefore none of our business.[33]

While US economic interests – investments and trade opportunities – in the region may have spurred military action, humanitarian goals were also part of the 'intervention calculus.'[34] At this time, however, the term 'humanitarian intervention' had yet to emerge.

In the early and mid 20th century, there were fewer interventions for the "cause of humanity."[35] No 'humanitarian' intervention stopped the widespread genocide of Jews in Europe during the 1930s and 1940s. Allied efforts in World War II were not aimed to ensure fundamental human rights, but instead to confront Nazi Germany's external aggression.[36] Yet, Lillich suggests that during the 19th and 20th century as nations justified intervention on humanitarian grounds, "the doctrine appears to have been so clearly established under

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[33] Ibid., 44

[34] The term 'intervention calculus' conveys the complexity of policy elites' decision-making process, and how such decisions are influenced by the causal factors listed in the theoretical framework.

[35] Ibid., 55

[36] Scheffer, D.J. (1992). Toward a Modern Doctrine of Humanitarian Intervention," *University of Toledo Law Review, 23*: 255.

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customary international law that *only its limits and not its existence is subject to debate.*[37]

The resulting dilemma has been defining these "limits" in the sphere of international

relations.

The Post-UN Charter Era (post-1945)

The doctrine of humanitarian intervention has coexisted with state sovereignty, with

international law allowing military intervention in the name of human rights in some cases.

This section discusses the legality and legitimacy of humanitarian intervention during the

Cold War, and its relation to the United Nations Charter. Some critics maintain that the 1945

ratification of the United Nations Charter allowed for "a norm of *justified* intervention."[38]

Others suggest differentiation between "permissible and impermissible acts of intervention"

is impossible because relations between states are "under pressure and inducement," and not

constrained by the UN Charter:[39] "the non-intervention norm stands little chance of affecting

behavior if it excludes what occurs everyday as normal world politics...the inconsistency

between states' pronouncements on the prohibition of intervention and their actual responses

to the use of force is evident...There is clearly a longstanding contrast between what is

preached (i.e. non-intervention), but not practised."[40] Despite UN General Assembly

advocacy for non-intervention during the Cold War era – which cited Article 2(7) as

establishing the principle of non-intervention in the internal affairs of states – there was

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[37] Lillich, Richard. (1969). Intervention to Protect Human Rights. *McGill Law Journal, 15*: 210, *emphasis added.*
[38] Abiew, FK. (1999). The Evolution of the Doctrine and Practice of Humanitarian Intervention: 63, *emphasis added.*
[39] Pease & Forsythe. (1993). Human Rights, Humanitarian Intervention, and World Politics. *Human Rights Quarterly, 15*: 293. It should be noted that UN General Assembly resolutions do not necessarily "create obligation binding on states."
[40] Abiew, FK. (1999). The Evolution of the Doctrine and Practice of Humanitarian Intervention, 71.

minimal censure of state practices of humanitarian intervention.[41] While the UN Charter will

be examined later in more detail, the document does not necessarily dictate state action.

Instead, the Charter functions more as a tool with which states justify intervention or non-

intervention:

> Despite efforts of the UN aimed at promotion and protection there are still
> widespread human rights violations. Apart from the weaknesses in the
> implementation procedures, the main problems encountered relate to: governmental
> commitment [the lack of state's political will to promote human rights]; problems of
> prospective and priorities…As presently constituted, these mechanisms fail to deal
> with situations involving massive human rights violations, as past practices have
> shown.[42]

'Failure' by the UN to stop human rights abuses may be less due to "weaknesses in the

implementation procedure" and more the nation-state's power to formulate policy free from

UN constraints.   As will be examined later, the United States' selective interventions show

that the Charter does not bind it to act. Despite the UN consensus that promotion of human

rights is a priority, there is considerable divergence regarding how the concept should be

implemented.

State practice in the post-UN Charter era reveals humanitarian intervention as not

only complex, but also difficult to objectively enforce. States view the 'right' of unilateral

intervention as justified by both the UN Charter and international law. While this 'right'

allows for the possibility of selective intervention, "the fact that the interveners invariably

had mixed motives should not be a basis for condemnation of the whole humanitarian

enterprise."[43]

The Cold War Era and US Humanitarian Intervention

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[41] Some examples include India's 1971 military intervention in East Pakistan (Bangladesh), Tanzania's 1798 use of force in Uganda, and Vietnam's 1979 intervention in Cambodia.
[42] Ibid., 80-81.
[43] Ibid., 134-135.

This section will focus American humanitarian interventions during the Cold War era. At that time, national policy decisions of nations were largely driven by the strategic aims[44] of the major powers – the United States and the Soviet Union – and framed by East/West tensions. The major powers' concerns for protecting human rights were overshadowed by national security threats and fears that intervention would incite nuclear war. Within this paradigm of heightened state security, humanitarian intervention "was not a legitimate practice" and the term was not invoked.[45] The rare cases when states *did* intervene – Tanzania's 1978 intervention in Uganda and Vietnam's 1979 intervention in Cambodia – were justified based on the principle of self-defense found in Article 51 of the UN Charter, not by claims of a 'right' to humanitarian intervention.[46]

Most Cold War scholars suggest that humanitarian justifications were not invoked because states did not want to erode the principle of non-intervention: "the reluctance evident in the international community even to experiment with the conception of a right of humanitarian intervention reflects not only an unwillingness to jeopardize the rules of sovereignty and non-intervention by conceding such a right to *individual states*, but also the lack of any agreed doctrine as to what human rights are."[47]

The Cold War context produced support or reproach of humanitarian intervention, and the:

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[44] For example, maintaining state security, establishing greater military presence abroad, and 'winning' the Cold War arms race.

[45] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics*: 392.

[46] Article 51 of the UN Charter reads: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

[47] Bull, Hedley. (1984). *Intervention in World Politics*. Oxford: Clarendon Press: 193, *emphasis added*.

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...extent of approval or censure varied in each case depending on its impact on the wider geopolitical relationship between the superpowers, even though these interventions were into states where the respective governments were engaging in gross abuse of the human rights of their citizens, and the interventions had the effect of putting a stop to those violations.[48]

The idea of intervention for humanitarians reasons did not receive the overt support that some critics observe, as Cold War humanitarian considerations were overshadowed by the geopolitical concerns of the superpowers. These interventions were not explicitly condemned by the United Nations, and such "silent acquiescence on the part of the vast majority of states...may be interpreted as a tacit acknowledgment of international principles concerning the doctrine and its practice."[49]

Post-Cold War Era

Following the collapse of the Soviet Union, humanitarian intervention became a contentious component of the reformulated world order.[50] Because the United States did not fear retaliation from the "non-existent Communist bloc," they viewed wide-spread human rights abuses as an "implied waiver" on the sovereignty of states.[51] So, while the Cold War presented a political and security impediment to Western interventionism, the new post-Cold War flexibility allowed the US to be more selective about those risks to address and the reasons to address them.[52] The end of the Cold War marked an inflation in the "capacity of

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[48] Abiew, FK. (1999). The Evolution of the Doctrine and Practice of Humanitarian Intervention, 135.

[49] Ibid., 135.

[50] Adelman, Howard. (2002). Theory and Humanitarian Intervention. In *International Intervention: Sovereignty Versus Responsibility* (Eds.) Keren, Michael & Donald A. Sylvan. London & Portland: Frank Cass & Co. As Howard Adelman suggests, the concept of the 'end of the Cold War' was an "illusory" turning point within theories of progress – "stages of development, or stages of crises – as if there were inevitable set patterns all conflict went through" (Adelman 11). Instead, Adelman defines the 'end of the Cold war' as a "bifurcation point," or the "position that is most distant from a state of relative equilibrium where there is maximum chaos in a system, but also where there are the greatest opportunities for innovation and change" (12).

[51] Meyers, Mitchell. (1997). A Defense of Unilateral or Multi-Lateral Intervention Where a Violation of International Human Rights Law by a State Constitutes an Implied Waiver of Sovereignty. *ILSA Journal of International and Comparative Law, 3*, 895-913.

[52] United Kingdom House of Commons Select Committee on Defense. (1998). Eight Report, Session 1997-1998. Available at <http://www.parliament.thestationaryoff...cm199798/cmselect/cmdfence/138/23809>

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...extent of approval or censure varied in each case depending on its impact on the wider geopolitical relationship between the superpowers, even though these interventions were into states where the respective governments were engaging in gross abuse of the human rights of their citizens, and the interventions had the effect of putting a stop to those violations.[48]

The idea of intervention for humanitarians reasons did not receive the overt support that some critics observe, as Cold War humanitarian considerations were overshadowed by the geopolitical concerns of the superpowers. These interventions were not explicitly condemned by the United Nations, and such "silent acquiescence on the part of the vast majority of states...may be interpreted as a tacit acknowledgment of international principles concerning the doctrine and its practice."[49]

Post-Cold War Era

Following the collapse of the Soviet Union, humanitarian intervention became a contentious component of the reformulated world order.[50] Because the United States did not fear retaliation from the "non-existent Communist bloc," they viewed wide-spread human rights abuses as an "implied waiver" on the sovereignty of states.[51] So, while the Cold War presented a political and security impediment to Western interventionism, the new post-Cold War flexibility allowed the US to be more selective about those risks to address and the reasons to address them.[52] The end of the Cold War marked an inflation in the "capacity of

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[48] Abiew, FK. (1999). The Evolution of the Doctrine and Practice of Humanitarian Intervention, 135.

[49] Ibid., 135.

[50] Adelman, Howard. (2002). Theory and Humanitarian Intervention. In *International Intervention: Sovereignty Versus Responsibility* (Eds.) Keren, Michael & Donald A. Sylvan. London & Portland: Frank Cass & Co. As Howard Adelman suggests, the concept of the 'end of the Cold War' was an "illusory" turning point within theories of progress – "stages of development, or stages of crises – as if there were inevitable set patterns all conflict went through" (Adelman 11). Instead, Adelman defines the 'end of the Cold war' as a "bifurcation point," or the "position that is most distant from a state of relative equilibrium where there is maximum chaos in a system, but also where there are the greatest opportunities for innovation and change" (12).

[51] Meyers, Mitchell. (1997). A Defense of Unilateral or Multi-Lateral Intervention Where a Violation of International Human Rights Law by a State Constitutes an Implied Waiver of Sovereignty. *ILSA Journal of International and Comparative Law, 3*, 895-913.

[52] United Kingdom House of Commons Select Committee on Defense. (1998). Eight Report, Session 1997-1998. Available at <http://www.parliament.thestationaryoff...cm199798/cmselect/cmdfence/138/23809>

Western powers to politically legitimize greater intervention abroad."[53] Many critics feared

that hegemonic Western states, including the US, would forcefully intervene in the affairs of

other nations under the guise of humanitarian justifications and to further their national

interests. This reformulated, post-Cold War environment provides the context in which this

paper will examine American humanitarian interventionism. The selectivity of US

humanitarian operations will be interpreted as evidence that national interests – instead of

purely 'humanitarian' concerns – significantly impact policy formation.

Since the end of the Cold War, policy makers worldwide have struggled with

balancing the need to protect the sovereignty of states and the need to stop human rights

violations such as ethnic cleansing and genocide. Because human rights atrocities seem

never-ending, the practice of international intervention as well as the problems and

complexities it poses need to be continually addressed. In the 54th session of the UN General

Assembly (1999), then UN Secretary-General Kofi Annan articulated this urgent need for an

ongoing, policy-based discussion concerning tensions between state sovereignty and

international responsibility:

> The genocide in Rwanda showed us how terrible the consequences of inaction can be
> in the face of mass murder. But this year's conflict in Kosovo raised equally
> important questions about the consequences of action without international consensus
> and clear legal authority. It has cast in stark relief the dilemma of so-called
> "humanitarian intervention". On the one hand, is it legitimate for a regional
> organisation to use force without a UN mandate? On the other, is it permissible to let
> gross and systematic violations of human rights, with grave humanitarian
> consequences, continue unchecked? The inability of the international community to
> reconcile these two compelling interests in the case of Kosovo can be viewed only as
> a tragedy. To avoid repeating such tragedies in the next century, *I believe it is
> essential that the international community reach consensus* – not only on the
> principle that massive and systematic violations of human rights must be checked,
> *wherever* they take place, but also on ways of deciding what action is necessary, and
> when, and *by whom*. The Kosovo conflict and its outcome have prompted a debate of

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[53] Chandler, David. (2002.) *From Kosovo to Kabul: Human Rights and International Intervention*. London: Pluto Press.

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worldwide importance. And to each side in this debate difficult questions can be posed.[54]

However, in the post-Cold War and post-9/11 context[55], will the international community

ever "reach [a] consensus" to prevent or stop "systematic violations of human rights" in all

parts of the world, or is such a goal unreasonable given the primacy of both the nation-state

and national interests? Because this paper addresses US decisions whether or not to

intervene during humanitarian crises, the next, final section of the introduction will examine

the role of the nation-state in the post-Cold War context.

Political Modernity and Intervention

Following the Cold War many political theorists believed that political modernity – a

concept that a society of states interacts based on rational order and peace – would

materialize in the reformulated world order. However, drawing upon this theory of

modernism, Adelman asks how we can explain "the relativity of values, the rivalries entailed

by power politics, and the recourse to violence despite the advance of reason and

civilization?"[56] Why since the end of the Cold War and its initial efforts towards a

groundbreaking establishment of peace have humanitarian crises and human rights abuses

increased so dramatically? Our world has experienced genocide and human rights abuse of

magnitudes not seen since the Holocaust, such as the 1994 Rwanda crisis with over a million

slaughtered in less than four months.[57] Contrary to the predictions of some political theorists,

a modern society based on rational order and peace has not emerged. A far different reality

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[54] Annan, Kofi. (1999). Two Concepts of Sovereignty. *The Economist*, Available at
<http://www.un.org/News/ossg/sg/stories/articleFull.asp?TID=33&Type=Article> *emphasis added.*
[55] Following the terrorist attacks of September 11th, the United States focused its efforts and resources on
Afghanistan, Iraq, and the 'War on Terror.' Some scholars, such as Weiss, believe this post-9/11 dynamic has
encouraged the US' "prioritization of strategic concerns to the virtual exclusion of humanitarian ones." Weiss,
Thomas. (2007). *Humanitarian Intervention: Ideas in Action.*
[56] Adelman, Howard. (2002). Theory and Humanitarian Intervention: 3.
[57] Ibid., 3

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of increased conflict, human rights abuses, oppressive leaders, and autocratic regimes has arrived.

In the post-Cold War arena of international relations – in which nation-states recognize each other as autonomous entities, not as a "mechanical system of billiard balls or atoms" dependent on intervention in one another's affairs – how should human rights abuses and genocide be stopped?[58] This paper suggests that the dilemmas of humanitarian intervention stem from the post-Cold War arrangement of states based on the doctrine of non-intervention. In theory, since this arrangement of states is mutual, "there is by definition no higher authority to determine who is a state and who is to police whether a state behaves like a member."[59] The lack of an international governing "authority" that objectively and effectively controls the practice of humanitarian intervention, allows states such as the US to be selective about the crises it engages.

With non-intervention as the international norm at the end of the Cold War, what should be done when ethnic cleansing and genocide characterize these new intra-state conflicts? When state sovereignty and international responsibility to prevent genocide come into conflict, foreign policy elites will be forced to decide whether or not they should intervene in the domestic issues of another state. In turn, will nations *unilaterally* determine when and when not to intervene, or:

> ...has globalization both weakened the nation-state as well as provided new opportunities for a global legal and enforcement order of some kind? Are forces not at work to allow for the resurrection of a new international source of authority higher than the nation-state so that minimalist moral criteria can be imposed on heinous crimes globally recognized as illegal? Has globalization brought into existence a world civilization?"[60]

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[58] Ibid., 4
[59] Ibid., 3
[60] Ibid., 6-7

While many critics argue that globalization is seriously undercutting the strength and autonomy of the nation-state[61] and its capacity to determine when and when not to intervene, this paper argues that the nation-state – particularly the United States – still possesses sufficient autonomy to unilaterally decide for or against intervention. In this sense, "the idea of a global consensus for acting in response to complex emergencies is more myth than reality."[62] Adding to Adelman's discussion, this paper contends that neither a global consciousness, nor a global organization (such as the UN) has emerged with the adequate capacity to stop human rights abuses worldwide. Moreover, because the state continues to be *the* major political institution "mediating between local cultures and the emerging global civilization, it remains the only 'real game in town.'"[63]

Furthermore, international relations and humanitarian interventions following the establishment of the UN Charter have illuminated numerous problems. Because both the United Nations' Declaration of Human Rights and the UN Charter suggest that all nation-states respect human rights, the question arises as to how states can enforce human rights while also practicing non-intervention. Over the past fifty years, the UN has often been asked to enforce human rights and prevent genocide. In every scenario, the organization "was confronted with the moral dilemma posed by its commitments to both the statist paradigm and respect for human rights, to both the inviolability of the state and some

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[61] For example, Boutros-Boutros Ghali states: "We have entered a time of global transition marked by uniquely contradictory trends. Regional and continental associations of states are evolving in ways to deepen cooperation and ease some of the contentious characteristics of sovereign and nationalistic rivalries. National boundaries are blurred by advanced communications and global commerce, and by decisions of states to yield some sovereign prerogatives to larger, common political associations. At the same time, however, fierce new assertions of nationalism and sovereignty spring up, and the cohesion of states is threatened by brutal ethnic, religious, social, cultural or linguistic strife. Social peace is challenged on the one hand by new assertions of discrimination and exclusion and, on the other, by acts of terrorism seeking to undermine evolution and change through democratic means." See Ghali, Boutros- Boutros. 1995. An Agenda For Peace. New York: United Nations, paragraph II, 41-42.
[62] Adelman, Howard. (2002). Theory and Humanitarian Intervention:8
[63] Ibid., 11

conception of universal human community."[64] The problem of satisfying both these aims is highlighted by, and consistently the dilemma of, what is now termed 'humanitarian intervention.' This, combined with the UN's inability to consistently address humanitarian crises, has resulted in sporadic, selective, and often unilateral, interventions.

The idea that the state remains the only "real game in town" leads into the following discussion of 'the responsibility to protect,' and how the autonomy of the state has challenged the implementation of such a 'responsibility.'

'The Responsibility to Protect': An Emerging Consensus or an Empty Promise?

While the International Commission on Intervention and State Sovereignty (ICISS)[65] coined the phrase, 'the responsibility to protect,'[66] the general concept has roots in Max Weber's notion of an "ethic of responsibility"[67] to 'prevent and react' to humanitarian crises, and in Karl Marx's critique of the statist paradigm.[68] Marx argues that states are instruments of class domination and deserve neither absolute legitimacy nor an unquestioned right to autonomy.[69] In the late 1990s, Parekh suggests that humanitarian intervention was internationally understood as an act that "both presupposes and subverts" the statist manner of thinking. Parekh defines five components of that statist paradigm. First, the world consists of sovereign states, in which citizens are the exclusive responsibility of their state.

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[64] Ibid., 52

[65] The International Commission on Intervention and State Sovereignty will be referenced henceforth as the ICISS.

[66] As will be later discussed in more detail, this phrase was coined by the ICISS.

[67] Weber, Max. (1958). Politics as a Vocation. In *Essays in Sociology*. New York: Oxford University Press, 120-28 & International Commission on Intervention and State Sovereignty. The Responsibility to Protect. Published by the International Development Research Centre, 1-108.

[68] Under the 'statist' model – also known as "the Machiavellian tradition" – human rights are the responsibility of the sovereign nation-state, and offer no space for outside intervention on their behalf. See Fixdal, Mona and Dan Smith. (1998). Humanitarian Intervention and Just War. More recently, the 'statist' model has been acknowledged as the "moral claim that states only have duties to their own citizens, and that they should not risk their soldiers' lives on humanitarian crusades." See Doyle, Michael W. (1997). *Ways of War and Peace: Realism, Liberalism, and Socialism*.

[69] Parekh, Bhikhu. (1997). Rethinking Humanitarian Intervention, 52.

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Second, every state has a right to control its internal affairs, and outsiders have no right to interfere. Third, every state has a right to conduct its external affairs, provided that its actions remain consistent with international law. Fourth, the civil authority "derives its legitimacy from its citizens and its sole duty is to promote their collective interests.[70] Lastly, citizens have a moral obligation to obey the state, "which generally takes precedence over all other obligations including such universal moral obligations that human beings might have to one another. No citizens may condemn, let alone disobey, the state on the grounds that it pursues policies prejudicial to the interests of other states, or that it fails to promote their interests even when the likely damage to its own is minimal."[71]

In such a context, intervention would not make sense, and the "need to justify it would not arise, unless states were assumed to be sovereign and entitled to immunity from external interference."[72] Statism and non-intervention "presuppose," or are necessary precursors for a state's need to justify breaking this wall of sovereignty. Moreover, humanitarian justifications for intervention are a result of this previous statist environment and its residual norm of non-intervention.

While the notion of humanitarian intervention "presupposes the statist manner of thinking, it is also incompatible with it" insofar as the statist model suggests that even when a state has deteriorated into widespread violence, it is still only the concern of the citizens, and not that of outsiders. The concept of humanitarian intervention implies the opposite. In cases of ethnic cleansing or genocide, states have the right and "responsibility" to prevent such suffering. From the statist perspective, a state intervening for humanitarian reasons

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[70] Ibid., 52
[71] Ibid., 56
[72] Ibid., 56

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surpasses its authority, and unjustifiably attempts to achieve "objectives it has neither a right nor a duty to pursue."[73]

The notion of 'the responsibility to protect' emerged with the arguments of idealist critics that humanitarian interventions do not overstep these boundaries, but are instead one of the foremost 'duties' of every nation. In a 2001 report presented to the United Nations, the International Commission on Intervention and State Sovereignty challenged the statist paradigm and attempted to codify the humanitarian intervention in international politics. The report argues that when a given population is experiencing "harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect."[74] Yet, a "global consciousness" acknowledging the fundamental 'responsibility to protect' – in the form the ICISS and former UN Secretary General Kofi Annan have imagined – has not emerged.

Proponents of the 'right of intervention' uphold liberal claims that new international norms should prioritize individuals' rights to protection and promise a framework for, and possibly a future of, liberal peace. The primacy of the nation-state in international relations has undermined their efforts. Though the seminal 2001 ICISS report does suggest policies to shape the future of humanitarian intervention, nation-states have rarely adhered to them.

The document has several shortcomings. Its two primary strategies – the first aimed at *enabling* 'genuine' humanitarian interventions, the second concerned with *preventing* 'abuse' – may have led the United States to reject the group's findings. Some scholars have suggested the report may be counter-productive in establishing the 'responsibility to protect'

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[73] Ibid., 57

[74] International Commission on Intervention and State Sovereignty. The Responsibility to Protect: xi.

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doctrine and in ensuring the prevention of massive human rights violations such as genocide. These critics point to the dilemma of "indeterminacy" that emanates from the opposition between 'enabling' and 'preventing.' They suggest the report does nothing to prevent nations from utilizing the latter argument (preventing 'abuse') to avoid intervention in humanitarian emergencies.

Nations can justify a policy of nonintervention by arguing that the document's "just cause threshold"[75] had not been crossed or that the target state (i.e. the site of the humanitarian crisis), rather than the UNSC, should act to remedy its own problem. In 2004, UNSC members employed such a strategy and used the very language of "The Responsibility to Protect" to neutralize arguments calling for intervention in – and sanctions against – Sudan for its complicity in the humanitarian crisis in Darfur.[76] Nation-states (even those within the UN Security Council) still possess sufficient autonomy to decide whether or not to intervene, and are also capable of justifying these decisions within the international community. Overall, while a theoretical consensus may have emerged about the 'responsibility to protect,' it has not bound states to adhere to its principles.

A Broad Review of the Humanitarian Intervention Literature

This section will identify domestic and international political factors that the literature has distinguished as influencing decisions whether or not to militarily intervene in sovereign states where massive human rights abuses are being committed. It will review various segments of the literature regarding intervention and humanitarian intervention, and selected arguments from the literature will later support the potential causal factors in this paper's

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[75] See Appendix B: "The Just Cause Threshold" and "The Precautionary Principle." From International Commission on Intervention and State Sovereignty. The Responsibility to Protect: xii.
[76] Bellamy, Alex J. (2005). Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq. *Ethics and International Affairs 19(2)*, 31-53.

theoretical framework. The debates and issues surrounding humanitarian intervention will be divided into three subsections: (1) state sovereignty and notions of human rights; (2) morality; and (3) legality. Though these debates – particularly state sovereignty and notions of human rights, and morality – often overlap, the general outline will be followed.

Political scientists, policy analysts, and even philosophers have thoroughly addressed whether and under what circumstances humanitarian intervention is the appropriate solution – in moral, legal, and normative terms – to protect human rights. Like many political topics, the literature addressing humanitarian intervention frequently disagrees, and for the most part, a consensus regarding problems with the practice has not been reached.

State Sovereignty and Military Intervention

The concept of military intervention into 'sovereign' states will be discussed first, in order to provide the basis for why states more recently have justified intervention on humanitarian grounds. Political theorists Walzer[77] and Philips[78] focus on the concept of 'just' intervention. Walzer refers to "just intervention" as the use of military force against a sovereign state, justified by legal and/or moral arguments. Walzer lists three types of "just intervention": (a) the deterioration of a sovereign state due to the secession of one of its parts; (b) situations in which external (third-party) intervention has already occurred and "counter-intervention" is requested; and (c) the presence of large-scale human rights abuses, particularly genocide, enslavement, and ethnic cleansing.

For some scholars, the traditional notion of sovereignty grants states jurisdictional exclusivity within their own territory. Art and Jervis assert that "no agency exists above the

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[77] Walzer, Michael. (1977). *Just and Unjust Wars*. New York: Basic Books.

[78] Philips, Robert L. (1996). The Ethics of Humanitarian Intervention. In *Humanitarian Intervention* (Eds.) Philips & Cady, Lanham MDL Rowman & Littlefield.

individual states with authority and power to make laws and settle disputes."[79] In a more

rigid defense of sovereignty, Chayes advocates "the complete autonomy of the state to act as

it chooses."[80] In contrast to Jervis and Chayes, Art's analysis aligns with the United States'

high degree of autonomy relative to the rest of the world.[81] Critics also invoke documents

such as Article 2(7) of the UN Charter, which support Chayes' recognition of an absolute

form of sovereignty: "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."[82] From this perspective, the UN Charter codifies the doctrine of non-intervention in

the relations of nation-states and formally abolishes the interventionist position Western

states have historically viewed as a right. On the contrary, Parekh suggests that the UN

Charter permits intervention in the internal affairs of states when international security is

threatened, but that intervention should be limited to this "clearly specified purpose."[83]

State Sovereignty, Human Rights, and the Morality of Intervention

Teson contends that state sovereignty is forfeited when states permit or engage in

human rights abuses:

> ...the ultimate justification of the existence of states is the protection and enforcement
> of the natural rights of the citizens, a government that engages in substantial
> violations of human rights betrays the very purpose for which it exists and so forfeits
> not only its domestic legitimacy, but its international legitimacy as well. [84]

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[79] Art, Robert & Robert Jervis. (1992). *International Politics: Enduring Concepts and Contemporary Issues*.
New York: Harper Collins, 2.
[80] Chayes, Abram, & Antonia Chayes. (1996). Preventing Conflict in the Post-Cold War World: Mobilizing
International and Regional Organizations. Washington, DC: Brookings Institution Press.
[81] In the post-9/11 environment and during its unilateral intervention in Iraq, the United States was unwilling to
allow an outside "agency" (such as the UN) to guide its policy. Russia and China hold a similar level of
autonomy with their impunity in Chechnya and Tibet. The same, however, does not hold true for non-Western
states committing atrocities against their own people.
[82] United Nations. (1945). UN Charter.
[83] Parekh, Bhikhu. 1997. "Rethinking Humanitarian Intervention." International Political Science Review 18: 4-
69; 52
[84] Teson, Fernando. 1988. Humanitarian Intervention: An Inquiry into Law and Morality. Dobbs Ferry, N.Y.:
Transnational Publishers, pp. 15

For Teson, other states are morally entitled to rescue victims from oppression, genocide, and ethnic cleansing through military intervention, "provided that the intervention is proportionate to the evil which it is designed to suppress."[85] Teson does not limit the legitimacy of 'humanitarian' intervention simply to genocide, enslavement, and mass murder, but extends its use "to put an end to situations, of serious, disrespectful, yet not genocidal, oppression."[86] In this sense, 'traditional' national interests do not alone drive humanitarian intervention.

Likewise, Phillips adds to Walzer's discussion of "just intervention" by suggesting that the notion of state sovereignty has weakened since the end of the millennium because of a new, particularly 'moral' international environment, and because of shifting political scenarios, especially the end of the Cold War and the increase in global problems such as pollution and climate change. Phillips suggests that, while during the Cold War encroaching upon sovereignty led to conflict and violence, the scenario has reversed, and more critics are arguing that decisions to *not* 'violate sovereignty' will actually endanger global peace.

For Phillips, the question is no longer *if* states should intervene, but "how and in what way": "today the dialogue is no longer at the level of legal principles but of pragmatism. It is not a question of whether the international community has the right to intervene or whether it should intervene: it is a question of how and in what way."[87]

This paper will agree with, and rely upon, Phillip's argument of a shift in the normative international environment towards "pragmatism," in which the most salient issue becomes how nations frame the costs and benefits involved in decisions whether or not to intervene. The evolving and continually interacting causal factors in this paper's theoretical

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[85] Teson 15
[86] Teson 15
[87] Philips, Robert L. (1996). The Ethics of Humanitarian Intervention: 23.

framework resemble Phillip's observation that states' engage in ongoing cost-benefit analyses.

Building on the work of Walzer[88] and Philips[89], whose focus is on the concept of 'just' intervention, Fixdal and Smith construct the 'Just War' framework. Their theory sets criteria for assessing whether or not a war is just and carried out through just means, and It asserts that a state's moral obligations should be weighed against the required degree of deadly force, and this balance should guide its decision to engage in humanitarian intervention.[90] The ICISS' 2001 report, "The Responsibility to Protect," seems to borrow from the three fundamental criteria of the 'Just War' tradition – "legitimate authority," "just cause," and "right intention" – to create their "just cause threshold."[91]

Future Trajectory of Humanitarian Intervention

More recently, critics such as Snyder have examined this notion of pragmatism by defining three contexts of intervention – Cold War, unilateral hegemonic, and multilateral hegemonic – and by arguing that the latter two types will occur most frequently in the future.[92] Weiss agrees with Snyder that 'humanitarian' interventions will become more frequent, but suggests that instead of an increase in unilateral hegemonic interventions, the United Nations will increasingly spearhead action.[93] Furthermore, Griffiths, Levine, and Weller assert that the logic of intervention is rooted in the "threshold of international action," in which case the required impetus for intervention occurs when an internal situation – ethnic

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[88] Walzer, Michael. (1977). *Just and Unjust Wars*.
[89] Philips, Robert L. (1996). The Ethics of Humanitarian Intervention: 23.
[90] Fixdal, Mona and Dan Smith. (1998). Humanitarian Intervention and Just War.
[91] Ibid., 291 & See Appendix C for an explanation of "Just Cause Threshold" and Appendix D for an explanation of the three fundamental criteria of the "Just War" tradition.
[92] Synder, Jack. 1996. Military Force and Regional Order. In *Coping with Conflict After the Cold War* (Eds.) Kolodziej & Kanet, Baltimore MA: Johns Hopkins University Press, 291-308.
[93] Weiss, Thomas G. 1995. On the Brink of a New Era? Humanitrian Interventions 1991-94. *In Beyond Traditional Peacekeeping*. London: Macmillian Press, 3-19.

cleansing or genocide – is "semantically converted" into a scenario that threatens international peace and security.[94]

Kolodziej and Zartman add to the above notion concerning the recognition – often displayed visually through media coverage – of an 'internal situation' by the international political community, and suggest that 'salience' (i.e. the 'importance' of a particular crisis) is an essential factor in decisions to intervene.[95] For Kolodziej and Zartman, the benchmarks for a 'salient' conflict are heightening because tangential areas of the world are being viewed as less important now that superpowers no longer engage in 'proxy wars'[96] over these areas. For example, the US government's current perception of Sub-Saharan Africa as a "tangential" region has largely informed its non-intervention in Darfur. For the US, the genocide in Darfur holds little 'salience' for its national interests. Similar to Snyder, but in disagreement with Weiss, Kolodziej and Zartman predict fewer interventions in the post-Cold War context.

While the United States may now be less likely to engage in traditional 'proxy wars,' its 'War on Terror' following the September 11th terrorist attacks has become a modified version. As an example, the US has relied on intelligence from the government of Sudan (GoS) in tracking down terrorists throughout Africa. Though traditional US reliance on

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[94] Griffiths, Martin, Iain Levine, and Mark Weller. 1995. "Sovereignty and Suffering," in *The Politics of Humanitarian Intervention*, (Ed) Hariss. London: Pinter, 33-90. For these scholars, the US intervention in Somalia exhibited this "semantic conversion."

[95] Kolodziej, Edward A. and William Zartman. 1996. Coping with Conflict: A Global Approach. In *Coping with Conflict after the Cold War*, (Eds.) Edward Kolodziej & Roger Kanet. Baltimore, Maryland: Johns Hopkins University Press, 3-32.

[96] 'Proxy Wars' occur when superpowers use third parties as surrogate fighters, instead of engaging each other directly. 'Proxy wars' were a characteristic of the Cold War, in which the Soviet Union and United States did not want to confront each other, for fear that it would lead to nuclear war. For example, in the Vietnam war, the Soviet Union backed supported North Vietnam and the Viet Minh with weapons, training, and intelligence, but did not enter the conflict directly.

'proxy wars' may have ceased, the 'War on Terror' forces the United States to establish military presences and intelligence gathering capabilities around the world.

Motives for Humanitarian Intervention

Finnemore brings in the concept of 'humanitarian' intervention, and asks what national and strategic interests[97] states could potentially be pursuing when they decide to intervene. She concludes that legitimate humanitarian interventions now have to be multilateral, but that international norms are 'permissive' and do not necessarily require intervention.[98] Such a 'permissive' international environment allows states to intervene – albeit, under 'humanitarian' justifications – in order to further national interests.

Gelb adds to Finnemore's discussion and suggests that, though not 'required' by international norms, stable democratic societies have a substantial pragmatic as well as moral stake in intervening in the face of genocide and mass murder. Under Gelb's analysis we would expect moral issues to drive policy elites' decisions whether or not to intervene.[99] While moral concerns do inform US intervention policy to some extent, they are by no means the most determinant or influential factors.

Concern for Human Rights and Public Opinion

Moral concerns do direct the attention of the public, the media, and policy makers towards recognizing humanitarian crises. However, recognition does not always translate to policy action. Shalom agrees with Gelb, but adds that if democratic states want to increase stability and security, they should hold oppressive rulers accountable for human rights

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[97] Though Finnemore uses the term 'strategic,' this paper presumes that US national interests encompass US 'strategic' interests.

[98] Finnemore, Martha. 1996. Constructing Norms of Humanitarian Intervention. *In The Culture of National Security: Norms and Identity in World Politics,* edited by Peter Katzenstein. New York: Colombia University Press, 153-85; 176.

[99] Gelb, Leslie. 1994. Quelling the Tea Cup Wars. *Foreign Affairs 73 (6),* 2-6.

abuses, and that a failure to prevent or stop such crises will erode the fabric of democratic society.[100]

The role of public opinion in US decisions to intervene for humanitarian purposes is addressed by Kohut and Toth, who suggest that military intervention is favored to guard US oil supplies, provide humanitarian aid, and slow nuclear proliferation, but there is minimal support for military intervention for nation-building, peacekeeping, and in order to restore law and order.[101] Adding to the observations of Kohut and Toth, Dallmeyer suggests other scenarios are likely to justify intervention, such as the potential for refugee populations, 'spill-over' conflicts, economic crises, natural disasters, and arms races.

Justifications for Humanitarian Intervention

Focusing specifically on the United States, Luck determines that American policy-makers generally adopt these arguments for intervention: to (1) maintain US leadership; (2) slow weapons proliferation; (3) contain refugee flows and the spread of intra-state conflict; (4) reinforce international norms of peace and security; (5) deter oppressive regimes; (6) bolster cooperation among states; (7) promote democratic and pluralistic values; (8) ensure jobs abroad and international trade by maintaining stability; and to (9) mitigate the long-term costs of conflict.[102] If Luck is correct, these issues should be observed in US arguments advocating intervention.

[100] Shalom, Stephen. 1993. *Imperial Alibis: Rationalizing US Intervention After the Cold War*. Boston: South End Press.

[101] Kohut, Andrew and Robert Toth. 1994. Arms and the People. *Foreign Affairs, 76(3)*, 47-61; 53. In the same survey (the Times Mirror Center for the People and the Press) that found majority support for the humanitarian mission in Somalia, also found that 60 percent opposed the use of US forces to restore law and order if governments break down in Africa or Asia and 53 percent opposed if the same occurs in Latin America or the Caribbean.

[102] Luck, Edward. 1995. The Case for Engagement: American Interests in UN Peace Operations. In *Beyond Traditional Peacekeeping*, edited by Donald Daniel and Bradd Hayes. London: Macmillian Press: 67-84.

Following the review of how political scientists and policy analysts have addressed the issue of humanitarian intervention, the next section will examine the two competing paradigms that try to explain the dynamics of humanitarian intervention: the realist and idealist paradigms. This paper will then argue that neither the realist nor idealist paradigms adequately explain the complexities of US decisions whether or not to intervene in humanitarian crises. Moving beyond framing the US interventionist policy solely in terms of the realist or idealist discourse, this paper will then develop a framework of potential causal factors that either prompt or inhibit intervention.

The Realist and Idealist Paradigms

The literature addressing humanitarian intervention can also be reviewed along the divide between a focus on national interests (the realist discourse) as the fundamental impetus for humanitarian intervention, or on altruistic motivations, such as concerns for individual welfare and universal human rights (the idealist discourse). The two concepts can also be referred to as "self-regarding" and "other-regarding.

Jackson defines "self-regarding" as rooted in the concept of realism: "the doctrine that state leaders are accountable only to their own people, whose rights they must respect, interests they must defend, and welfare they must promote."[103] Under this paradigm, international relations are largely dictated by "considerations and calculations of national self-interest."[104] For classical realists there is no place in a national leader's duty for concerns about the rights, interests, and welfare of foreign countries unless directly beneficial to their nation's interests.

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[103] Jackson, Robert H. 1995. The Situational Ethics of Statecraft. In *Ethics and Statecraft: The Moral Dimension of International Affairs*. Edited by Chatal J. Nolan. Westport, Conneticut; London: Greenwood Press.
[104] Ibid., 24-25

On the other hand, Jackson defines "other-regarding" – the idealist discourse – as composed of two distinct branches: legalism (which emphasizes the presence of a society of states) and liberalism/humanism (which assumes the existence of a community of humankind).[105] While the doctrine of legalism does not completely reject the sovereignty of states, it accentuates sovereignty more as a "shared international institution and not merely a differentiating marker of separate states."[106] In other words, sovereignty signifies independence and absolute internal authority devoid of external rights and duties, but it also grants the right to sign treaties, legislate, lawfully make war, and conduct diplomatic relations with other sovereign states. Walzer suggests that in international law the only criminal act is the use of force against either the territorial integrity or the political sovereignty of a state.[107] For Walzer, a state is no longer sovereign if the fabric of the state has deteriorated because of secession or if the state engages in human rights abuses such as ethnic cleansing or genocide. Adding another layer to the debate between international law and state sovereignty are the arguments posited by 'restrictionists' and 'counter-restrictionists.'

The 'restrictionist' perspective – which is advocated by the majority of international lawyers – relies on Article 2(4) of the UN Charter to suggest that the document prohibits the use of force and makes coercive 'humanitarian' intervention illegal. From this perspective, the only scenarios in which the use of force is legal are in the right of self-defense as defined by Article 51 of the UN Charter, and the Security Council's right, under Chapter 7, to "decide what measures shall be taken…to maintain or restore international peace and

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[105] Ibid., 25

[106] Ibid., 25

[107] Michael Walzer quoted in Doyle, Michael W. (1997). *Ways of War and Peace: Realism, Liberalism, and Socialism.* New York: W.W. Norton & Company: 387.

security."[108] For 'restrictionists,' the chief purpose of the UN is restricted to maintaining "international peace and security," but not through the widespread promotion of human rights.

Alternatively, the 'counter-restrictionists' argue that when the UN fails to take action in the face of humanitarian crises, individual states have a legal right to forcibly intervene.[109] For 'counter-restrictionists' Reisman and McDougal, Articles 1(3), 55 and 56 of the UN Charter[110] establish the legal basis for unilateral military intervention, and provide a legitimate loophole to the 'non-use of force' principle of Article 2(4).[111] Under this reasoning, the "pledge…to take joint and separate action…for the achievement of the purposes set forth in Article 55" – which includes "universal respect for, and observance of, human rights" – allows for intervention to stop atrocities such as genocide. This perspective provides the legal backing for, and aligns with, the 'idealist' paradigm insofar as it suggests that a concern for protecting human rights should be a normative consideration that prompts intervention. While liberalist political elites – most notably UN officials – strongly prefer multi-lateral humanitarian interventions, the 'counter-restrictionists' believe unilateral intervention may be necessary when the UN fails to act.

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[108] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics*: 393.
[109] Ibid., 393
[110] Article 1(3) of the UN Charter reads: "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." Article 55 reads: "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: (a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." Article 56 reads: "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."
[111] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics*: 393.
[111] Ibid., 393

The other sub-field of the idealist discourse is the liberalism/humanism paradigm, which advocates a cosmopolitan or universal ethic in which concerns for human rights function as the primary foreign policy consideration. Under the liberalist paradigm state sovereignty is never absolute. Former UN Secretary-General Kofi Annan regards the UN Charter as "issued in the name of 'the people,' not in the governments of the United Nations" and therefore the document "protects the sovereignty of the peoples. It was never meant as a license for governments to trample on human rights and human dignity. Sovereignty implies responsibility, not just power."[112] For proponents of the liberalist paradigm, Article 55 of the UN Charter provides textual support for Annan's argument as it encourages all member-states to advocate "universal respect for, and observance of, human rights and fundamental freedoms."[113] Philpott adds that in the post-Cold War environment, internationally sanctioned humanitarian intervention has led to a more flexible definition of state sovereignty.[114] The ICISS similarly suggests that if a state does not protect its citizens, or is the cause of their suffering, it fails "the minimum content of good international citizenship" and therefore other states must intervene:

> The responsibility to protect its people from killing and other grave harm was the most basic and fundamental of all the responsibilities that sovereignty imposes – and if a state cannot or will not protect its people from such harm, then coercive intervention for human protection purposes, including ultimately military intervention, by others in the international community may be warranted.[115]

Scholarly debates over state sovereignty, the legitimacy of intervention, and the definition of 'humanitarian intervention' often focus on the ICISS' doctrine of "the responsibility to

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[112] Annan, Kofi. 1998. Intervention. Ditchley Foundation Lecture, XXXV: 2.
[113] UN Charter, Article 55.
[114] Philpott, Daniel. 1995. Sovereignty: An Introduction and Brief. *Journal of International Affairs 48(2)*: 353-368.
[115] International Commission on Intervention and State Sovereignty. 2001. The Responsibility to Protect. §8.2, 69.

protect."[116] Yet policy-makers often ignore or neglect this discourse. It should be noted that

the realist/idealist paradigms are do not guide a state's policy, but instead, attempt to explain

it. While debates between the two camps may circulate ideas and concepts in the

international political environment, they are more explanatory frameworks.

      While a singularly 'humanist world' is unrealistic because states would relinquish

their normative autonomy and become instruments for protecting human rights, certain

strains of humanism are preserved in modern international law, reinforced by norms of

legitimate diplomacy, and also voiced by the media and public opinion.[117]

      Overall, the logic of each paradigm, and the ways in which they explain factors that

spur state intervention, are fundamentally opposed. Idealism is "inherent in the premises for

humanitarian intervention" as it functions as a "shorthand term" for a procedure by which a

moral response to a broad-scale tragedy is first aroused – often through the media and

specifically the 'CNN effect'[118] – and subsequently converted into political or military

action.[119] Realism hinges on the logic that humanitarian intervention is never exclusively

'humanitarian,' but instead motivated by a merging of short and long-term national

interests.[120] Under the realist explanation of national interest, nation-states often intervene to

impede a regional power, support an ally, or neutralize and then reverse an internal power

struggle when an external hegemon forcefully imposed itself. Intervention may seek to avert

intensifications and regionalized violence. It may stem from economic interests such as

protecting foreign industry and encouraging stable markets – oil, precious metals, and other

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[116] Ibid., §8.2, 69.

[117] Jackson, Robert H. 1995. The Situational Ethics of Statecraft: 25

[118] The "CNN effect" will be thoroughly addressed in the theoretical framework chapter.

[119] Fixdal, Mona and Dan Smith. (1998). Humanitarian Intervention and Just War 284.

[120] Ibid., 284

fossil fuels.[121] Realism – which suggests that interventions "only take place when clear national interests are at stake" – is the prevailing paradigm in world politics.[122] Though realism cannot in itself explain American humanitarian interventionism, this paper will rely on its assumption that securing (or preventing against the loss of) national interests is a necessary precondition and the initial impetus for intervention.

However, exclusively adopting one of these frameworks – realism or idealism –would fail to recognize that state leaders and policy-makers operate in a pluralistic global society, in which they are "pushed and pulled in different directions by diverse and even conflicting normative considerations."[123] In this sense, neither of these two explanatory paradigms functions as the appropriate framework for explaining the selective humanitarian intervention policy of the United States.

Shortcomings of the Realist and Idealist Paradigms.

By distinguishing the scholars and debates that do not align with either the realist or idealist paradigms, this section will detail the shortcomings of these two views of international relations. Several of these arguments (which move beyond both paradigms) will contribute to this paper's development of a more adequate framework for analyzing factors that shape the United States' selective 'humanitarian' intervention policy. As Regan concludes, neither realist nor idealist explanations completely account for the motivations and potential factors behind outside interventions in civil conflicts. He infers that strategic and national interests are essential to the "intervention calculus, but so too are domestic political considerations, as evidenced by the high probability of interventions when

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[121] Roberts, Adam. (2000). *The So-Called 'Right' of Humanitarian Intervention.*
[122] Regan, Patrick. (1998). Choosing to Intervene: Outside Intervention in Internal Conflicts.
[123] Jackson, Robert H. 1995. The Situational Ethics of Statecraft: 25.

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humanitarian issues come to the fore."[124] Blechman also argues that domestic politics can

drive the decision to intervene when humanitarian issues emerge.[125] Furthermore, the

'realpolitik'[126] model of international relations – pervasive in the realist discourse – does not

hold up well to Regan's empirical analysis. The model rarely examines potential causal

factors outside a state's motivations for practicing 'power-politics'; the pursuit, possession,

and coercive application of power.[127] While neither the realist nor idealist paradigm alone

explain the motivations behind US humanitarian interventions, they do offer a "new context

and a different set of problems and issues" from which this paper can elaborate upon and add

to the existing literature.[128]

Trubowitz moves beyond the realist/idealist dichotomy by dividing international

political relations into two camps: those who perceive foreign policy as a system of

international opportunities and constraints versus those who suggest that domestic political

economy shapes foreign policy.[129] Instead of simply looking at the isolated motivations of

policy-makers, such as "international opportunities" to further national interests, Trubowitz

examines other external factors, such as "domestic political economy," that do not align with

the realist paradigm. When the policy-makers' perception of national interests do not match

the public vision of them, the policy may be shaped by the public. Under the realist

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[124] Regan, Patrick. (1998). Choosing to Intervene: Outside Intervention in Internal Conflicts: 774.

[125] Blechman, Barry M. 1995. The Intervention Dilemma. *Washington Quarterly 18(3)*: 63-73.

[126] 'Realpolitik' is the theory that strong states intervene in weak ones when it serves their geostrategic and economic interests. Thus, foreign policy informed by 'realpolitik' is often described as a type of 'realist' foreign policy, or as a foundation of 'realism,' insofar as both concepts involve the practice of 'power-politics.' 'Realpolitik,' however, functions more as a guideline for foreign-policy making, while 'realism' operates as a paradigm or theory that explains and predicts international relations. 'Realpolitik' also often focuses on the balance of power between nations-states. See Finnemore, Martha. (2003). *The Purpose of Intervention: Changing Beliefs about the Use of Force*: 5.

[127] Stam, Allan C., III. 1996. *Win, Lose, or Draw: Domestic Politics and the Crucible of War*. Ann Arbor: University of Michigan Press.

[128] Fixdal, Mona and Dan Smith. (1998). Humanitarian Intervention and Just War: 284.

[129] Trubowitz, Peter. 1998. *Defining the National Interest: Continuity and Change in American Foreign Policy*. University of Chicago Press: Chicago: 240.

paradigm, public opinion rarely drives policy, because policy aligns primarily with furthering

policy elites' own perceptions of national interests. This paper will later suggest, however,

that the American public and the extent of its tolerance for casualties do influence policy

formation.

Supporting Trubowitz's viewpoint, Pham contends that during multilateral

interventions, national interests will motivate participating states, "even if the overriding

rubric is 'humanitarianism.'"[130] Pham suggests that when national interests clash, the

cohesiveness of a multilateral intervention force will almost certainly corrode.[131] Simes

argues that while most realists agree that morality, at least to some extent, informs foreign

policy, "most believe in the morality of results rather than the morality of intentions."[132]

This realist assumption, however, would fail to explain an intervention scenario when policy-

makers perceived the promotion of human rights as a component of the national interest, and

an aspect of the "intention" for intervention. In other words, a state may engage in

humanitarian intervention to further its national interests (a morally questionable "intention"

for idealist critics), while also genuinely "intending" to alleviate human suffering. The

realist paradigm would not agree with this assumption.

More specifically, both the realist and idealist paradigm fail to explain the dynamics

behind US 'humanitarian' justifications for intervention. While some critics argue that

declared reasons for 'humanitarian' intervention often mask or divert attention away from

ulterior motives, George H.W. Bush and Bill Clinton suggest protecting people in danger is a

fundamental criterion for external involvement. For example, in the midst of a humanitarian

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[130] Pham, Peter J. 2004. An Immense Charge: Realist Lessons about the Consequence of Intervention. In *The National Interest*. Available at <http://www.globalpolicy.org/empire/humanint/2004/0526realistlessons.htm>. 4.

[131] Ibid., 4

[132] Simes, Dimitri K. 2003. Realism: It's High-Minded...and It Works. *The National Interest, 74*: 68-172.

disaster in Somalia, Bush stated, "a failure to respond to massive human catastrophes like Somalia would scar the soul of our nation."[133] Likewise, Clinton proclaimed, "If someone comes after innocent civilians and tries to kill them en masse because of their *race, their ethnic background or their religion*, and it is within our power to stop, we will stop it.[134]

Here, Clinton's rhetoric – which stresses the protection of all ethnicities and religions from violence "en masse" – aligns with Finnemore's assertion that "states now entertain claims from non-white, non-Christian people who previously would not have registered on their consciousness."[135] Clinton's promise is conditional upon the criteria that such "en masse" killing is "within our power to stop."[136] The predicted probability of success, the potential for casualties, the expected duration of an engagement, as well as by more abstract factors, such as national interests and 'historical milieu,' shape how policy-elites perceive what is "within" their nation's "power to stop." In other words, how policy-elites perceive their "power to stop" a 'humanitarian' crisis significantly informs their decision whether or not to intervene. Neither the realist nor idealist paradigms address the confluence of these external causal factors as residing behind 'humanitarian' justifications for intervention.

Nadler adds that when a nation adopts "a position of apathy toward the victimized group" and has the capacity to act (i.e. is perceived as militarily and economically able to pursue successful intervention), or is in a position of global or regional leadership, it is expected to assume responsibility:

> These expectations are likely to be translated into direct intervention by that country, whereas other bystanding countries are likely to remain passive, waiting to follow the

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[133] Goshko, John M. 1992. Bush Warns Against Retreat to Isolationism. *The Washington Post*, 16 December, A22.

[134] Feder, Don. 1999. Massacre in East Timor Exposes Hypocrisy of Clinton's 'Humanitarian' Foreign Policy. *Insight on the News*, 25 October, 1; *emphasis added.*

[135] Finnemore, Martha. (2003). *The Purpose of Intervention: Changing Beliefs about the Use of Force*: 3.

[136] Feder, Don. 1999. Massacre in East Timor Exposes Hypocrisy of Clinton's 'Humanitarian' Foreign Policy: 1.

lead of the more able influential country...more recent events in Bosnia and Kosovo corroborate this line of thinking. All these events were noticeable worldwide...the ethnic cleansing in the former Yugoslavia created a clear interpretation of a pressing 'emergency,' and the 'skills' of the USA (i.e. its military power) and global leading position caused it to assume responsibility and intervene. Only after the USA made its commitment to intervene, did other bystanding countries join the intervention 'band-wagon.'[137]

This rationale also applies to Darfur, where the US has a "position of apathy" towards the innocent civilians, but its belief that intervention may fail and not further its position as a "global or regional leader" has shaped its non-intervention. Kristof observes the same, and suggests that "President Bush seems genuinely troubled by the slaughter in Darfur and has periodically suggested to Condoleezza Rice: *Why can't we just send troops in and take care of it?* Each time, Ms. Rice patiently explains: *You can't invade a third Muslim country, especially one with oil.* And so Mr. Bush backs off and does nothing."[138]

The selectivity of the US interventions illuminates the rhetoric of American policy-makers as often disconnected from policy-action and unsubstantiated by military involvement. Mason and Wheeler support this notion and claim that "most of the cases which can plausibly be regarded as examples of humanitarian intervention involve mixed motives; that is, they are cases in which humanitarian objectives and self-interest coincide, and both serve to drive policy."[139] In this sense, Mason and Wheeler's assumption broadens the narrow viewpoints of the realist and idealist paradigms. Power views US interventions and non-interventions as informed by liberal/realist tensions (i.e. not solely one paradigm or the other) observing that because America's "'vital national interests' [in Rwanda] were not

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[137] Nadler, Arie. 2002. When is Intervention Likely? In *International Intervention: Sovereignty Versus Responsibility*, edited by Michael Keren and Donald A. Sylvan. London & Portland: Frank Cass & Co., 47.
[138] Kristof, Nicholas D. 2008. Memo to Bush on Darfur. *The New York Times*. 10 April, Op-Ed section. Available at http://www.nytimes.com/2008/04/10/opinion/10kristof.html?_r=1&ref=opinion&oref=slogin.
[139] Mason, Andrew and Nicholas J. Wheeler. (1996). Realist Objections to Humanitarian Intervention. In *The Ethical Dimensions of Global Change*, edited by Barry Holden. London: Macmillan: 100.

considered imperiled by genocide, senior US officials did not give genocide the moral attention warranted."[140] Wheeler argues that states will "always apply principles of humanitarian intervention selectively" and will only intervene when they deem their national interests to be at stake."[141] However, US national interests may, in the future, involve stopping genocide. Wheeler adds that a selective intervention policy is present when "an agreed moral principle is at stake in more than one situation, but national interest dictates a divergence of responses."[142] While national interests may be a precursor for US humanitarian intervention, the need to protect against human suffering may also drive the US to intervene in the face of humanitarian crises.

The realist and idealist paradigms are in themselves insufficient to explain the inconsistencies of US humanitarian interventions. Realism does not explain US involvement in Somalia, as it had no strategic or economic motivation for intervention.[143] The idealist paradigm does not explain US non-intervention in the genocide in Rwanda and in Darfur. While realism and idealism analyze specific cases of intervention or non-intervention in the context of their different theoretical perspectives, there appear to be flaws in their fundamental logic. Realism professes to describe and explain the "'realities of statecraft,' but the problem with this claim to objectivity is that it is the realist mindset that has constructed the very practices that realist theory seeks to explain."[144]

While both the realist and idealist paradigms highlight several important factors informing a state's decision whether or not to intervene, they focus on too narrow a set of

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[140] Power, Samantha. 2002. *A Problem From Hell: America and the Age of Genocide*. New York: Basic Books: 504, *brackets added.*
[141] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics*: 394.
[142] Ibid., 394
[143] Finnemore, Martha. (2003). *The Purpose of Intervention: Changing Beliefs about the Use of Force.*
[144] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics*: 406.

explanatory factors. Both paradigms also fail to acknowledge that policy-makers process a convergence of domestic and international pressures through the 'historical milieu' of past precedents and a context of evolving international and legal norms.

Chapter 2 will delineate additional causal factors – beyond national interest and a general concern for human rights – and present a theoretical framework for explaining the selective nature of American humanitarian interventionism.

Chapter II: Theoretical Framework

This chapter builds on the existing literature to develop a framework for American humanitarian intervention that moves beyond the realist and idealist paradigms and their narrow analysis of the objectives/motivations of policy elites. The framework addresses dynamics between national interests, domestic and international factors, and 'historical milieu.'[145] It examines the extent to which external observers/actors such as public opinion, the media, allies, and international organizations help shape America's humanitarian intervention policy. It asserts that the absence of a definitive American doctrine of humanitarian intervention means that evolving national interests affect whether policy elites decide to act militarily. Through analysis of US intervention in Kosovo and non-intervention in Darfur, it examines how the wider 'operational environment'[146] – i.e. perceived national interests, domestic and international factors, and 'historical milieu' – influence the decision-making of US policy elites.

For policy-makers, "no intervention is discreet and separate; instead, each instance changes the political landscape in which the actors operate."[147] Therefore, this framework will also identify more precise causal factors within the three overarching dynamics. Because domestic and international factors impacting American humanitarian operations are evolving, this framework operates as a guide for past and current decisions to intervene, but
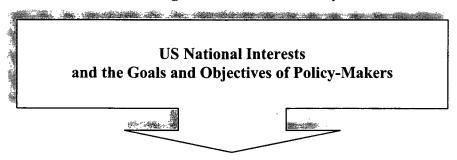
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[145] The concept of 'historical milieu' will be explained in greater detail in the last section of the theoretical framework.

[146] Sprout and Sprout define the 'operational environment' as "all phenomena (excepting only the environed unit's own hereditary factors) to which the environed unit's activities may be related. So defined, milieu includes both tangible objects, non-human and human, at rest and in motion, and the whole complex of social patterns, some embodied in formal enactments, others manifest in more or less stereotyped expectations regarding the behavior of human beings and the movements and mutations of non-human phenomena. This definition of milieu includes the environed unit's own ideas or images of the milieu, a concept designated herein as "psychological environment." See Sprout, Harold and Margaret Sprout. 1957. Environment Factors in the Study of International Politics. *Journal of Conflict Resolution, 1,* 309-328: 311.

[147] Jervis, Robert. 1999. Introduction. In *The New American Interventionism: Essays from Political Science Quarterly,* edited by Caraley, D.J. New York: Colombia University Press: 6.

will need to be updated and reformulated in the future. Figure 1 below is a conceptual

representation of the theoretical framework.

Figure 1. Causal Factors Informing the Intervention Policy of the United States

US National Interests
and the Goals and Objectives of Policy-Makers

Domestic Factors	International Factors	Historical Milieu
Public opinion 'CNN effect' 'Body-Bag' effect Expected financial cost	Pressures from international organizations (UN and UNSC) Pressures from individual states and allies Legality Economic concerns Geostrategic concerns Humanitarian concerns: degree of human rights abuse, refugee populations	Memory/perception of past cases Expected duration of intervention Potential for American casualties

How US policy elites perceive and frame national interests in a given intervention

scenario provides the initial impetus for decision-making and policy formulation. As policy

elites focus and act upon national interests, they may appear to pursue a fixed strategic path.

However, external factors[148] within the 'operational environment' interact with, and realign,

initial perceptions of interests. This chapter will address how policy elites respond to unique

aspects of the intervention scenario such as domestic pressures from the media, public

opinion, and other government officials. It will also examine the extent to which they are

cognizant of evolving international pressures (including legal norms, constraints, and

opportunities) as well as less observable forces such as 'historical milieu'; the perception of

past successes and failures. US decisions whether or not to intervene involve numerous

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[148] Domestic and international factors, and 'historical milieu.'

actors, cost-benefit analyses, frequent dilemmas, political, strategic, and economic goals

(both clear and unclear), and a range of policy options. As Putnam suggests, domestic and

international pressures can deter, but also allow, certain policies. As international pressures

shift, policy-makers adapt. Policy adaption takes many forms. However, justifications for a

policy are sometimes the only aspect of change, not tangible reformulation.[149]

The perceived benefits and repercussions of past US interventions or non-

interventions affect subsequent policy decisions. US policy elites engage other domestic and

international actors during policy formulation. Sprout and Sprout add that 'interactive'

factors such as 'historical milieu,' knowledge acquisition, and evolving normative

expectations all contribute to decision-making processes.[150] 'Historical milieu' can be

defined as a process in which past experiences and policies affect and inform policy elites'

current perceptions of an intervention scenario. In turn, the motivations and goals of policy

elites are not the sole drivers of policy formulation. External actors and observers such as

public opinion, the media, allied states (as well as enemies) also influence US humanitarian

intervention policy.

This paper will examine the extent to which US national interests at stake in

humanitarian intervention scenarios initially guide policy formation, and how causal factors

such as domestic and international influences, and 'historical milieu' create an 'operational

environment' in which national interests and intervention policy evolve. This paper

hypothesizes that US humanitarian interventions and non-interventions form a broader, non-

linear trajectory of engagements through which past precedents and experiences continually

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[149] Putnam, Robert. 1988. Diplomacy and Domestic Politics: The Logic of Two-Level Games. *International Organization, 42,* 427-460.
[150] Sprout, Harold and Margaret Sprout. 1957. Environment Factors in the Study of International Politics: 309-328.

reshape subsequent intervention policy. It also suggests that that the critical denominator in American humanitarian interventionism is neither solely 'humanitarian' concern nor simply furthering national interests. Instead, policy-makers process a convergence of domestic and international pressures through the 'historical milieu' of past experiences and a context of evolving international and legal norms. To test this hypothesis the causal factors from the theoretical framework will be applied to the 1999 US-led NATO intervention in Kosovo, and the US' current non-intervention in Darfur.

Based on America's mixed history of intervention and its unique and dynamic relation to the rest of the world, making definite predictions about future US intervention policy is unrealistic. However, examining which causal factors are consistent and divergent in the cases of Kosovo and Darfur will enrich the analysis of the existing literature, and stimulate discourse regarding the United States' humanitarian interventionism.

National Interests

National interests will be addressed first because the manner in which US policy elites perceive and frame these interests in an intervention scenario initially guides policy formation. In turn, domestic and international influences, and 'historical milieu' create an 'operational environment' in which national interests and intervention policy evolve.

Realist and Idealist Perceptions

How the United States defines national interests is essential in understanding its policy decisions. This paper suggests that for US humanitarian interventions national interests are a prerequisite for military action, but other domestic and international forces, combined 'historical milieu,' also influence US decisions whether or not to intervene. After

examining realist and idealist perceptions of national interests, this chapter will present a framework for analyzing American interests in the cases of Kosovo and Darfur.

National interests are a set of shared priorities that shape a nation's international relations.[151] However, for this paper, the concept will function as a normative tool; a benchmark that measures decision-making in foreign affairs. The concept can be understood in two ways: (1) to describe an interest, or that to suggest something is someone's interest means that "it concerns; it makes a difference to, or is important with reference to, some person or thing[152]"; and (2) as reflected not only in rhetoric or written statements from policy elites, but also as coexistent with their policies (such as maintaining security in region or controlling arms proliferation). In turn, the policy elites satisfy the need by creating effective policy. These two ways of understanding national interests "subsume" each other:[153] "In other words, rules are required to establish the correspondence between the national interest expressed as a need and the sorts of policies by which it is advanced."[154]

Three principles apply to how claims on behalf of a nation become associated with the national interest. The first, an *inclusive* national interest, concerns "the nation as a whole, or at least a substantial enough subset of its membership to transcend the specific interests of groups and factions."[155] The second, an *exclusive* national interest, hinges on the notion that "a state is seeking the national interest when it is not concerned with the interests of any groups outside its own jurisdiction, except to the extent that it may affect 'domestic

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[151] Beard, Charles A. 1934. *The Idea of the National Interest: An Analytic Study in American Foreign Policy.* New York: Macmillan: 22.
[152] Ibid., 22. National interests are desires that have achieved the status of a legitimate claim on behalf, and in the eyes of, the nation.
[153] Nincic, Miroslav. 1999. The National Interest and Its Interpretation. *The Review of Politics, 61(1),* 29-55: 30.
[154] Ibid., 30
[155] Ibid., 31

interests.'"[156] The third type is "one of external relevance, according to which the needs in question should significantly be affected by the international environment and, consequently, by the conduct of foreign affairs."[157]

This paper will rely primarily on the third type. The national "needs" in both Kosovo and Darfur are more affected by the "international environment and, consequently, by the conduct of foreign affairs,"[158] and less by domestic public opinion. It will also suggest that the American humanitarian interventions are often not actually in the 'public interest.' Nincic supports this argument, in stating that rarely is "the choice of a policy made according to the nationally accepted precepts of democratic policymaking," but is instead "undertaken without regard to democratic procedure."[159] Nincic believes that: (1) foreign policy is not based on the public's conception of a democratic national interest, since it may stem from the government's misinterpretation, or may simply resemble the motivations and goals of policy elites; (2) national interests may not be entirely "knowable" if not enunciated by policy elites; and (3) national interests evolve so rapidly that they cannot be precisely evaluated.[160]

Nincic's first assumption most closely aligns with Kosovo and Darfur. While the American public does give Washington choices and ideas in constructing *what* exactly is in the national interest, it seems that US policy-elites form their own perceptions of the national interest apart from public and media pressures. However, this paper will not go as far as the realist argument that national interest is incompatible with a democratic governance of foreign policy. The public and media do, to some extent, influence foreign policy decisions,

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[156] Ibid., 31
[157] Ibid., 31
[158] Ibid., 31
[159] Ibid., 49
[160] Ibid., 50

especially when policy certainty is low. While realists maintain that "in an international system beset by security threats, the conduct of foreign policy must be informed, dispassionate, and unitary – not [based on] virtues associated with democratic debate," Kosovo demonstrates that the public and media – through its' "democratic debate" – can draw attention to the conflict's human suffering and the need for intervention.

Clinton supports this claim, observing that national interests place the common good of the state (albeit, the policy elites' perception of it) as the fundamental motivator for diplomacy with other states.[161] In this sense, national interests are "a number of narrower goals," such as access to precious natural resources, stability in a strategic region, or even the maintenance of a military presence.[162] While, realists have largely referred to national interests as related to military, civilian and natural resources, involved with direct threats to national security, regional stability also plays a large role. Large refugee populations and cross border violence resulting from humanitarian disasters can disrupt geographic regions and produce political and economic instability. Regional conflicts can have devastating effects on the US. For example, conflict in a region where US companies operate may cause their stock prices to drop. Nincic adds that security is a fundamental 'vital' foreign policy objective for states, and that "security requires the acquisition and rational management of power [often through military force] and only policies conducted in this spirit can serve the national interest."[163] In rejecting the idealist paradigm, Oppenheim concludes that "it is just

[161] Clinton, David. 1986. The National Interest: Normative Foundations. *The Review of Politics, 48,* 495-519: 500
[162] Ibid., 500
[163] Nincic, Miroslav. 1999. The National Interest and Its Interpretation: 32

as pointless to urge governments on moral grounds to disregard the national interest for the sake of other goals.[164]

Adding another layer to the debate, Samantha Power observes two ways - though not in the 'traditional' sense - how promoting human rights may be considered a national interest: "The first and most compelling reason is moral. When innocent life is being taken on such a scale [i.e. genocide] and the United States has the power to stop the killing at reasonable risk, it has a duty to act."[165] Secondly, Power suggests that through "enlightened self-interest," humanitarian intervention benefits US national interests, insofar as it halts the regional and international destabilizing effects created by genocide, militarized refugees, and tyrannical dictators. Power adds, however, that because "these threats to US interests were long-term dangers and not immediately apparent, they rarely swayed top US policymakers:"[166]

> While genocide did undermine regional stability, the destabilized areas tended to lie outside the US sphere of concern. Refugees were militarized, but they tended not to wash up on America's shores. Dictators everywhere were signaled, but how they treated their own citizens was seen to have little impact on American military or economic security. Thus humanitarian intervention came about only on the rare occasions when the shorter term political interests of US policymakers were at stake."[167]

Likewise, Walzer asserts that "all states have an interest in global stability and even in global humanity, and in the case of wealthy and powerful states like ours [the United States], this interest is seconded by obligation."[168]

Dowty and Loescher focus on how civil wars and genocidal conditions produce large refugee populations, suggesting that the influx of poverty and violence "engage the national

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[164] Oppenheim, Felix. 1987. National Interest, Rationality, and Morality. *Political Theory, 15*, 369-389: 379.
[165] Power, Samantha. 2002. *A Problem From Hell: America and the Age of Genocide*: 512, *brackets added.*
[166] Ibid., 512
[167] Ibid., 512
[168] Walzer, Michael. (1977). *Just and Unjust Wars.*

security interests of states."[169] Because refugees require food, water, and shelter, "the environmental impact in already marginal areas may be devastating."[170] Fixdal and Smith, however, argue that regional and international security concerns as justifications for humanitarian intervention can evolve into an abusive practice: "Equating genocide or other kinds of large-scale violence with threats to international peace and security is an understandable resort to a highly dubious argument for justifying humanitarian intervention."[171] They offer two objections to 'abusive' intervention: (1) the inconsistency of intervening in one scenario but not another, and (2) intervening in state's where ethnic-based violence is part of the regional landscape.[172] In certain regions "deadly warfare or brutal repression threatens no other state and is part of the regional order rather than a threat to it."[173] Worsthorne observes that national interest has been reformulated to encompass the "nation's interest in being able to go to bed at night with a clear conscience"; in other words, "better in the national interest, therefore, to try to help, and fail, than not to try at all."[174]

From another perspective, Finnemore suggests that national interests are "simply indeterminate" in explaining the past and present trajectories of humanitarian intervention.[175] Finnemore's argument implicitly reinforces the idea that national interests exist: "Strong states continue to intervene in weaker states on a massive scale when it *suits them*."[176] She adds to this discussion of US national interests by observing the "overwhelming tendency in analyses of intervention to treat motivations or interests as obvious and to take for granted

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[169] Dowty, Alan, and Gil Loescher. 1996. Refugee Flows as Grounds for International Action. *International Security, 18*, 58-69: 59.
[170] Ibid., 47
[171] Fixdal, Mona and Dan Smith. (1998). Humanitarian Intervention and Just War: 294.
[172] Ibid., 294
[173] Ibid., 294
[174] Worsthrone, Peregrine. (1999). Good Intentions, *The Guardian,* 8 May.
[175] Finnemore, Martha. (2003). *The Purpose of Intervention: Changing Beliefs about the Use of Force*: 5.
[176] Ibid., 2; *emphasis added*

the *context that gives rise to them.*"[177] What is important then, is not the assumption that

humanitarian intervention serves interests, but instead the debate about (a) *what* state

interests are, (b) *which* national interests intervention serves, and (c) *where* [i.e. the context]

they arise from.

Moving Beyond Realist Perceptions of National Interest

This section moves beyond the narrow realist perceptions of national interests to the

idea that US policy elites now consider the promotion of human rights as in the nation's

interest. While this does not necessarily mean the US will always militarily intervene to stop

humanitarian crises, American national priorities now appear to extend beyond purely

strategic interests to include protecting human rights.[178]

Nye supports this assertion, stating that "a democratic definition of the national

interest does not accept the difference between a morality-based and an interest-based foreign

policy."[179] Moreover, for Nye, national interests can, and frequently do, encompass issues of

spreading democracy and human rights.[180] This claim does not, however, mean that nations

such as the United States have accepted and will adhere to the 'responsibility to protect'

doctrine, but instead suggests that a concern for human rights may initially guide policy

formation as a perceived national interest.

This section will present three conceptual models for understanding national interests,

and for analyzing how in a given intervention scenario policy-elites initially perceive these

interests. Liotta's 'hierarchy of interest' models stem from the assumption that *what* is in the

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[177] Ibid., 4; *emphasis added*
[178] This notion became increasingly visible following NATO's 1999 intervention in Kosovo.
[179] Nye, Joseph F. Jr. 1999. Redefining the National Interest. *Foreign Affairs, 78*: 23.
[180] Ibid., 23

national interest is: What is a nation and its citizens willing to die for?[181] US motivations to

engage in humanitarian crises hinge on the nation's willingness to risk the lives of its troops.

Liotta cites realist scholar, Hans Morgenthau, who viewed two levels of national interest:

vital and secondary[182]:

> Vital interests assure a state its security, its freedom and independence, protection of
> its institutions, and enshrinement of its values. Vital interests also negate compromise
> and represent issues over which the state is willing to wage war. Secondary interests
> are more difficult to define but do involve compromise and negotiation.[183]

Liotta adds that military security, and what the US and its citizens are willing to go to war

over (and to die for), are 'vital' interests that remain cemented atop US priorities. Today,

security is more than just protecting the nation from external threats to peace. It also

encompasses "economic security, environmental security, and human security."[184]

Liotta also acknowledges the difficulty of understanding the dynamic nature of US

national interests: "As the security environment evolves and as relationships between states

and regions grow and become increasingly linked in complex interdependence, so too will

the understanding, application, and relevance of national interests."[185] During, and as a result

of, the World Wars, the Cold War, and Vietnam, America assumed a more internationalist

perception of its 'vital' interests. In the current post-9/11 context, US 'vital' interests appear

more in danger internationally than domestically. Therefore, Liotta maintains that "our 'sole

superpower' status means the US will continue to use its influence, and perhaps its military

forces, to save lives, right wrongs, and keep the peace. . . .We are in an era in which US

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[181] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty. *Parameters*, 46-57.
[182] Morgenthau, Hans. 1962. *The Impasse of American Foreign Policy*. Chicago: University of Chicago Press: 191.
[183] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty: 46-57.
[184] Ibid., 46-57
[185] Ibid., 46-57.

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interventions may be seen as important but not vital. In such instances, US leaders,

supported by public opinion, may be willing to use military force for humanitarian

reasons."[186]

Differentiating between 'core strategic' ('vital') interests and 'significant'

('secondary') interests is difficult because "the misrepresentation of what constitutes a

national interest may well embody the central strategic dilemma the United States faces in

this next century."[187] Some scholars believe this dilemma leads to policy uncertainty,

revealing why the US formulates its intervention policy on a case-by-case basis. Other

scholars suggest that policy elites are not "misrepresenting" the national interest, but instead

consciously formulating policy based on interests that further their strategic goals. From this

viewpoint, there is often a distinct gap between how the American public views the national

interest, and how their desires are translated into policy by Washington's decision-makers.

Still, Nye and Liotta maintain that policy elites cannot precisely determine how a potential

humanitarian crisis will restructure the national interest, or whether a conflict will threaten

national security in new and dynamic ways: "Different people see different risks and dangers,

and priorities vary: reasonable people can disagree, for example, about how much insurance

to buy against remote threats and whether to do so before pursuing other values (such as

human rights)."[188]

This section details a 'three-tiered approach' for how government elites rank national

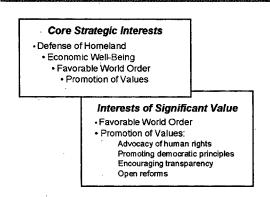interests and formulate policy. While the overall model was assembled by Liotta, however

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[186] Meilinger, Philip S. 1999. Beware of the 'Ground Nuts.' *The Chicago Tribune*, 21 July. Available at http://ebird.dtic.mil/Jul1999/s19990722beware.htm

[187] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty: 46-57.

[188] Nye, Joseph F. Jr. 1999. Redefining the National Interest: 23.

the first-tier ('The Sliding Interests Matrix') resembles Neuchterlein's 'hierarchy of intensity

and applicability.'[189] This conceptual model separates 'core strategic interests' ('vital') from

'interests of significant value' ('secondary').

Figure 2. 'The Sliding Interests Matrix: Intensity and Latitude of Commitment'[190]

Nuechterlein "suggests that nominal issues under the rubric of 'favorable world

order' (support for human rights, sovereignty versus individual liberties of the citizen, and

controlling or preventing intrastate conflict) can also have direct implications for core

strategic interests."[191] Nye and Liotta agree that, for the United States, issues of "favorable

world order" and "promotion of values" often 'slide' up the matrix into the sphere of "core

strategic ('vital') interests."[192] These interests become 'vital' "when a situation becomes so

significant that policymakers are unwilling to compromise, the issue – no matter how

seemingly peripheral or secondary – has now become a core strategic interest."[193] For

example, NATO's intervention in Kosovo furthered its own interest and European security

(*traditional* 'core strategic interests), but also to supported human rights and fundamental

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[189] Neuchterlein, Donald E. 1985. *America Overcommitted: United States National Interests in the 1980s.* Lexington: University of Kentucky Press: 15.
[190] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty: 46-57
[191] Ibid., 46-57
[192] Nye, Joseph F. Jr. 1999. Redefining the National Interest: 23.
[193] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty: 46-57

freedoms ('significant' interests that ascended to 'core' interests). The above notion also applies to Darfur. The US has numerous 'vital' interests in region,[194] including the promotion of human rights through humanitarian intervention.

While a 'first-tier' categorization model shows how policy elites comprehend and rank national interests, a 'second-tier' is essential to determine how interests affect policy formulation, execution, and long-term impact.[195]

Figure 3. 'National Interest Taxonomy'

Aspects of Interest	Level of Interest	Weight of Impact	Examples
Importance	Primary	Core Strategic	Long-term US economic prosperity
	Secondary	Significant Value	Open regional trading blocs
Duration	Primary	Permanent	Ensure the free flow of energy resources
	Secondary	Uncertain	Support opposition to oppressive regimes
Focus	Primary	Specific	Deny Serbian oppression of Kosovars
	Secondary	General	Universal respect of human rights
Compatibility	Primary	Complementary	Support for arms control / disarmament
	Secondary	Conflicting	US rejects Comprehensive Test Ban Treaty
Influence	Primary	Enduring	American leadership
	Secondary	Temporary	Committing military forces overseas

While the 'second-tier,' 'national interest taxonomy' is a useful policy concept and analytic tool, its' rigid typology often incorrectly evaluates policy repercussions. After the US intervention in Kosovo, Russian diplomats argued their military action in Chechnya merely followed the precedent set by the US' humanitarian justification for its action in the Balkans. Moscow claimed to be protecting both its sovereignty and the 'human rights' of

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[194] Such as ensuring the regional stability of Africa; addressing economic concerns; advancing the 'War on Terror'; dealing with problems of conflict management and international law; and reestablishing its role as a moral hegemon.

[195] With the exception of Liotta's 'influence' category (under 'aspects of interest'), the model resembles Hans Morgenthau work in "Another Great Debate: The National Interest of the United States," American Political Science Review, 46 (1952), 973.

Russian citizens. However, they demolished the capital of Chechnya and the surrounding areas, leading to over 150,000 refugees and a ruined infrastructure.

Such reactions to the United States' use of military power show the difficulty of predicting the repercussions of certain policies. The interaction between 'secondary' interests (such as "universal respect for human rights") and "initial first-tier interest assessments" (such as "deny Serbian oppression of Kosovars") reveals that national interests can be out of sync, and with their implementation other countries can mask self-interested interventions. Liotta cites another case of how US national interests conflict:

> While we [the United States] do not hesitate to impose economic sanctions against Myanmar for its atrocious human rights record, we refrain from similar sanctions against the People's Republic of China for obvious reasons: Our economic prosperity interests (of *core strategic* importance, *specific* focus, and *enduring* influence) would almost always predominate over "lesser" interests (of *significant value* importance, *general* focus, and *uncertain* duration).[196]

US interests in Kosovo and Darfur will be similarly ranked, revealing inconsistency in how the decision to intervene or not intervene is made. In a perfect world, 'vital' US interests would not undermine respect for and promotion of fundamental human rights. In reality, Washington has selectively acted to preserve universal human rights, only intervening when other 'vital' interests are also at stake. The question remains: how US policy elites will perceive what Americans are willing to die for? During the 1991 US invasion of Iraq, policy elites believed Americans were willing to accept nearly 10,000 casualties. In Rwanda, they assumed the public would not tolerate even minimal casualties because its only foreign policy goals would have been "unreciprocated humanitarian interests."[197]

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[196] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty: 46-57, *brackets added.*
[197] Nye, Joseph F. Jr. 1999. Redefining the National Interest: 32.

A 'third-tier' model for examining potential interests, strategic impact, and decision-making is provided below. It shows how policy elites perceive aspects of an intervention scenario affect national interests. Initial perceptions of 'vital' national interests can then be determined. Liotta adds that this 'third-tier' model reveals "how seemingly "lesser" interests can quickly affect "core" interests."[198]

Figure 4. 'A Methodology for Chain Reactions: How Does an Event Affect "National Interest"'

- **Immediacy of Threat / Challenge / Opportunity**
- **Geographic Proximity** that might affect identified interests
- **Magnitude of Challenge** to potential interests
- **Contagion Effect** and its ability to degrade interests
- **Connectivity** between event and major detriment to interests

(the Domino Effect)

For example, in the spring of 1998, when FRY President Slobodan Milosevic escalated his ethnic cleansing campaign against the Kosovar Albanians, US policy elites may have perceived the potential for massive refugee overflows as a more "immediate threat" to its national interest of preventing further destabilization in the region. As events unraveled and Milosevic's tactics incited KLA retaliations (i.e. "the domino effect"), the crisis had an increased "contagion effect" on the infrastructure and human security of the surrounding provinces, and an amplified "ability to degrade [US] interests."[199] Liotta's "chain reaction" theory applies to both Kosovo and Darfur, as domestic and international events outside the control of policy-makers reshape perceptions of an intervention scenario:

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[198] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty: 46-57.
[199] Ibid., 46-57.

How a potential chain of linked events might lead to a 'reaction' that will affect core strategic interests should help better determine whether or not an issue requires action for the sake of interest. The necessary choices a decision-maker cold face might include the following: How plausible are postulated outcomes? How long is the chain of interrelated events? How far removed are these events from core strategic interests? How, specifically, will the issue affect obvious (and not so obvious) relationships to which the United States is committed?[200]

Answers are elusive because it is nearly impossible to document the psychology of decision-making. The proportion and weight of policy elites' motivations in complex intervention scenarios, which entail cost-benefit analyses and diplomatic tradeoffs, are also hard to measure. By using the 'third-tier' model to evaluate how "linked events" and domestic and international factors influenced policy formulation in Kosovo and Darfur, this paper will be better equipped to explain US decisions whether or not intervene.

Denial of human rights in both Kosovo and Darfur forced the US to rethink the concept of national interests. As Liotta maintains, even after the Cold War – a struggle not only for security and military primacy, but also over "moral, cultural, and ideological strength" – 'values' are "something Americans are still willing to die for": "values [such as the promotion of human rights]…can become a core strategic interest."[201] An analytic definition of national interest should consider how policy elites perceive the promotion of human rights abroad, instead of relegating this concern to a separate and 'secondary' category. Policy elites' perceptions of national interests are only the initial impetus in the US 'intervention calculus.' The next section will focus on the interaction between domestic pressures and foreign policy decisions.

Domestic Factors

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[200] Ibid., 46-57.
[201] Ibid., 46-57.

Several domestic factors can reduce or increase the likelihood of humanitarian intervention. This section will address US public opinion and the media, and then how successful interventions are perceived domestically.

Interactions between Policy Elite, Public Opinion, and the Media

An important factor when examining why the US engages in humanitarian intervention is the relationship between public opinion, the media, and policy elites. Scholars have divergent views, ranging from thinking public opinion is influential in shaping policy to seeing public opinion as a force that politicians need only assuage. Often public opinion will present policy-makers with options, but it can also impede certain policies, making them more politically hazardous if enacted.[202] As shown by the withdrawal of US troops from Somalia in 1993, following the deaths of eighteen soldiers in the streets of Mogadishu, American public opinion has little tolerance for American casualties.[203] Mueller agrees that "when Americans asked themselves how many American lives it was worth to save hundreds of thousands of Somali lives, the answer came out rather close to zero."[204] From this standpoint, when lives are at stake, US foreign policy realigns. Acceptance of casualties is reduced when Washington does not articulate clear dangers to US national interests.

Burk, however, rejects the assumption that Washington's policy-makers are influenced by the American publics' aversion to casualties.[205] He argues that in Somalia,

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[202] Feaver, Peter. 1998. Public Opinion and Foreign Policy: Bridging the Gap. Available at <http://www.unc.edu/depts/diplomat/AD_Issues/amdipl_9/goodnight_disc2.html>

[203] In June 1993, United Somali Congress military general, Mohamed Farrah Aidid and his militia attacked Pakistan Army troops – who were backed by UNOSOM II (United Nations Operation in Somalia II) – in Mogadishu, killing 80. In October 1993, fighting intensified between the groups and 18 American troops and more than 1,000 Somalis were killed. As a result, the US quickly withdrew its troops. The UN's Operation United Shield later vacated the region on March 3rd 1995 after significant casualties. There is still no rule of law in the region.

[204] Mueller, John E. 1996. Policy Principles for Unthreatened Wealth-Seekers. *Foreign Policy, 102*: 31.

[205] Burk, James. 1999. Public Support for Peacekeeping in Lebanon and Somalia: Assessing the Casualties Hypothesis. *Political Science Quarterly*, Spring, 53–78.

public support for the engagement had already decreased in response to the mission's changing mandate (the new operation, which began in May 1993, extended beyond humanitarian relief to include a mandate to end the civil war and begin democratic nation-building) before the eighteen American deaths in Mogadishu.[206] Burk concludes that patterns of US public support for interventions reveal no "irrational or knee-jerk reactions" based on the intolerance of casualties, and no insistence on a "casualty-free security policy," but instead show a public willing to risk lives for humanitarian goals and unwilling to tolerate casualties in "more complex and often partisan missions." [207] Burk believes that public sensitivity to American deaths is a myth: "the public is defeat phobic, more than casualty phobic."[208]

Wheeler argues the opposite and suggests that the US withdrawal from Somalia – a result of the so-called "body-bag" effect – demonstrates that "liberal societies" are not prepared to stay the course during costly humanitarian interventions.[209] He also observes that during all post-Cold war humanitarian interventions, governments have not risked military personnel in scenarios with a high risk of casualties from the outset.[210]

Sylvan and Pevehouse suggest that public opinion tends to lead to a "recommendation against intervention, especially unilateral intervention."[211] However, they suggest that when

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[206] Burk maintains that public support decreased in response to erosion of elite consensus in Congress about what the mission in Somalia was supposed to be and disagreement over who was competent to authorize and define it (i.e. the president or Congress). Moreover, he argues that the American public never expressed much support for an engagement that extended beyond humanitarian purposes. He concludes that "the most we can say is that public support for the mission eroded as elite consensus eroded, that public disillusionment, already strong, grew stronger when casualties were taken, and that public support for gradual withdrawal was unwavering once political elites agreed to limit the mission and leave Somalia by March 1994."
[207] Ibid., 77-78
[208] Feaver, Peter D., and Christopher Gelphi. 2004. *Choosing Your Battles: American Civil-Military Relations and the Use of Force.* Princeton: Princeton University Press.
[209] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics*: 407.
[210] Ibid., 407
[211] Sylan and Pevehouse. 2002. *International Intervention: Sovereignty versus Responsibility.* New York: Routledge.

the public views the targets of violence as similar to themselves, they feel a cultural

responsibility to protect.[212] In that situation policy tends "to lead in the opposite direction:

intervention, and even unilateral intervention if necessary."[213]

The media also shapes public opinion. Americans can now watch the suffering of

millions around the clock on television, and access images, narratives, and documentation of

the atrocities on the Internet. While credible and detailed information is available,

Americans often seek visual images (television and pictures) as opposed to print media and

scholarly journals. This can often led to its oversimplification of a crisis. This tendency has

only added to the 'CNN effect,' in which deteriorating international crises garner increasing

coverage from the worldwide media. While the 'CNN effect' can generally be defined as a

theory that addresses the concept of media-driven foreign policy, the degree to which this

factor influences policy formation has been widely debated.

While some scholars suggest that the 'CNN effect' undermines policy formation,

others suggest that the theory is given too much credit for shaping a nation's foreign

policy.[214] Fachot suggests policy decisions are shaped by increased media coverage due to

the 'CNN effect.'[215] Wheeler similarly concludes that post-Cold War humanitarian

interventions reveal that an impetus for intervention "is not state leaders taking the lead in

persuading a reluctant public opinion to respond to human suffering, but media and domestic

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[212] Sylvan and Pevehouse's argument supports other scholars that frame US intervention in Kosovo as saving white Europeans, and the failure to stop the genocide in Darfur as ignoring black Africans.

[213] Ibid., 1-224.

[214] Livingston, Stephen. 1996. Suffering in Silence: Media Coverage of War and Famine in the Sudan. In *From Massacres to Genocide: the Media, Public Policy, and Humanitarian Crisis*, edited by Robert I. Rotberg and George Weiss. Cambridge: The World Peace Foundation.

[215] Fachot, Morand. 2001. The Media Dimension in Foreign Interventions. *Options Politiques*. Available at http://www.irpp.org/po/archive/jan01/fachot.pdf

politics who have 'shamed' policy makers into taking actions."[216]   Media coverage ensured

government-led humanitarian efforts toward crises in Kurdistan, Somalia, and Bosnia, while

a lack of media spotlight added to non-interventions, and millions of deaths in Angola,

Liberia, and Afghanistan.[217]

Chandler asserts that "the impact of new 'globalised' media and communication on

government policy is difficult to fully assess."[218] Polls during the mid-1990s revealed that a

minority of the US public supported human rights promotion as a 'vital' foreign policy

objective.[219] Schwarz concludes that Western public opinion largely agrees on traditional

views of foreign policy objectives, which prioritize national interests, rather than the liberal

"crusading" of government elites.[220] McFarlane adds that public opinion is key in producing

the necessary political will for humanitarian intervention, and in turn, suggests that "a key

factor in making future humanitarian interventions actually happen would be that the media

take up the responsibility to cover massive and systematic human rights violations as early

and as much as possible in order to raise the public awareness of atrocities."[221]

Indeed, increased television coverage has led to a significant increase in the 'politics

of sentiment' and 'the CNN effect,' "in which bleeding hearts are induced to pour out dollars

and, more importantly, put pressures on their governments to act when humanitarian disasters

are portrayed…The politics of sentiment does exists. However, offsetting the unthinking

[216] Wheeler, Nicholas. 1997. Agency, Humanitarianism and Intervention. *International Political Science Review, 18*, 9-25.
[217] Wheeler, Nicholas J. (1997). *Humanitarian Interventions and World Politics*: 406
[218] Chandler, David. (2002). *From Kosovo to Kabul: Human Rights and International Intervention*: 60
[219] Forsythe, D.P. 2000. *Human Rights in International Relations.* Cambridge: Cambridge University Press: 143
[220] Schwarz, B. 2000. Round Three: Concluding Remarks.' Roundtable: Picking a Good Fight, *Atlantic*, 14 April. Available at <http://www.theatlantic.com/unbound/roundtable/goodfight/schwarz3>
[221] McFarlane, S. Neil and Thomas Weiss. 2000. Political Interest and Humanitarian Action: 988; *emphasis added.*

'bleeding hearts' are the fearful guts of all the polities in the world."[222] Very few developed countries are willing to place their citizens at significant risk for a cause, even one as altruistic as preventing genocide, even when the task is relatively easy, far less expensive than the clean-up costs, and the risks are relatively minimal.[223] While the visual media has engendered a type of global consciousness about displaying human suffering, it has not always driven the policy of the United States. As Kofi Annan has similarly pronounced, from "Ethiopia onward the role of the media took an entirely new tack. The target of reporting shifted from objectivity to sympathy, from sustaining intellectual commitment to longer reporting on the agenda, but setting it."[224]

There is still widespread disagreement among scholars concerning the role of the media in shaping foreign policy. While some asserts that the media is more influential when policy uncertainty is either high, or policy is undecided, others outright reject the "CNN effect" and assert instead that the policy elite feed the media its material.[225] While this paper does not suggest that the media drives foreign policy, it presents some evidence that the media can shape public approval of, and support for, humanitarian interventions. For example, the 'CNN effect' relates to Iraq in 1991 and Somalia in 1993, as in both cases public opinion and the media pushed for intervention. In Rwanda, limited media coverage and the ignorance of the American public concerning the genocide are frequently cited as factors leading to US non-intervention.

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[222] Adelman, Howard. 2002. *Theory and Humanitarian Interventio:* 11
[223] Ibid., 11
[224] Annan, Kofi. 1994. Peace-keeping in Situations of Civil War. *New York University Journal of International Law and Politics, 26,* 623–624.
[225] Burk, James. 1999. Public Support for Peacekeeping in Lebanon and Somalia: Assessing the Casualties Hypothesis: 53–78.

The reality of the domestic 'operating environment,' however, is more complex than simply a direct causal link between the media and public opinion. It is also affected by the policy formation of government elites. Gilboa asserts that "global television cannot force policymakers to do what they intend to do anyway."[226] He points out that most studies oversimplify the 'CNN effect' by linking media influence on policy to the effect of coverage on public opinion, and subsequent public pressure on leaders to adopt the policy advocated by the media. Gilboa believes these studies incorrectly assume that if the media covers a horrific event and the public sees the pictures (and demands that something be done) government officials will be forced to adjust policy to the majority opinion.[227] Such an oversimplified democratic policy-making model neglects essential factors, most importantly the tendency for Americans to ignore foreign affairs news.[228] While he challenges the validity of the 'CNN effect' Gilboa presents no alternative model for understanding the correlation between the news media and policy-making.

Other scholars often pointed to 'policy uncertainty' as a fundamental cause of the 'CNN effect.'[229] As Robinson notes, "as policy certainty decreases, news media influence increases and that, conversely, as policy becomes more certain, the influence of news media coverage is reduced."[230] However, during the 1990s, scholars were wary of placing too much weight on the extent to which the news media directly shaped decisions whether or not

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[226] Gilboa, Eytan. 2005. The CNN Effect: The Search for a Communication Theory of International Relations. *Political Communication, 22,* 27-44: 38.

[227] Seib, P. 2002. *The Global Journalist: News and Conscience in a World of Conflict.* Lanham, MD: Rowman and Littlefield: 27.

[228] Gilboa, Eytan. 2005. The CNN Effect: The Search for a Communication Theory of International Relations 38.

[229] Entman, R. M. 2004. *Projections of Power: Framing News, Public Opinion and US Foreign Policy.* Chicago: The University of Chicago Press & Robinson, P. 2002. *The CNN Effect: The Myth of News, Foreign Policy and Intervention.* London and New York: Routledge.

[230] Robinson, Piers. 2005. The CNN Effect Revisited. *Critical Studies in Media Communication, 22(4),* 344-349.

to intervene. For example, Chandler warns that the "CNN effect should not be overrated...CNN coverage did not lead to US intervention in Rwanda or Zaire...and the extensive coverage of the Kosovo crisis created no public demand in the United States for ground forces to be sent in."[231] Most scholars suggested that placing the primary focus on the media aspect improperly overshadows other, increasingly self-interested, impulses shaping US humanitarianism. Robinson maintains that the selective nature of media-inspired humanitarianism was revealed when the UN withdrew forces during the 1994 Rwandan genocide."[232]

While the media does not entirely drive policy, it can challenge and often subvert it, as evidenced by the US decision to withdraw forces from Somalia in 1993. When US politicians are certain about a policy, it seems the media has minimal capabilities to shift its course, as in the case of Darfur.[233] Critics such as Bond and Fleisher have even suggested that American presidents control the media in order to drive the public to favor their policies.[234] Others argue that the media often ignores the cultural, racial, and political dynamics of humanitarian crises, instead portraying images of human suffering. The American public may oversimplify the racial and political forces that drive governments to commit atrocities. The media's misrepresentation of a crisis – by *generalizing* complex and continually changing events – often creates only a short-term attention to, and sympathy for, a crisis. Because the public has likely misunderstood the origins of the crisis and the reasons

[231] Chandler, David. 2002. *From Kosovo to Kabul: Human Rights and International Intervention.*
[232] Robinson, Piers. 2005. The CNN Effect Revisited. *Critical Studies in Media Communication*: 345.
[233] Mermin, Jonathan. 1997. Television News and American Intervention in Somalia: The Myth of a Media-Driven Foreign Policy. *Political Science Quarterly, 112(3)*, 385–403.
[234] Bond, John and Richard Fleisher. 1990. *The President in the Legislative Arena.* Chicago: University of Chicago Press.

for the atrocities, when a new humanitarian crisis occurs, public consideration for the previous case quickly vanishes.

International Factors

This section will examine the extent to which international factors shape American humanitarian interventionism. While the notion of 'ethical foreign policy' is not strictly an international factor because it relates to domestic legitimacy, it will be presented first due to its strong impact on policy formation relating to humanitarian intervention.

Ethical Foreign Policy and Domestic Legitimacy

Chandler makes an important contribution to the theory that the promotion of human rights abroad should be a 'vital' US national interest. He argues that "ethical foreign policy" can bolster a government's domestic legitimacy. From this viewpoint, states often pursue "ethical foreign policy" through humanitarian intervention. Chandler observes that "declarations of ethical foreign policy emanating from governments of leading world powers are often taken at face value as 'simply the right thing to do'"[235]

Applying Chandler's assertion to Liotta's model, the traditionally 'secondary' US interest of preventing ethnic cleansing or genocide ascends the 'sliding interests matrix' to the 'vital' interest sphere. Chandler adds that while recent changes in the norms of international relations have established the context for justifying foreign policy in ethical terms, an impetus for "ethical foreign policy lies in the domestic sphere and the search for new forms of political legitimacy."[236] Chandler observes that although the US lacks "clear policy aims in human rights promotion," its 'ethical foreign policy' (for example, in Kosovo) fulfilled its

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[235] Inset quotation from Blair, Tony. 1999. It is Simply the Right Thing to Do. *The Guardian*, 27 March & Chandler, David. 2002. *From Kosovo to Kabul: Human Rights and International Intervention*: 53.
[236] Ibid., 53

general "concern with human rights issues" and also bolstered its domestic status."[237]

Chandler believes ethical foreign policy justifications emerged as a result of the 1948

Universal Declaration of Human Rights, the 1948 Genocide Convention, and the violent

international environment following the Cold War. The communications revolution and

'CNN effect' have also helped make the world more aware of human rights abuses. States

now must be proactive in mollifying their constituents and the expanding number of NGOs

concerns for human rights.

Other scholars maintain that NGOs only exert indirect influence: "while NGOs play

an important role as conduits of Western funding in non-Western societies, they have few

resources with which to influence their own governments."[238] Forsythe observes that "with

neither a membership capable of influencing elections, nor the financial capacity to make

donations or influence election campaigns, human rights NGOs lack the powers of traditional

interest groups in the domestic political sphere."[239] While most studies have found that states

and international institutions control the agendas of NGOs, instead of the reverse, politicians

nevertheless have to assuage the public to maintain legitimacy.[240]

US "attention to ethical foreign policy has been an important resource of authority

and credibility" for its leaders because the ability to project 'values' has become a

fundamental leadership characteristic.[241] Worsthorne observes that a nation "which fails to

try to do its humanitarian duty is likely to lose its *raison d'être*."[242] US justifications for

humanitarian intervention citing America's ethical values not only augment policy elites'

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[237] Ibid., 53

[238] Forsythe, D.P. 2000. *Human Rights in International Relations*. Cambridge: Cambridge University Press.

[239] Ibid

[240] Charnovitz, S. 1997. Two Centuries of Participation: NGOs and International Governance. *Michigan Journal of International Law, 18,* 183-286.

[241] Chandler, David. 2002. *From Kosovo to Kabul: Human Rights and International Intervention:* 63

[242] Worsthrone, Peregrine. 1999. Good Intentions. *The Guardian,* 8 May.

domestic legitimacy, but also establish policy certainty. As previously asserted, 'policy certainty' can deflect the influence of public opinion and news media. Chandler adds that it is easier to promote a universal ethic through foreign policies than through domestic ones.[243] However, the US ethical foreign policy only succeeds because it establishes legitimacy without accountability. Political elites rhetorically grant rights that cannot be exercised or enjoyed by their subject; the human rights victim. By framing responsibility for human rights as an international issue "we are all responsible but at the same time no one is accountable."[244] The 'responsibility' of foreign states, the UN, and NGOs to 'protect' becomes blurred and action can be evaded. Often the promotion of universal human rights simply remains an aspiration, not a concrete obligation to act. Some scholars, such as Mary Robison, recognize a universal moral accountability, in which "everything begins and ends with a determination to secure…a truly human quality of life for all people whose name we act."[245] "Moral accountability" does not always translate into political "accountability.[246] NATO's 1999 intervention in Kosovo, however, marked a scenario when 'moral' and political 'accountability' aligned.

Kosovo only became a 'vital' US interest once Washington relied on ethical policy formation in the region. Because the US "core strategic interests" of "defense of the homeland" and "economic well-being" were not directly at stake[247] the Clinton administration "chiefly looking to capture positive headlines and increase their credibility at

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[243] Chandler, David. 2002. *From Kosovo to Kabul: Human Rights and International Intervention:* 65
[244] Ibid., 70
[245] Robinson, Mary. 1997. Saying What We Mean. Meaning What We Say. Together. *UN Chronicle, 34(4)*, 24-27: 25.
[246] Ibid., 25.
[247] However, the US "core strategic interests" of "favorable world order" and "the promotion of values" were, even initially, at stake in Kosovo.

home."[248] From this viewpoint, domestic concerns influence, but perhaps not more than the events on the ground. Chandler suggests that focus on domestic legitimacy produces humanitarian interventions based upon short-term concerns that will likely escalate or prolong a humanitarian crisis. In Kosovo, US 'ethical foreign policy' converted a "relatively small scale conflict into a regional humanitarian crisis."[249]

In the select humanitarian crises the US military *has* intervened (usually against economically underdeveloped states where relatively few "core strategic interests" are at stake) it has been easy for political elites to manipulate media headlines by claiming the moral high ground. When perceived costs – economic, human, and political – outweigh the benefits of intervention, states are unlikely to act. Political elites "defensively justify" this 'pragmatism' as "the conscious policy of Critical Engagement – the pursuit of political dialogue where it can produce benefits."[250] Forsythe observes an "enormous gap between the liberal legal framework on human rights that most states have *formally endorsed,* and the realist principles that they *often follow in their foreign policies*."[251] For example, on the one hand, the US has condemned human rights violations in pariah states and in regions not traditionally perceived as of 'vital' economic or political importance. On the other hand, the US often withholds censure of repressive states that *are* of strategically important (particularly Russia and China): "the US administration has 'voraciously embraced' the new

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[248] Chandler, David. 2002. *From Kosovo to Kabul: Human Rights and International Intervention*: 78
[249] Pugh, Michael. 2000. Civil-Military Relations in the Kosovo Crisis: An Emerging Hegemony? *Security Dialogue, 31(2),* 228-42: 232.
[250] Chandler, David. 2002. *From Kosovo to Kabul: Human Rights and International Intervention*: 84 & United Kingdom House of Commons Foreign Affairs Committee. 2000. Response of the Secretary of State for Foreign and Commonwealth Affairs, Annual Report on Human Rights 1999. First Report, Session 1999-2000. London: Stationary Office, paragraph 13.
[251] Forsythe, David. (2000). Human Rights in International Relations (Cambridge: Cambridge University Press), 139.

agenda of human rights on the rhetorical level, but has simultaneously insisted this agenda is entirely consistent with the traditional global interests of US hegemony."[252]

Unconstrained by international rules to govern its actions, the US can claim an 'ethical foreign policy' while choosing "which cases to turn into examples and which to ignore":

> This does not mean that governments are pursuing an entirely 'realist' agenda of power politics. In fact, the motivations for high-profile human rights intervention are often revealed to be very different from the traditional motivations of imperialist power, which concerned economic and strategic interests.[253]

US 'ethical foreign policy' does show its' 'enlightened self-interest'; the "interest in proclaiming adherence to the moral high ground, displayed in the *occasional* demonstrations of tough policy [i.e. military intervention.]"[254] A stark distinction still exists between "political reality and pious rhetoric."[255] For example, Weiss concludes that while the September 2005 World Summit marked the apex of international normative consensus about the "responsibility to protect" doctrine,[256] the political, military, and economic repercussions from 9/11 and the 'War on Terror' resulted "in a nadir in the actual practice of humanitarian intervention."[257] Weiss views a bleak future for the United States' promotion of human rights abroad. He cites US military overstretch and its "prioritization of strategic concerns to the virtual exclusion of humanitarian ones" as characteristics of the post-9/11 world. McFarlane adds that cutbacks in the number of US troops in the last 15 years have translated

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[252] Chandler, David. 2002. *From Kosovo to Kabul: Human Rights and International Intervention*: 86
[253] Ibid., 87
[254] Ibid., 87; *brackets added*.
[255] Weiss, Thomas. 2007. *Humanitarian Intervention: Ideas in Action*:1
[256] For example, the UN's report following the 2005 Summit, stated: "We are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity." Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>
[257] Weiss, Thomas. 2007. *Humanitarian Intervention: Ideas in Action*: 2

into a lack of manpower necessary "to meet the rising demands for humanitarian intervention or even peacekeeping."[258] For Weiss, the United States' current stake in Iraq, Afghanistan, and the 'War on Terror' means these "core strategic interest" will overshadow humanitarian concerns.[259] This paper, however, will challenge his assertion that the "sun has set on humanitarian intervention," and instead suggest that considerations of human rights may re-emerge as a 'vital' national interest for the United States.

In the past, the US selectively intervened in humanitarian crises without suffering serious domestic and international political backlash. Currently, this is not the case. Following its questionable 2003 invasion of Iraq, its failure to stem sectarian violence, and its ongoing and unpopular presence there, the US now faces the threat of losing its domestic legitimacy and status as a capable leader in the eyes of the world.

Overall, the motives for US decisions to intervene in humanitarian crises vary:

> They may be ethical – because it is the right thing to do to halt a humanitarian catastrophe. They may also involve legitimate calculations of national interests – either because acting can mitigate the direct and negative impact of a particular humanitarian disaster on national security or on the economy, or because doing so builds international society and norms. Motive may also be disingenuous – self-interested pursuit of gain disguised as 'humanitarian.'[260]

While it is important to distinguish policy-makers' initial motives for intervention, other international factors also influence policy formation.

Pressures on the United States from within the UN Security Council[261]

This section will examine how the dynamics of diplomacy within the UNSC influence US decisions whether or not to intervene. While the UNSC concurs on the status

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[258] McFarlane, S. Neil and Thomas Weiss. 2000. Political Interest and Humanitarian Action: 986
[259] Weiss, Thomas. 2007. *Humanitarian Intervention: Ideas in Action*: 55.
[260] Ibid., 6
[261] The United Nations Security Council will be referred to henceforth as either the UNSC or the Council.

of military operations (those carried out for humanitarian purposes) as defined by Chapter

VII of the UN Charter, such consensus stems from:

> ...a *calculus of shared interests or of trade offs among the five permanent members* of the Security Council. In June 1994, for example, disparate interests resulted in separate council decisions to authorize interventions by the French in Rwanda, the Americans in Haiti, and the Russians in Georgia. *Each of the three permanent members traded its vote for the favored intervention of the other in return for support of its own favored operation.*[262]

Ayoob adds that bargaining among the 'Permanent Five'[263] to "enhance their respective

strategic and economic interests in their spheres of influence had a substantial negative

impact on...their legitimacy in the long run."[264] "Spheres of influence" – regions in the

world where a state perceives the strategic benefits of establishing its diplomatic, economic,

or military presence outweigh potential repercussions – are a key dynamic informing

relations among UNSC members. For example, the P-5 has not traditionally perceived

Africa as a 'vital' "sphere of interests" because it lacks strategic and economic significance.

This stance may be changing as more African countries – particularly Nigeria and Angola –

are exporting oil to the West: "American and European concern about reducing their

dependence on Middle Eastern oil has led to a sharp increase in the strategic significance of

African oil-producing countries for the United States and its major allies."[265]

While bargaining and diplomatic posturing does occur within the UNSC, the US'

history of humanitarian interventionism shows that its policy decisions are largely unaffected

by pressures from the UNSC, and that it is willing and capable of acting without its consent.

Ayoob supports this claim, observing that "the dominant international coalition [the P-5, but

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[262] McFarlane, S. Neil and Thomas Weiss. 2000. Political Interest and Humanitarian Action. *Security Studies, 10(1),* 137, *emphasis and brackets added.*

[263] The 'Permanent Five' – the United States, the United Kingdom, Russia, China, and France – will be referred to henceforth as the P-5.

[264] Ayoob, Mohammed. 2004. Third World Perspectives on Humanitarian Intervention and International Administration. *Global Governance, 10,* 99-118.

[265] Ibid., 105

particularly the United States] is perceived not merely as obstructing humanitarian action where it does not suit its interests, but also as promoting such action when it does."[266]

America's tendency to advance national interests through humanitarian intervention forced it "to replace political scientists with military strategists as leaders in formulating foreign policy," and "neglect entire fields of international political analysis in areas that have least relevance to either economic or strategic concerns."[267] Washington's relative ignorance of Africa's political, social, and ethnic divides provides an example:

> ...in the policy area, the Rwanda study demonstrates how policy was largely dictated, not by knowledge and analysis, but by ignorance, misleading perceptions carried in the media, and sentiment. When *experience* was ostensibly used – such as the reference to Somalis – it was based both on a misreading of that experience and an ill-fitting application to Rwanda.[268]

Not until 1994 had Rwanda been a 'vital' foreign-policy interest of the US. At the time, only anthropologists and historians comprehensively understood the region, the origins of the racial tensions, and the causes of the genocide. How US policy elites relied on past 'experience' – albeit a misinformed reading of it – to formulate an approach to Rwanda leads into the following discussion of 'historical milieu.'

Historical Milieu

'Historical milieu'[269] is a process in which past experiences and policies affect and inform policy elites' current perceptions of an intervention scenario. For policy elites, an intervention scenario is never isolated and autonomous. Emanating from Sprout and

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[266] Ibid., 103

[267] Adelman, Howard. 2002. Theory and Humanitarian Intervention:14.

[268] Ibid., 14; *emphasis added.*

[269] For more recent uses of the term, see Power, Samantha. 2003. Rwanda: The Two Faces of Justice. *New York Review of Books, 16*, 47-50 & Power, Samantha. 2002. *A Problem from Hell: America and the Age of Genocide*. New York: Basic Books.

Sprout's "man-milieu relationship hypothesis," 'historical milieu' suggests that policy makers operate in a context of relentless interactions with culture, economics, history, ideology, and political institutions.[270] Their notion of "psycho-milieu" – part of the decision-makers' 'operational environment' – is incorporated into the concept of 'historical milieu.'[271] Betts adds to Sprout and Sprout's theory, stating that "bad experiences in those cases [Bosnia and Somalia] prevented rapid multilateral intervention in the butchery of Rwanda, which could have save many more lives."[272]

This paper will examine how the 'historical milieu' informs the perceptions and policy formulations of US decision-makers, and in turn, assert that US humanitarian interventions and non-interventions result from dynamic interactions between the 'operational environment' of domestic and international forces, but also from the 'historical milieu' of past precedents and a context of evolving international and legal norms. For Sprout and Sprout the 'operational environment' includes both tangible objects (non-human and human) that constantly interact and a complex system of social patterns, including "some embodied in formal enactments, other manifest in more or less stereotyped expectations regarding the behavior of human beings and movements and mutation of non-human phenomena."[273] This definition of 'milieu' also incorporates the 'psychological environment,' or policy-makers' own perception of the 'operational environment.' In other words, for Sprout and Sprout, policy-makers operate in a 'psychological environment' and

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[270] Sprout, Harold and Margaret Sprout. 1956. *Man-Milieu Relationship Hypotheses in the Context of International Politics*. Princeton: Princeton University Press.
[271] Sprout, Harold and Margaret Sprout. 1957. Environment Factors in the Study of International Politics. 309-328.
[272] Betts, Richard K. 1994. The Delusion of Impartial Intervention. *Foreign Affairs, 73(6)*, 20-33; 32-33.
[273] Sprout, Harold and Margaret Sprout. 1957. Environment Factors in the Study of International Politics: 311.

form opinions about the "behavior of human beings" as well as the evolution of "non-human phenomena" such as changing legal norms.

The psychology of decision-making is elusive. Recognizing its role within the 'historical milieu' allows for more detailed analysis of how the 'operational environment' affects policy formulation. It is necessary to differentiate between environmental forces' relation towards policy decisions. Without incorporating Sprout and Sprout's theory, US intervention policy in Kosovo and Darfur would appear pre-fixed, linear, and uncomplicated; in other words, based solely on policy elites' explicit goals and motivations. Although this paper does not provide a detailed examination of the psychology behind policy formulation, the 'historical milieu' can be applied to how past interventions and non-interventions influence subsequent decisions to intervene.

The two following chapters will apply the causal factors detailed in the theoretical framework to the 1999 US-led NATO intervention in Kosovo, and the US' current non-intervention in Darfur. This paper hypothesizes that the critical denominator in American humanitarian interventionism is neither solely 'humanitarian' concern nor simply furthering its national interests. Instead, policy-makers process a convergence of domestic and international pressures through the 'historical milieu' of past precedents and a context of evolving international and legal norms. Similarities and differences between causal factors informing US intervention in Kosovo and non-intervention in Darfur will then be shown in a conceptual model (Figure 5). The next two chapters will examine the extent to which the causal factors laid out in the theoretical framework shaped the 1999 US intervention in Kosovo, and the current non-intervention in Darfur.

Chapter III: The 1999 US-led NATO Intervention in Kosovo

Introduction

During the late-1990s ethnic conflict in the province of Kosovo garnered the attention of the international community and more specifically, the United Nations and United States. This followed widespread violence between the Kosovo Liberation Army (KLA) and Serbian security personnel (from the Federal Republic of Yugoslavia) over Kosovo's regional status within Serbia. While the violence resembled civil wars in Croatia in 1991 and Bosnia in 1992 – crises in which the 'international community was initially hesitant to intervene – a US-led NATO[274] believed the Kosovo conflict was a larger humanitarian catastrophe and more imminent regional security risk.[275] In other words, the US initially (and throughout the intervention) perceived the conflict in Kosovo as a major regional security risk, and therefore a crisis that could undermine US national and geostrategic interests.

As early as 1990, regional scholars predicted that Slobodan Milosevic, President of the Federal Republic of Yugoslavia (FRY), would engage in an ethnic cleansing campaign against Kosovar Albanians. Though on the minds of US diplomats, Kosovo was hardly atop their list of priorities before 1998: "The province's troubles almost appear to have been an inconvenience, adding further complications to negotiations about the wars in Slovenia, Croatia, and Bosnia. Kosovo seems to have been regarded as secondary to these conflicts in terms of both urgency and status."[276] Meanwhile, ethnic violence and FRY political and

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[274] Though NATO currently has 26 members, the United States has historically been viewed as the face and voice of the organization, and in turn, is the foremost determiner of its policies.

[275] Initially, and up to the time of intervention, the US perceived the conflict in Kosovo as a major regional security risk, and therefore a crisis that could undermine US national and geostrategic interests.

[276] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned.* Oxford: Oxford University Press: 19.

cultural repression directed at unarmed Kosovar Albanians had produced a severe humanitarian crisis.

Before 1990, most Kosovar Albanians endorsed Kosovo's status as a province within Yugoslavia. However, a series of publicized acts of ethnic violence by the FRY – such as the poisoning of schoolchildren in March 1990 and random executions of villagers in central Kosovo – led many Albanians to expect "ethnic cleansing in the context of violent conflict.[277] Human rights abuses such as random arrests, torture, and incarceration without trial were documented. Kosovar Albanians were convicted of 'verbal crimes' and held for days in jail for 'informative talks.' By 1999, Kosovar Albanians claimed that at least one member of every family had been arbitrarily taken to a police station, had been jailed, or was awaiting trial.

This chapter will examine which causal factors moved the US towards intervention in 1999, and the extent to which these factors influenced the decision-making of US policy-makers. This analysis will suggest that while the US policy-makers perceived intervention to be in the national interest and also promote NATO's long-term viability and credibility, the decision to engage was also strongly influenced by the 'historical milieu.' Other, more peripheral factors included US interests in maintaining strategic relations with Europe, stabilizing the Balkans, appeasing the media and public concern for human rights, and establishing a longer-term legal and normative precedent allowing it to intervene unilaterally without UN consent. While American public opinion, the UNSC, and legal norms were all factors normatively opposing intervention, they did not exert sufficient influence to either initially inform a non-intervention policy, or reshape policy once US policy-makers had

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[277] Ibid., 14.

decided to intervene. Other influential, 'inciting'[278] factors were the media's portrayal of the

humanitarian catastrophe, the US economic, geostrategic, and 'ethical foreign policy'

interests, and the 'historical milieu.' The background and causes of the conflict will be

discussed first. The second section will detail the chronology of events leading up to the

NATO intervention in Kosovo. The third section will address how the causal factors laid out

in the theoretical framework influenced the US decision to intervene.

Background

The roots of the Kosovo crisis extend back to an influx of nationalism in the 1970s

and 1980s. This was characterized by a reemergence of 19th-century ethnic tensions (based

on myths passed down through legends and songs) and a resurrection of rival Serb and

Albanian national movements. While during these two decades, Kosovo was populated

chiefly by Albanians, the territory symbolized nationalist sentiments for both Albanians and

Serbs. The Albanian national movement commenced in Prizren/Prizren in 1878. The

integration of Kosovo into Serbia in 1912 was one of the "bitter memories" resurrected by

Serb nationalists in the years to follow.[279] The Serbs viewed Kosovo as the holy center of the

Serb nation, as it was where the Serbian Army was defeated by the Turks in the 1389 Battle

of Fushe Kosove/Kosovo Polje.[280] Serbian nationalism led to the ascendancy of Slobodan

Milosevic, and his formal implementation of a rigid Serbian nationalist agenda: "Once the

nationalist agenda had become governmental policy, war became a real possibility."[281]

The Kosovo conflict has to be understood in the context of the disintegration of

Yugoslavia. Kosovo was one of eight constituent units of Yugoslavia: six republics (Serbia,

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[278] This term will also be used in Figure 5. 'A Comparison of Causal Factors in Kosovo and Darfur.
[279] Ibid., 14
[280] Ibid., 14
[281] Ibid., 11

Croatia, Slovenia, Montenegro, Macedonia, and Bosnia-Herzegovina) and the two autonomous provinces in Serbia (Kosovo and Vojvodina). Kosovo's loss of autonomy in 1989 was part of events leading to demands for independence from other republics, as well as the wars in Slovenia, Croatia, Bosnia-Herzegovina, and eventually Kosovo. The revocation of autonomy in 1989 and a "Belgrade policy aimed at changing the ethnic composition of Kosovo and creating an apartheid-like society" disenfranchised the Kosovar majority.[282]

During the early 1990s, Ibrahim Rugova, the primary figure in the Kosovar Albanian resistance movement (LDK),[283] expected Milosevic to initiate a campaign of ethnic cleansing, declaring that "the Serbs only wait for a pretext to attack the Albanian population and wipe it out."[284] However, the failure of Rugova's pacifist LDK party to address FRY repression in the early to mid-1990s led to the emergence of militant resistance by the Kosovo Liberation Army (KLA).

Although the United States had not formally censured the FRY's human rights violations in Kosovo until the late 1990s, its policy-makers were hardly unaware of the scale of violence and potential for genocide. Not only had US intelligence reports and media coverage displayed episodes of FRY-initiated repression and ethnic violence, but throughout the 1990s, many NGOs and the UN Special Rapporteurs for Human Rights were monitoring the conflict. Meanwhile, the UN and the UNSC responded to the crisis with scattered diplomacy and inconsistent political signals. For example, in the early 1990s, the LDK's non-violent movement[285] received international praise, but no solid support. US officials spoke with Rugova about maintaining peaceful opposition, but when the 1995 Dayton

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[282] Walker, Hugh. 2005. The Case of Kosovo. *Civil Wars, 7(1)*, 28-70: 34
[283] The Democratic League of Kosovo (a non-violent group that advocated for Kosovo's independence).
[284] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned*: 14
[285] The once pacifist LDK party eventually endorsed KLA military operations.

Accords[286] failed to address the regional status of Kosovo, the LDK leader became less willing to compromise. One should note that the Dayton Accords formally ended the three-year war in Bosnia between 1992 and 1995, in which the Muslim-majority Bosnian government based in Sarajevo battled the Bosnian Serbs. During the conflict, Bosnian Croats also battled the Serbs, and Yugoslavia provided troops and funding for the Bosnian Serbs, while Croatia supported the Bosnian Croats. While the US still engaged Rugova diplomatically post-Dayton, it gave no visible encouragement to the LDK to develop a more accommodating political stance on the status of Kosovo, with no effort to put the issue back on the diplomatic table.[287]

Because the United States inadequately responded at an early stage of the conflict, its diplomatic options were limited by Milosevic's own diplomatic resilience. Between 1996 and 1997, the US was eventually forced to address the growing humanitarian crisis and regional security risk:

> "The decision *not* to deal seriously with the Kosovo issue in 1991 created obstacles to action in 1992-3. The decision not to confront the intransigence of Milosevic in 1993, and above all the neglect of Kosovo during the Dayton negotiations, contributed to the developments that were to escalate the conflict in 1996-7."[288]

Eventually, a broad escalation in the conflict moved the UN to establish a ground presence with the Organization for Security and Cooperation in Europe Kosovo Verification Mission (OSCE-KV).[289]

Prior to NATO intervention, US policy-makers did perceive FRY violence of the 1990s as a predictor of "a longer-term ethnic cleansing goal in Kosovo."[290] The United

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[286] The 1995 Dayton Accords formally ended the three-year war in Bosnia between 1992 and 1995. The war was fought between the Muslim-majority Bosnian government with headquarters in Sarajevo and the Bosnian Serbs. Bosnian Croats also battled the Serbs. Yugoslavia provided troops and funding for the Bosnian Serbs, while Croatia supported the Bosnian Croats.
[287] Ibid., 22
[288] Ibid., 22
[289] Walker, Hugh. 2005. The Case of Kosovo: 34.

States and NATO began to frame the Kosovo conflict as a "humanitarian crisis" tantamount to genocide, and started to deliberate about the possibilities of intervention. Though NATO's rationale for military intervention centered on the humanitarian catastrophe in early 1999, it also relied on a "weaving together of past experiences and future concerns" in the region.[291]

NATO declared that it (1) would not allow a repetition of the 1998 scale of violence and displacement in Kosovo; (2) wanted to avert "another Bosnia"; (3) needed to demonstrate the international community's resolve to prevent and punish "severe patterns of human abuse" in a post-Bosnia, post-Rwanda context ; (4) intended to sustain its credibility by acting on its threats; (5) sought to avoid the mass migrations resulting from an extended civil war in the Balkans; (6) could not trust Milosevic to move towards peace; (7) and could only restore autonomy for Kosovo through a bombing campaign "that was not subject to vetoes in the UNSC."[292] Relating to causal factors laid out in the theoretical framework, the first two declared reasons demonstrate that the "historical milieu" of the 1998 violence and past experience of Bosnia significantly influenced the US decision to intervene. The next four 'declared' reasons could be viewed as 'vital' US national interests, while the last justification demonstrates the US legal concerns within the UNSC.

While the Russian and Chinese threat of a UNSC veto will be discussed later, the US believed a formal rejection would be far worse politically than simply acting outside of the Council. Accordingly, the US and its NATO allies developed an argument for military intervention based on the use of force (albeit only once diplomacy "had failed") as the only

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[290] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned*: 48
[291] Ibid., 48
[292] Ibid., 160

means of preventing a "humanitarian catastrophe" in Kosovo. Eventually, the decision was made by the US-led NATO to unilaterally intervene to prevent a humanitarian crisis.

However, the NATO bombing of Serbian troops and military infrastructure between March 24th and June 10th, 1999 failed to achieve its aim of preventing Milosevic's ethnic cleansing of Kosovar Albanians. In fact, NATO's bombing campaign provoked the FRY to accelerate its military plan ("Operation Horseshoe") designed to terminate the Albanian population. More than a million Kosovar Albanians became refuges, an estimated 10,000 lost their lives – including 500 civilians killed by NATO bombing errors – and many more were raped or wounded.[293] As the Independent International Commission on Kosovo (IICK) asserts, NATO eventually "won the war…[but] many of the basic problems that precipitated the conflict [i.e. ethnic tension and hatred] still plague the region."[294] By destroying military-industrial infrastructure, media offices, bridges, and highways, NATO felt "significant political fallout."[295] The consequent suffering of Serbian civilians contradicted NATO assurances that the war was not aimed at the Serbian [Kosovar] people.[296] Moreover, a British House of Commons select committee report found that NATO's overall, long-term objective in initiating an air strike was significantly underdeveloped, or perhaps even undeveloped: "The question as to whether NATO was acting primarily to preserve its credibility, or primarily to avert a humanitarian catastrophe did not help to explain NATO's action to the public and rather suggests that NATO was not itself clear about what it was trying to do."[297]

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[293] Ibid., 160
[294] Ibid., 93, *brackets added.*
[295] Ibid., 93
[296] Ibid., 93
[297] Ibid., 86

NATO's increased air strikes provoked Milosevic to intensify 'Operation Horseshoe,' an action that increased the scale of ethnic cleansing and illuminated Kosovo as a "humanitarian catastrophe" in the public eye. 'Operation Horseshoe' provided NATO with a tenable moral and humanitarian argument – one lacking before its military intervention – for continuing the war. As a result, all nations in the Alliance became "more committed to forcing the FRY government to yield."[298] Paradoxically, after FRY's ethnic cleansing intensified, NATO was able to rearticulate its objective by repeatedly promising the Albanian refugees that "we will bring you back."[299] Without the drama that Kosovar Albanian refugees stimulated among international public opinion, the NATO bombing campaign could not have been legitimately lasted for 78 days. NATO made a grave mistake by not anticipating that its bombing campaign would lead to Belgrade's violent expulsion of the vast majority of the Albanian population in Kosovo: "over 90% were displaced from their homes."[300]

Some critics have suggested that the FRY's actions and use of violence against Kosovar Albanians during 1998-99 could alternatively be explained as a counter-insurgency operation designed to eliminate both the KLA threat and the popular support for it. However, NATO's assertion that FRY violence was a long-term strategy of ethnic cleansing to permanently alter the region's racial demographics and balance of power does have a historical basis: "the history of FRY behavior in the 1990s gave rise to a reasonable suspicion of a longer-term ethnic cleansing goal in Kosovo."[301] Many critics argue that NATO's miscalculation of Milosevic's retaliation remains the most prominent mistake of the

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[298] Ibid., 89
[299] Ibid., 89
[300] Ibid., 90
[301] Ibid., 136

intervention. Even scholars that suggest the FRY's military and ethnic-repression strategies amounted merely to a counter-insurgency effort concede the FRY went well beyond the thresholds of morality and humanitarian law. The international community and NATO were correct to believe that Belgrade was on the verge of initiating a "humanitarian catastrophe": "evidence of an ethnic cleansing motive logically justifies preemptive international action to protect the targeted population."[302] Skepticism about the declared motives for NATO's moves in Kosovo is still justified. A double standard existed, in which "many cruel counter-insurgency campaigns around the world" generated no military or even formal international response.

What factors contributed to the United States' decision to intervene? Secretary of State Madeline Albright suggested that "every [intervention] circumstance is unique. Decisions on the use of force will be made by any president on a case-by-case basis after weighing a host of factors."[303] In this sense, such 'case-by-case' deliberation would not establish what, on the other hand, the IICK evaluated as a seemingly "inevitable" path towards intervention:

> The crisis had been building for a long time. It seemed *almost inevitable* that the abolition of Kosovo's autonomy in 1990, the resulting *fatal spiral of action* and reaction, repression and resistance, hardening Serb intransigence and growing Kosovar Albanian armament would lead to war.[304]

Instead of explaining the Kosovo intervention simply as an unavoidable, "spiral of action," the following section will evaluate the decision-making processes of US policy-makers and political elites leading up to the intervention.

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[302] Ibid., 136
[303] Daalder, Ivo H., and Michael E. O'Hanlon. 1999. Unlearning the Lessons of Kosovo. *Foreign Policy (1)116*, 128-140: 129, *brackets added.*
[304] Ibid., 29-30

US/NATO Diplomacy Leading up to the 1999 Intervention in Kosovo

For the United States, the question of Kosovo's independence rested not only on legal arguments about its autonomy within Yugoslavia, but also on which side, the KLA or FRY, chose to prolong the violence. The Clinton administration thought the mixture of ethnic violence, political repression, and status disputes created conditions for a protracted humanitarian crisis that could spill over Kosovo's borders and undermine its geostrategic interest in stabilizing the region. Once the US recognized its national interest were at stake in the region, it initiated diplomatic processes – initially through the UN and then through NATO – to defuse the situation.

Following the retraction of Kosovo's autonomy in 1989, one potential solution to the question of Kosovo's regional status was a 'negotiated autonomy'[305] for Kosovo within Yugoslavia.[306] To enforce Milosevic's obedience to the 1995 Dayton Accords, but also his support for a 'negotiated settlement,' the UNSC declared that UN economic sanctions would continue until a peaceful resolution in Kosovo was achieved.

With the political status of Kosovo unresolved and regional violence escalating, the Contact Group, comprised of the United States, United Kingdom, France, Germany, Italy, and Russia, formally denounced military exchanges between Serbian and KLA forces and declared an arms embargo.[307] However, scholars maintain that the Contact Group's inability to achieve a tenable resolution resulted from its failure to engage Milosevic as a unified diplomatic body, and to address Kosovo's regional status prior to 1998: "the most promising window of diplomatic opportunity to resolve the Kosovo crisis without war existed in the

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[305] A 'negotiated autonomy' refers to a process in which the involved parties recognize a certain country's independence as legitimate.

[306] Herring, Eric. From Rambouillet to the Kosovo Accords: NATO's War Against Serbia and Its Aftermath. *The International Journal of Human Rights, 4(3 & 4)*, 224-225: 226.

[307] Ibid., 226-228 &

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pre-1998 period."[308] Disordered, erratic diplomacy left the Contact Group with few political options and the Belgrade government maintained the upper hand: "the political will to mount a serious diplomatic effort could be mobilized only after the conflict escalated into full-scale violence."[309]

Meanwhile, US Secretary of State Madeline Albright told a different story. She repeatedly deflected blame away from the US and asserted that it was "the Serb refusal to even consider the presence of a NATO-led military implementation force" that was primarily responsible for the failure of diplomacy. However, there is no evidence that suggests NATO offered to engage Milosevic on the 'implementation' of Kosovo as an autonomous entity of Yugoslavia.

Subsequently, in late March, 1998, the UNSC approved Resolution 1160, which denounced Serbia's excessive use of force, set up a more stringent arms embargo on Yugoslavia, and called for a regiment of international troops to police Kosovo. As a challenge to the UN resolution, Milosevic held a referendum asking Serbian citizens whether international involvement in the region was legitimate. Nearly 95% of the voters[310] opposed "letting a Western-led organization, like the six-nation Contact Group, intercede in the province."[311] Now bolstered by domestic support and a public overwhelmingly opposed to UN or NATO intervention, Milosevic escalated his ethnic cleansing campaign the following spring. Milosevic's tactics incited KLA retaliations. This led to speculation that the KLA

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[308] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned*: 134.
[309] Ibid., 134
[310] Serbia's electoral commission said the turnout among the 7.2 million registered voters had been about 73%. The referendum, however, was boycotted by Kosovo's ethnic Albanians, who constitute around 90% of southern province's population of two-million.
[311] BBC News. 1998. Serbs No to Foreign Mediation. Available at:
http://news.bbc.co.uk/2/hi/special_report/1998/kosovo2/82713.stm

was trying to draw Serbian troops into the excessive use of violence in order to trigger a NATO intervention.

Near the end of September, 1998, a series of diplomatic talks between Milosevic and US Envoy Richard Holbrooke of the Contact Group produced UN Resolution 1199 calling for a ceasefire, which was to be enforced by 2,000 *unarmed* security forces from the OSCE-KVM.[312] However, with the withdrawal of Serbian troops from Kosovo violence only briefly decreased. Then Secretary-General of NATO, Javier Solana believed the FRY 'withdrawal' was a momentary façade and that while Serbian troop numbers in Kosovo had decreased, its military activities had "increased...using excessive and wholly disproportionate force" and "thereby creating a humanitarian catastrophe."[313] NATO's belief that levels of ethnic violence had again escalated beyond what was manageable for the unarmed OSCE led to its withdrawal of the monitoring force on March 20th, 1999. The lack of OSCE presence allowed the FRY to increase military activities against innocent civilians. Soon the accumulation of violence was viewed by the West as genocide. As a result, NATO deepened its commitment to "threat diplomacy." President Clinton asserted that potential refugee flows into Macedonia and civil conflicts between Albanians and Slavs put the regional security interests of Albania, Greece, Bulgaria, and Serbia were at stake. Because the Kosovo conflict placed the whole region at risk, it also presented a pending threat to NATO.[314]

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[312] The Organization for Security and Cooperation in Europe-Kosovo Verification Mission.
[313] Solana, Javier. March 25th, 1999. Letter to the President of the UNSC: UN Document S/1999/338.
[314] Clinton, William J. 1999. Presidential Statement on Kosovo. White House Office of the Press Secretary. Available at <http://www.clintonfoundation.org/header/1999-02-23-statements-by-the-president-on-kosovo.header.html>

On January 30th, 1999, in what many scholars consider the high water mark of NATO's "threat diplomacy," it was ready to initiate air strikes against Serbian targets.[315] An ultimatum called for the restoration of Kosovo's pre-1990 autonomy, democratic elections, and the attendance of both the FRY and KLA at the Rambouillet peace conference. Signed by the Americans, British, and Albanians, but not the Serbians or Russians, the Rambouillet Accords entailed the disarming of the KLA, the withdrawal of Serb forces with supervision from 30,000 NATO troops, and the restoration of Kosovo's autonomy and its independent institutions.[316]

Knowing that his acquiescence would mark the end of his formal control over Kosovo, Milosevic was adamantly opposed to the conditions of the agreement. Because the US likely knew Milosevic would not accept the terms of the Rambouillet Accords, their attempt at diplomacy could hardly be seen as aimed at stopping human rights violations and ultimately avoiding a US-led NATO intervention. At the time of the Rambouillet Accords, it seems their minds were already set.

Furthermore, in order to garner international sympathy, the KLA engaged in an 'internationalization' strategy with the goal of inducing a NATO military intervention rather than a diplomatic compromise "as only the former would likely lead toward [Kosovo's] independence rather than some form of autonomy of the pre-1989 variety."[317] A NATO intervention would also supply much needed air support for KLA ground fighters. Because increased fighting between the FRY and the KLA was prolonging the genocide, the position of the international community became increasingly difficult. The KLA's desire for

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[315] Goldsworthy, Simon. 2001. Kosovo: Lessons Learned? *Political Quarterly, 72(2)*, 246-248: 247.
[316] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned*: 86
[317] Ibid., 132, *brackets added*.

independence at nearly any cost clashed with NATO's commitment to maintain existing

borders. Milosevic believed that NATO's military intervention would bolster his domestic

legitimacy and stimulate Serbian nationalism. In a critical miscalculation, NATO decided

that a brief bombing campaign would persuade FRY President Milosevic to surrender and

sign the Rambouillet agreement.[318]

National Interests

National interests will be addressed first because the way US policy elites framed

these interests in Kosovo initially guided policy formation. National Security Advisor Sandy

Berger supports this idea, suggesting that in the face of genocide the US has to evaluate its

national interest in a country before deciding to employ military power. In Kosovo, the

United States waged war against the FRY, acting in its national interest, the interest of

NATO and European security, and in support for universal human rights. Based on Liotta's

'three-tier approach,' these motives can be considered 'vital' US interests.

Concurrently, Havel argues that US humanitarian intervention in Kosovo may very

well have been the first war not undertaken *solely* upon national interests:

> 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. If one can say of any war
> that it is ethical, or that it is being waged for ethical reasons, then it is true of this war.
> Kosovo [unlike Kuwait] has no oil fields to be coveted; no member nation in the
> alliance has any territorial demands; Milosevic does not threaten the territorial
> integrity of any member of the alliance. And yet the alliance is at war. It is fighting
> out of concern for the fate of others. It is fighting because no decent person can stand
> by and watch the systematic, state-directed murder of other people. This war places
> human rights above the rights of the state.[319]

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[318] Ibid., 86

[319] Havel, Václav. June 10th, 1999. Kosovo and the End of the Nation-State. *The New York Review of Books*.
Address to the Canadian Senate and House of Commons in Ottawa.

For Havel, fundamental human rights outweigh state rights, and national interests encompass moral value decisions. Still, while the intervention may not have been "waged in the *name*" of national interests (i.e. intervention was justified by its 'humanitarian' purpose), Havel underestimates the extent to which US interests were at risk. Liotta adds that this so-called 'Clinton Doctrine' – that the international community should prevent genocide whenever it is in its' 'power to do so' – is far from cemented in the normative structure of international politics.[320]

The US role in the Balkans in the 1990s shows how considerations of national interest evolve over time. In 1994, with Bosnia-Herzegovina degenerating into turmoil, the US could not decide how NATO should engage the former Yugoslavia. Initially, President Clinton stated that "Europe must bear most of the responsibility for solving" problems in the Balkans.[321] By 1995, Clinton shifted sentiments and pronounced the former Yugoslavia as "a region of the world that is *vital* to our national interests."[322] While the situation on the ground had not changed, the administration's perception of national interests did.

Relying upon Liotta's framework for categorizing national interests, these statements mark a transfer of US national interests in Bosnia from 'secondary' to 'vital' and also "from a *general* to *specific* focus."[323] Liotta suggests that because 'secondary' and 'vital' national interests "are not always in harmony, policy decisions are difficult and often nuanced, and strategy can, at times, seem hypocritical."[324] This reveals why so much criticism has been aimed at the United States' selective humanitarian interventionism. In a perfect world,

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[320] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty: 46-57.
[321] Clinton, William. 1994. A National Security Strategy of Engagement and Enlargement: 3.
[322] Clinton, William. December 15th, 1995. Implementing the Bosnian Peace Agreement: Let Us Lead. Vital Speeches of the Day, 130, *emphasis added.*
[323] Liotta, P.H. 2000. To Die For: National Interests and Strategic Uncertainty: 46-57.
[324] Ibid

"support for human rights would not conflict with 'absolute' interests that Americans would be willing to die for."[325] This cannot always be the case. For example, during the 1991 invasion in Iraq, US political-elites were willing to tolerate nearly 10,000 casualties, but in Rwanda were unwilling to accept even a few casualties to stop the genocide of over 500,000 Tutsis largely because "Americans are reluctant to accept casualties, or even to intervene, when their only foreign policy goals are unreciprocated humanitarian interests."[326] In Kosovo, more than humanitarian interests were stake. Following the 1999 intervention, Condoleezza Rice[327] stated that the "small-scale conflict clearly" impacted American national interests as it was set in "the backyard of America's most important strategic alliance: NATO."[328]

> In fact, Yugoslav President Slobodan Milosevic's rejection of peaceful coexistence with the Kosovar Albanians threatened to rock the area's fragile ethnic balance. Eastern Europe is a patchwork of ethnic minorities. For the most part, Hungarians and Romanians, Bulgarians and Turks, and even Ukrainians and Russians have found a way since 1991 of preventing their differences from exploding. Milosevic has been the exception, and the United States had an overriding strategic interest in stopping him.[329]

Rice adds that "a humanitarian disaster was looming as well, but in the absence of concerns based on the interests of the alliance, the case for intervention would have been more tenuous."[330]

The Legitimacy and Credibility of NATO

Protecting NATO's legitimacy as an effective organization was another major factor in the US-led intervention against Milosevic, and can also be considered a US interest. As

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[325] Ibid
[326] Ibid & Nye, Joseph F. Jr. 1999. Redefining the National Interest: 32.
[327] At the time, she was supporting the George Bush campaign for President.
[328] Rice, Condoleezza. 2000. Campaign 2000: Promoting the National Interest. *Foreign Affairs, 79(1)*.
[329] Ibid., 52
[330] Ibid., 52

Kay asserts, "sustaining the credibility of NATO as an institution was a pivotal, if not the pivotal, reason for the start of the war. NATO also helped to lower the transaction costs of strategic bargaining before the war. The US, by acting through NATO, gained legitimacy for its preferred policy of the use of force, in turn, the European allies, who were skeptical of the use of force" became placated by gaining "institutional influence over war-fighting policy."[331]

Many scholars have suggested that if the US would have attacked Serbia in a truly unilateral fashion (i.e. not under a NATO mandate) they could have more effectively deterred Milosevic's re-escalation of ethnic cleansing. The Clinton Administration was, in the end, unwilling to risk US and NATO legitimacy by enacting such an "ad-hoc coalition of the willing."[332] US Defense Secretary William Cohen declared, Clinton's decision led to the "failure to deter attacks by Serb forces against ethnic Albanians, [and] combined with the unnecessary prolonging of the war due to ineffective military planning and operations, led to more suffering among the Kosovar Albanians, and created more strains on neighboring Albania and Macedonia, than was necessary."[333] US Defense Secretary William Cohen supports this statement, arguing that "if we were to carry out and act unilaterally, we would have a much more robust aggressive, and decapitating type of campaign . . . The difference here, of course, is that we're acting as an alliance."[334]

NATO's 'threat diplomacy' and its diplomatic intransigence with Milosevic further demonstrate the organization's attempt to avoid criticisms of its inaction. In this sense, the

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[331] Kay, Sean. 2004. NATO, the Kosovo War, and Neoliberal Theory. *Contemporary Security Policy, 25(2)*, 252-279: 270.
[332] Ibid., 252–279.
[333] Ibid., 271, brackets added.
[334] Cohen, William. Interview, PBS Frontline, War in Europe, <www.pbs/org/frontline>.

US' motive for this inflexibility extended beyond the issue of Kosovo. NATO desired to clarify its long-term viability following the end of the Cold War, and the its' 50th anniversary was a essential step towards an increased global prominence:

> Closely related, the reliance on threat diplomacy was at odds with any wavering on the part of NATO. In other words, a threat to use force so as to achieve an outcome that is non-negotiable, i.e. NATO peacekeeping force in Kosovo, is inconsistent with any indication that some alternative compromise is possible. Negotiations in the sense of actual bargaining would seem inconsistent and costly to the credibility of NATO as a political actor.[335]

President Clinton maintained that the US must intervene to ensure both "stability in Europe and *our NATO credibility*."[336] UK Prime Minister Tony Blair added, "on its fiftieth anniversary, NATO must prevail."[337] Once a US-led NATO declared the threat of force, their policy of intransigent non-negotiation with Milosevic reflected their desire to maintain credibility. Thus, Clinton and Blair believed that after drawn out negotiations with Milosevic between 1998 and early 1999, NATO's nonintervention would critically undermine its legitimacy. In the end, with an American public not completely in support of intervention,[338] but generally concerned about the loss of American troops, Washington thought it was in the US national interest of the US to placate the public and bolster the legitimacy of NATO by initiating air strikes, less costly than a ground attack in both human and financial terms.

In this sense, US political-elites' advocacy for intervention was largely shaped by initial perceptions that US national interests were at stake. The next section will examine

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[335] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned*: 157
[336] Clinton, William J. 1999. Presidential Statement on Kosovo; *emphasis added*.
[337] Blair, Tony. 1999. Statement on Kosovo at the Meeting of North Atlantic Council in Washington DC on April 23rd, 1999. Available at <http://www.nato.int/docu/pr/1999/p99-062e.htm>
[338] A 60% majority was in favor of intervention.

how other domestic and international factors, and the 'historical milieu' interacted with initial perceptions of national interests.

Domestic Factors

This section will examine the extent to which domestic factors influenced the US decision to intervene. The role of American public opinion will be addressed first, followed by a discussion of the media and the 'CNN' effect. The next section will suggest that while the media was influential in garnering public attention towards the crisis, public concern for American casualties informed the US decision to rely on air strikes instead of on a ground attack.

Public Opinion

Towards the end of 1998, public opinion polls found that the majority of Americans believed that ethnic cleansing in Kosovo justified military intervention, even though such action violated Serbian sovereignty and could only be enacted without the official authorization of the UNSC. 55% of people surveyed in a 1998 Gallop poll supported a US-led NATO air attack, while an *ABC/Washington Post* poll determined 59% in favor. In tune with public opinion, another major concern for NATO – reflected in the air strike strategy of Operation Allied Force – was avoiding American casualties. Washington ruled out a ground attack, relying solely on a site-specific, precision bombing campaign.

When NATO initiated Operation Allied Force on March 24th, 1999, American public support for air strikes was 60%. However, most (87%) were 'very' or 'somewhat' worried

about American fatalities.[339] Still, as the poll suggested, "few Americans [38%] see the conflict in Kosovo as a 'very serious' problem for the US."[340] More worrisome problems were the potential for nuclear proliferation in North Korea (73%), nuclear testing in India and Pakistan (68%), and the tyrannical rule of Saddam Hussein in Iraq (58%). It appears that the American public was not significantly pressuring the Clinton Administration to intervene in Kosovo. More "serious" events in world politics were diverting public attention away from the Kosovo situation.

The Media and the 'CNN' Effect

This section will evaluate how the 'CNN effect' influenced NATO's intervention strategy. Kosovo does not completely align with the 'CNN effect' media-policy interaction theory, which suggests that compelling televised images of a humanitarian crisis forced US policymakers to intervene in a scenario not otherwise considered in the US national interest.[341] Nueman describes this media-policy interaction as a curve, asserting that "when CNN floods the airwaves with news of a foreign crisis, policymakers have no choice but to redirect their attention to the crisis at hand…as crisis coverage evokes an emotional outcry from the public to 'do something' about the latest incident."[342] The Kosovo intervention, however, shows that the 'CNN effect' does not necessarily force political-elites to change policy course.[343]

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[339] Pew Research Center for the People and the Press. 1999. Support for NATO Air Strikes with Plenty of Buts. Available at http://people-press.org/reports/display.php3?ReportID=68: 55% were 'very worried' and 32% were 'somewhat worried.'

[340] Ibid., *brackets added*

[341] Feist, S. 2001. Facing Down the Global Village: The Media Impact. In *The Global Century*, edited by R. Kugler & E. Frost. Washington, DC: National Defense University Press, 709-725.

[342] Nueman, J. 1996. *Lights, Camera, War: Is Media Technology Driving International Politics?* New York: St. Martin's Press: 15-16.

[343] Ibid., 15-16, brackets added.

However, Robinson suggests that news media will likely influence humanitarian

intervention scenarios in which policy is indecisive and coverage is 'framed' to empathize

with the suffering demographic.[344] By applying his policy-media interaction model to the

Kosovo intervention, he concluded that President Clinton's clear air-war policy left the

media unable to provide the "emotive" substance to trigger the deployment of ground troops:

"the Clinton administration adhered to its certain policy line that the airwar was working and

that there would be no ground invasion."[345] The 'CNN effect' could not change the

administration's policy course once Clinton had planned to initiate air strikes. While

scholars suggest that media coverage can trigger the air strikes as a means of intervention, it

could not pressure the US to use ground troops.[346]

This 'do something' theory also applies to the case of Somalia, where the news media

influenced Washington's decision to intervene and subsequently to withdraw.[347] Robinson

adds that, "interventions during humanitarian crises in northern Iraq 1991, Somalia 1992,

Bosnia 1995, and Kosovo 1999, often preceded and accompanied by emotive media attention

to human suffering, confirmed to some the thesis that media was driving foreign policy

formulation."[348] US policy during the Somalia and Bosnia intervention was less certain than

in Kosovo. In both cases, news media realigned policy. Talbott would disagree with

Robinson, pointing to Clinton's nonintervention policy early in the Bosnia-Herzegovina

[344] Robinson, Piers. 2000. The Policy-Media Interaction model: Measuring Media Power During Humanitarian Crises. *Journal of Peace Research, 37*, 613-633.
[345] Robinson, Piers. 2000. Research Note: The New Media and Intervention – Triggering the Use of Air Power During Humanitarian Crises. *European Journal of Communication,15(3)*, 405-414.
[346] Ibid., 405.
[347] Livingston, Stephen. 1997. Clarifying the CNN Effect: An Examination of Media Effects According to Type of Intervention. Research Paper R-18. *The Joan Shorenstein Center*. Available at <http://www.ksg.harvard.edu/presspol/Research_Publications/Papers/Research_Papers/R 18.pdf>
[348] Robinson, Piers. 2005. The CNN Effect Revisited: 344-349.

conflict, even though the news media presented an "emotive…attention to human suffering."[349]

In Kosovo, media coverage generalized the scenario as a conflict between good (the Kosovar Albanians) and evil (the Serbs). This media portrayal exerted pressure on the US to address the atrocities. For US politicians, intervention became synonymous with eradicating evil and rescuing the Kosovar Albanian victims from genocide. Although the KLA was also committing atrocities throughout the conflict, they were portrayed as "freedom fighters," not violent radicals or terrorists. Colin Powell's assertion that "live television coverage *doesn't change the policy*, but it does create the environment in which the policy is made"[350] fits the previous analysis. While US "threat diplomacy" suggests that Washington may have already made up its mind by the time of Rambouillet to intervene, media coverage influenced the decision-making "environment" by drawing attention to the conflict's humanitarian component. Anthony Lake, President Clinton's first national security advisor, "acknowledged that public pressure, driven by televised images, increasingly played a role in decision making on humanitarian crises, but added that other factors such as cost and feasibility [national interests] were as important."[351] The 'whiteness' of Kosovar refugees also generated greater public sympathy and more extensive news coverage over time. Nevertheless, President Clinton's insistence on the use of air strikes shows that public opinion and the news media had minimal influence on realigning policy.

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[349] Talbott, Strobe. 1997. Globalization and Diplomacy: A Practitioner's Perspective. *Foreign Policy 108*, 69-83.

[350] McNulty, T. 1993. Television's Impact on Executive Decision-making and Diplomacy. *Fletcher Forum of World Affairs, 17*, 67-83; *emphasis added*.

[351] Hoge, J. F., Jr. 1994. Media Pervasiveness. *Foreign Affairs, 73*, 136-144, *brackets added*.

International Context

Legality and State Sovereignty

Prior to NATO's more prominent involvement in the negotiation process, the Contact Group was the sole forum capable of building consensus between the US and the European states. NATO members' divergent diplomatic approaches undermined the success of the peace process in the period leading up to the war and played a large role in the US decision to intervene unilaterally. While America and Britain did not accept Kosovo as simply an internal matter, believing the moral and humanitarian obligation to intervene trumped Serbia's rights to state sovereignty, Russia and China viewed the situation as outside of the international community's legal jurisdiction. While Germany proposed that the issue of Kosovo's autonomy be presented before the UNSC, Russian rhetoric revealed that such a resolution [UNSC 1160] would be blocked. Still, many scholars maintain that US "threat of force" diplomacy not only violated the UN Charter, but also ruled out all options except intervention: "aside from undercutting diplomatic options, threat diplomacy puts the threatener [the US] under pressure to demonstrate that the commitment is not just a bluff."[352] The US' "threat diplomacy" and non-negotiable stance, combined with the divergent viewpoints of UNSC members, significantly hindered its ability to pursue any further diplomatic options. Russia's rigid commitment in the UNSC to veto any enforcement action was also a key factor forcing NATO to intervene without the Council's approval (161).

Throughout the negotiations, Russian President Boris Yeltsin sustained close relations with Milosevic, likely because Yugoslavia was indebted to Russia over large shipments of energy supplies and Russia itself was involved in a similar ethnic conflict with Chechnya. If

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[352] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned*: 159, *brackets added.*

Russia were to have censured Yugoslavia, it would have been illuminating its own human rights abuses in Chechnya. As a result, the US, cognizant of Russia position, may very well have trapped itself into initiating a military intervention.

NATO decided to act independently and without UNSC consent because it understood Russia's disapproval of intervention (that crisis was an "internal" matter) and was aware of its veto power.[353] China similarly expressed their support for the sovereign rights of states "to address internal challenges without external interference."[354] Washington was unwilling to allow the issue of use force to come before the UNSC, anticipating that a veto would put NATO in the position of using force in defiance of the Council's decision. Though this decision was in US national interest, by avoiding an explicit challenge to UN authority it set a lasting and problematic precedent. As the IICK suggests, if in the future "the Kosovo war is employed as a precedent for allowing states, whether singly or in coalition, to ignore or contradict the UNSC based on their own interpretation of international law and morality, the stabilizing function of the UNSC will be seriously imperiled, as will the effort to circumscribe the conditions under which recourse to force by states is permissible."[355]

The normative legal framework and the statements of NATO members, however, demonstrate a significant degree of internal consensus about intervention. Then Secretary-General of NATO Javier Solana, justified intervention, arguing that such military action is:

> "...intended to support the political aims of the international community. It will be directed towards disrupting the violent attacks being committed by the Serb Army and Special Police Forces and weakening their ability to cause further humanitarian catastrophe...We must also act to prevent instability spreading in the region...*We*

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[353] Ibid., 143.
[354] Ibid., 145.
[355] Ibid., 174

have a moral duty to do so. The responsibility is on our shoulders and we will fulfill it.[356]

Immediately following the conflict, Antonio Cassese similarly asserted that the "basic premise or root of the NATO intervention...is a widespread sense that they [human rights] cannot and should not be trampled upon with impunity in any part of the world...and any state, individually or collectively, has the right to take steps to attain such respect."[357]

Still, some scholars maintain the United States' declared justifications for its intervention rested on shaky legal ground. A US-led NATO proceeded with an armed military intervention without obtaining, or even seeking, clear UNSC authorization, and without making a secondary appeal to the UN General Assembly. Under the Uniting for Peace Resolution, the General Assembly is authorized to deliberate on an issue when the UNSC cannot meet its obligations to address threats to international peace and security. NATO's own constituting treaty does not provide any convincing legal grounds for recourse to force aside from defending against the use of force directed at the territorial integrity and political independence of its member countries. In fact, the threat or use of force by states is, by definition, prohibited by Article 2(4) of the UN Charter. The Charter, particularly Article 2(7), creates a sphere of sovereignty for states to deal with matters that fall within their "domestic jurisdiction."[358] Therefore, any strictly textual legal argument for intervention would have to overcome the sovereign rights of the state.

The international community and UN Secretary General Kofi Annan have insisted that the evolution of international human rights standards and widespread support for their

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[356] Solana, Javier. 1999. Statements by Secretary-General of NATO Javier Solana. NATO Press Release No. 40. Available at http://www.nato.int/docu/pr/1999/p99-040e.htm; *emphasis added.*

[357] Cassese, Antonio. 1999. Ex Iniura Ius Oritur: Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community? *European Journal of International Law, 10,* 23-30: 26, *brackets added.*

[358] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned:*168.

implementation "has now [i.e. post-Kosovo intervention] reached the stage where norms of

non-intervention [i.e. the deference to sovereign rights] should no longer apply to the same

extent in the face of severe human rights or humanitarian abuses."[359] From this standpoint,

NATO's intervention in Kosovo was a legitimate way to protect vulnerable people against

"severe abuses of human rights, crimes against humanity, and genocide:"

> The most convincing legal ground for the NATO military campaign relates to the
> UNSC's authority to regard any set of circumstances as posing a threat to
> international peace and security as understood by Chapter VII of the Charter, and
> thereby opening up the possibility of authorizing the use of force to 'maintain or
> restore peace and security.'[360]

The crisis in Kosovo marks a scenario in which international priorities changed and

precedents of military and humanitarian intervention were reconstituted. On one hand,

Kosovo possessed a territorial identity, had its own structures of government, "retained a

separate federal status, and was acknowledged in the Federal presidency."[361] Yet, in 1989,

the FRY eliminated its autonomy and made it part of the Serbian republic. In 1997 when the

UN and NATO censured the FRY's use of force against the Kosovar Albanians they

continued to point to the restrictions in Chapter VII of the UN Charter, and refused the

Kosovar Albanians rights to statehood. The UN and NATO demanded that repression cease

and Serbian forces be withdrawn, but they also wanted a political settlement respecting

Serbia's territorial unity. The US first believed that their use of force would strengthen

Kosovo's claim to independence from Serbian authority. However, when the FRY rejected

their terms of negotiation, and in late 1998 and early 1999 intensified its attacks on Kosovar

Albanians, the 'Contact Group' changed its mind. To their benefit, UN Secretary-General

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[359] Ibid., 170: *brackets added.*
[360] Ibid., 171
[361] Hawthorn, Geoffrey. 1999. Liberalism Since the End of the Cold War: An Enemy to Itself? *Review of International Studies* 24 *(Special Issue)*: 157.

Solana, suggested that the international community should now consider using military means to halt the internal conflict even though such recourse undermined the "wishes of a sovereign state."[362] In this sense, as never before, the use of force could trump the rights of state sovereignty and international law: "an argument had been found to defend the use of arms for humanitarian intervention."[363]

Thus, the crisis in Kosovo marked a fundamental shift in the role of humanitarian intervention towards a post-Cold War geopolitical context, in which issues of international law and state sovereignty became marginalized by moral justifications for humanitarian intervention. Still, many scholars, particularly Hawthorn, are skeptical of the US' declared reasons – to demonstrate the seriousness of NATO's response to aggression, to deter Milosevic's escalating attacks in Kosovo, and seriously to damage Yugoslavia's military capacity to wage war in the future – for its actions against Serbia in 1998-99:

> ....the weakness of such alliances [the UN] frees the United States to continue to act capriciously in nominally liberal adventures which on their own terms fail and in their consequences, as in Iraq and Kosovo, which not only extend suffering rather than contain it but also, in overriding international law, increase the possibility of what an understandably cross Secretary-General of the United Nations described in May 1999 as 'anarchy' in the world.[364]

For "true liberals," preventing the US from future "capricious," democratic-nation building necessitates revisions in the UN Charter that give lower priority to the sovereignty of states. Hawthorn adds that for this to occur, the Council's P-5 would have to agreed on and collectively enforce the changes under international law.[365] However, in nearly every modern intervention scenario, collective UNSC agreements that balance intervention and

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[362] Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned.*
[363] Ibid
[364] Hawthorn, Geoffrey. 1999. Liberalism Since the End of the Cold War: An Enemy to Itself?: 157.
[365] Ibid., 157

state sovereignty have been undermined by the P-5's divergent interests. Even if UN charter revisions bolstered state sovereignty, the United States and NATO both believe that the morality of humanitarian intervention can outweigh not only the UN Charter, but all international law that offers "priority to the sovereignty of states."[366]

Pressure from Non-NATO States

As NATO remained at an impasse for nearly a year on the use of force in Kosovo, the "consensus process left the institution open to influence from outside forces."[367] Most notably, Russia denounced NATO military action against its Serb ally. It was worried about the expansion of NATO's influence towards its own borders. Based on the neoliberal theory assumption that "institutions could be used by states to pursue constraining and bargaining strategies," it appears Russia influenced NATO's "consensus process" by "leaning heavily [on its members] and using its veto in the UN to prevent NATO from gaining the legal mandate" that most of NATO's European allies desired until the beginning of 1998.[368] Likewise, as late as August 1998, President Clinton and French President Jacques Chirac agreed that NATO could not intervene in Kosovo without Russian approval within the UNSC.[369]

While, Russia could not formally veto NATO's policy, it could denounce intervention in the UNSC. It temporarily impeded NATO's intervention in Serbia, and more significantly, it encouraged NATO members to oppose the use of ground forces. Overall, "Moscow's ability to impact the institutional rules and decision-making procedures made it

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[366] Ibid., 157

[367] Kay, Sean. 2004. "NATO, the Kosovo War, and Neoliberal Theory, " Contemporary Security Policy, Vol. 25, No. 2, 252-279. Contemporary Security Policy, Vol.25, No.2, 252–279: 269.

[368] Ibid., 269.

[369] Interviews with US and NATO officials, Fall 1998.

more difficult for NATO's members to reach a consensus regarding the appropriate strategy for intervention."[370]

Historical Milieu

The memory and perception of past cases of intervention and non-intervention also affected the United States' decision to intervene in Kosovo. Past precedents and humanitarian scenarios conditioned both President Clinton and Secretary of State, Madeline Albright decision-making processes. Albright was more visible as the primary shaper of US policy during the majority of negotiations with Milosevic because President Clinton was wrapped up with impeachment hearings regarding the Monica Lewinsky scandal. Albright viewed the conflict in Kosovo as "similar to the situation in Bosnia in the summer of 1995 and that Milosevic would capitulate very quickly after a few bombs had been dropped."[371] There was consensus within the White House that a short-term bombing campaign would stop Milosevic's ethnic cleansing of the Kosovar Albanians. For Clinton and Albright, few, if any, American lives would be lost, the war of only a few weeks would be relatively inexpensive, and the American public's concern for the humanitarian disaster would be appeased. With the exception of minimal American casualties, these assumptions did not work out as planned.

On March 13th, Clinton and most of his advisors agreed with US intelligence reports that Milosevic "would quickly sue for peace after defending his honour."[372] As late as March 24th, the day of the first air strikes, Albright still maintained that NATO's goals were

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[370] Kay, Sean. 2004. "NATO, the Kosovo War, and Neoliberal Theory, " Contemporary Security Policy, Vol. 25, No. 2, 252-279. Contemporary Security Policy, Vol.25, No.2, 252–279: 269.
[371] Herring, Eric. From Rambouillet to the Kosovo Accords: NATO's War Against Serbia and Its Aftermath: 228
[372] Ibid., 228.

"achievable in a relatively short period of time."[373] White House Spokesman Joseph

Lockhart made this connection explicit and showed the administration's reliance on past

intervention scenarios, saying "the President expressed hope that, *as in Bosnia*...a credible

threat of force would increase chances for Milosevic to accept a lasting diplomatic

solution."[374] Tony Bilken, Clinton's Special Adviser on the National Security Council,

echoed Lockhart's stance in April 1999: "I think that if you look at what happened in Bosnia,

there was certainly reason to believe that when faced with NATO airplanes he [Milosevic]

would quickly calculate that his interests lie in making peace."[375]

Drawing this parallel with NATO's bombing of Bosnian Serb nationalists, however,

was arguably misguided. US officials misinterpreted the progression of events in Bosnia,

and thus misapplied its precedent to Kosovo. More specifically, Milosevic agreed to the

Dayton Peace Agreement over Bosnia-Herzegovina at a point when Bosnian Serb nationalist

forces were losing the ground war against the joint Croatian and Bosnian government

offensive. The Dayton Accords allowed him to avoid absolute defeat and establish a Serb

Republic within Bosnia, "in which the Bosnian Serb nationalists would be able to impose

their will and even lay the basis for the partition of Bosnia and the establishment of Greater

Serbia."[376]

NATO's 1999 bombing campaign was not in itself sufficient to obtain Milosevic's

compliance with the Dayton Peace Agreement. Unlike the conflict in Bosnia, Milosevic's

troops maintained a distinct advantage on the ground in Kosovo and the proposed peace deal

[373] Ibid., 228
[374] Lockhart, Joseph. March 24th, 1999. White House Press Briefing; *emphasis added.*
[375] Bilken, Tony. April 21st, 1999. The War Room. *Panorama*: BBC television interview: *brackets added.*
[376] Herring, Eric. From Rambouillet to the Kosovo Accords: NATO's War Against Serbia and Its Aftermath: 228.

threatened to terminate Serb minority rule in the province. Milosevic was unlikely to cede control as easily as US intelligence had suspected based on the Bosnia precedent.

Following the conflict, Rice criticized the Clinton administration's miscalculation of Milosevic's resolve, stating, "if there is any lesson from history, it is that small powers with everything to lose are often more stubborn than big powers, for whom the conflict is merely one among many problems."[377] Blocking Kosovo's path towards autonomy was much more important to Milosevic in Serbian politics than had been Bosnia, and the loss of control over Kosovo would represent a fundamental challenge to Serbian nationalism. In this sense, though the Bosnia precedent pushed the US towards intervention, it only did so because decision-makers misapplied it to the case of Kosovo.

Overall, the US belief that a short-term air strike strategy would prevent further human rights abuses contributed significantly to its decision to intervene. President Clinton's decision can also be attributed to his perception that Serbian "ethnic cleansing" and disproportionate acts of violence were the root and cause of the conflict: "The mission of the air strikes is to demonstrate the seriousness of NATO's purpose so that the Serbian leaders understand the imperative of reversing course; to deter an even bloodier offensive against innocent civilians in Kosovo; and, if necessary, to seriously damage the Serbian military's capacity to harm the people of Kosovo."[378] In this sense, the way the 'historical milieu' informed US policy-elites' perceptions of Kosovo was a key factor in moving NATO towards intervention.

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[377] Rice, Condoleezza. 2000. Campaign 2000: Promoting the National Interest: 52.
[378] Clinton, William. 18 March 1999. Clinton Says NATO Must Act in Kosovo. The White House, Office of the Press Secretary.

Conclusion

Overall, US motivations for the Kosovo intervention included maintaining strategic relations with Europe, stabilizing the Balkans, promoting NATO viability and credibility, appeasing the media and public humanitarian crises, and establishing a longer-term legal and normative precedent allowing it to intervene unilaterally without UN consent. The 'historical milieu' also played a key role in moving the US towards intervention.

While in late January, 1999, the US declared itself "ready to take whatever measures necessary to avert a humanitarian catastrophe," further human rights abuses were not avoided because its national interests, as well as domestic and international factors detailed in this section, restricted its military strategy to air strikes.[379] In the 1999 Kosovo crisis, the NATO air campaign against Serbia marked the zenith of a decade in which arguments for humanitarian intervention were established on both media and foreign policy agendas. Humanitarian intervention was becoming a legitimate and frequently considered component of international politics. Many problems still needed to be addressed. UN Secretary General Kofi Annan called on the international community in 2000 to form a consensus about when and how the 'right of humanitarian intervention' should be exercised. Three years later, the genocide in Darfur would provide the context to determine whether such a consensus had emerged.

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[379] Weller, Marc. 1999. The Rambouillet Conference on Kosovo. *International Affairs, 75(2)*: 223.

Chapter IV: The US Non-Intervention in Darfur

I was living with my family in Tawila and going to school when one day the Janjaweed entered the town and attacked the school. We tried to leave the school but we heard noises of bombing in the town and started running in all directions. All the girls were scared. The Janjaweed entered the school and caught some girls and raped them in the class rooms. I was raped by four men inside the school. When they left they told us they would take care of all of us black people and clean Darfur for good.[380]

Introduction

This young woman's horrific story is one of the thousands portraying the Janjaweed's unabated terror against civilians of Sudan's Darfur region. During this five-year crisis, over 200,000 people have been murdered and about 2.5 million have been displaced and are homeless in the Darfur region.[381] Despite allegations of genocide and crimes against humanity, the international community[382]United States and United Nations have not enacted adequate measures to intervene and end the crisis.

Darfur is not the first time the US and UN have not responded rapidly and effectively to a humanitarian crisis. The twentieth century included many cases of genocide, such as the massacres in Rwanda, Cambodia, and Bosnia. The US response typically involved protracted deliberations, after the worst abuses had occurred and efforts to mitigate the atrocities proved negligible and insufficient. Failure to take a proactive stance resulted in needless, widespread loss of life. The slow reaction in Darfur sent a message to genocidaires that they can, without consequence, violate fundamental human rights. After massacres have occurred, it will be nearly impossible to track down and punish the perpetrators. Many

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[380] Available at http://googlesystem.blogspot.com/2007/04/sad-story-of-darfur.html
[381] BBC News. 28 February 2008. Thousands of Darfuris 'Desperate.' Available at <http://news.bbc.co.uk/2/hi/africa/7262570.stm>
[382] Most notably the African Union, the United Nations, and 'capable' Western states, such as the United States and United Kingdom.

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responsible for the genocide in Darfur will escape with de facto immunity. The Janjaweed and the GoS believe that the US will tolerate similar crimes in the future.[383]

Preventing such violations should be of foremost concern for the US and UN. Why has neither taken strong action to stop the genocide? What factors have led to the US non-intervention in Darfur? The first section will summarize the origins of the crisis and outline key events that have already taken place. The second section will examine diplomatic and 'peacekeeping' responses to the genocide, and the third section will examine the extent to which each of the causal factors laid out in the theoretical framework have informed US non-intervention. Following this analysis, this paper will suggest that the 'historical milieu' and US policy-makers' perception of past experiences in Sub-Saharan Africa is one of the foremost factors the US has not militarily intervened.

Background

The Darfur conflict has complex roots. Many historical factors have influenced the evolution of the current crisis. To fully comprehend it, one must recognize these complexities. Nearly six million people live in Darfur, the largest region of Sudan. Located in western Sudan, Darfur borders Libya, Chad, and the Central African Republic. Darfur literally means "home of the Fur." A variety of people inhabit the region, most of whom are Muslim. The news media has portrayed the crisis as a racial conflict between Arabs and Africans ('Black Africans' or the local, non-Arab indigenous inhabitants consisting of the Fur, Massalit, and Zaghawa). However, a simple 'Arab' versus 'African' dichotomy in Darfur is misleading. Racial distinctions cannot be so neatly defined. Although the region *does* consist of various groups, the racial polarization portrayed in the media is not the reality

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[383] Totten, Samuel. 2006. The US Investigation into the Darfur Crisis and the US Government's Determination of Genocide, 57-78.

on the ground. Following the genocide in Rwanda, the International Criminal Tribunal declared that "the conventional definition of racial group is based on the hereditary physical traits often identified with a geographical region, irrespective of linguistic, cultural, national or religious factors."[384] While some groups and individuals allege to be of "unmixed Arabic stock...they are Arab only in a cultural rather than a racial sense."[385] Still, as de Waal has suggested, the groups involved have begun to incorporate such racial polarization into their own identity constructions:

> What we see is the gradual but seemingly inexorable simplification, polarization and cementing of identities... the humanitarians and human rights activists, as much as the counter-terrorists and diplomats, are part of this process whereby Darfurian identities are traumatically transformed once again. Hopefully there will be a counter-process, which allows for Darfurians to carve out a space in which to reflect on their unique history, identify what they share, and create processes whereby identities are not formed by violence.[386]

In Darfur, the term 'Arab' refers to Arabic-speakers who have, over the years, mixed with the indigenous non-Arab Sudanese.[387] Darfurian 'Arabs' are also recognized as indigenous, black, and African. In this sense, there are no distinguishable racial or religious differences between the two groups.[388] Thus, racial tension is a byproduct of the crisis in Darfur, not a cause. Once the crisis began, however, racial hatred added to the violence and kept the conflict smoldering.

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[384] International Criminal Tribunal Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T, Judgment, P 514 (2 September 1998). Available at <http://69.94.11.53/default.htm>
[385] Suliman, Mohamed. Ethnicity from Perception to Cause of Violent Conflicts: The Case of the Fur and Nuba Conflicts in Western Sudan. Institute for African Alternatives. Available at <http://www.ifaanet.org/ifaapr/ethnicity_inversion.htm> & De Waal, Alex. 2004. Tragedy in Darfur: On Understanding and Ending the Horror. *Boston Review*. Available at <http://www.bostonreview.net/BR29.5/dewaal.html >
[386] De Waal, Alex. 2005. Who are the Darfurians? Arab and African Identities, Violence and External Engagement. *African Affairs, 104(415),* 181-205.
[387] Suliman, Mohamed. Ethnicity from Perception to Cause of Violent Conflicts: The Case of the Fur and Nuba Conflicts in Western Sudan.
[388] Ibid

Conflict originated from rivalry and violence over scarce resources. Traditional farmers largely compose the indigenous tribes of Darfur.[389] Meanwhile, pastoralist nomads chiefly comprise the 'Arab' tribes. Severe drought and famine in Darfur between 1984 and 1985 produced a series of localized conflicts with farmers fighting nomadic herders over scarce, diminishing resources. Competition for limited resources and protracted drought, combined with no legitimate governing authority has made these conflicts increasingly bloody and fundamentally politicized.[390]

The nomadic pastoralists have always formed their own small-scale, militias to protect against intruders, whereas the farmers have typically not. For the farmers, Darfur is their "God-given homeland" and the nomadic herders are simply trespassers. While they typically lead a peaceful life, the Fur sedentary farmers frequently skirmish with camel and cattle nomads over animal intrusion into their farms. Despite 20 years of economic interdependence, these groups have continually battled, feeling mutual hatred and mistrust.[391]

Prior to the mid-1980s, "conflicts in northern Darfur were infrequent, highly localised and of low intensity." Neither group was part of a broader, large-scale war. While both groups have traditionally cooperated with each other in a somewhat peaceful coexistence, the prolonged drought of 1984 undermined this precedent. An influx of weaponry and funding in the region from the nearby conflict between Libya and Chad[392] led to the small clashes that soon developed into a large-scale war between the two groups.

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[389] Ibid
[390] Ibid
[391] Ibid
[392] Following the war between Chad and Libya, the defeated Islamic legion – which had been fighting for Libya – disbanded and its members to Sudan trained and well-armed. As a result, many of the guns in Darfur came from these militia members, and the many of the current Janjaweed leaders were trained in the Islamic Legion.

In short, these armed skirmishes in Darfur began in 1987 when a Chadian Arab militia, armed by Libya (who was attempting to exert control over Chad), was forced into Darfur by Chadian and French forces. This militia, known as the Janjaweed, aligned themselves with the Darfurian Arab nomads, and incited a short, but deadly battle for land in the neighboring Fur region.[393] In 1991, the Sudan's People Liberation Army (SPLA) attempted a counter-rebellion in Darfur, but was slaughtered by the Sudanese army and Arab militia. As was previously stated, other battles occurred throughout the 1990s, incited primarily by arguments over livestock and land. As De Waal further notes:

> In each case, while local leaders tried to sponsor inter-tribal peace conferences, the security services responded with divide-and-rule tactics, usually arming Arab militia and trying to disarm Fur and Masalit village defence groups. At no point were the underlying causes of the discontent – Darfur's poverty and marginalization – addressed. In retrospect, what is surprising is not that war broke out, but that it took so long to do so. Three things stood in the way of insurgency: the lack of opposition leadership after the failed SPLA incursion, the loyalty of many Darfurians to the Islamic movement, and the fact that the Chadian president, Idriss Déby, had a deal with Khartoum that neither would give sanctuary to rebels from the other country.[394]

Those on both sides also rallied around their cultural and ethnic identities, so the media soon portrayed the crises as a tribal and ethnic rivalry. The crisis exacerbated the ethnic divide.

Civil War in Sudan

The crisis in Darfur and the Sudanese civil war between the North and the South are separate conflicts occurring in two different regions of Sudan. The crisis in Darfur revolves around the government-backed Janjaweed militia massacring civilian tribes in Darfur: the

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[393] De Waal, Alex. 2007. Darfur – The Crisis Explained. *Prospect Magazine, 132*, 1-6.
[394] Ibid., 3.

Fur, Massalit, and the Zaghawa.[395] The conflict also involves the Sudanese Liberation Army

(SLA) and the Justice Equality Movement (JEM), two rebel factions opposed to the Sudanese

government. The civil war involves the Islamic Sudanese government (GoS) of the North

against 'animist' and Christian groups in the South, who make up the SPLA.[396] While the

civil war is a religious conflict, the Darfur crisis is not, as both the Janjaweed and the civilian

tribes are primarily Muslim. The two conflicts are to some extent related because the

repression of the people in Darfur relates to political factors similar to those inciting the civil

war.[397] The North-South Civil War has relevance for US diplomacy addressing the Darfur

crisis, because, as some critics suggest, the Bush administration did not initially view the

Darfur genocide as a priority, and instead concentrated ending on the talks between the

SPLM and GoS to end the Civil War.

The civil war began in 1983 when the SPLA clashed with the Sudanese government.

This happened after their call for the democratic rights of all Sudanese people was rejected

by the tyrannical President of Sudan, Jaafar Nimeiri. Throughout the 1980s, the Sudanese

government mobilized the 'Arab' nomadic herders of southern Kordofan and their militia

against southern civilian communities in support of the SPLA.

Throughout the 1980s, the conflict in Darfur also resulted from the violence in the

region. After helping the government fight the SPLA, the 'Arab' militia returned to the West

and attacked the Fur, Zaghawa, and Massalit people in Darfur.[398] The militia launched a

campaign against civilians in the south resulting in the deaths of three thousands innocent

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[395] International Commission of Inquiry on Darfur. 2005. Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General: 18. Available at
<http://www.un.org/News/dh/sudan/com_inq_darfur.pdf>
[396] Ibid
[397] Ibid
[398] Ibid

Darfurians. In 1987, this 'Arab' militia formed an 'Alliance' based on ideological and political ties rather than racial ones.[399] The Sudanese government incited the 'Alliance' in order to protect itself against other non-Arab groups. When al-Bashir became President of Sudan in 1989, his administration disarmed opposing, non-Arab groups, while allowing the 'Arab Alliance' and other allies to keep their weapons.

In February 2003, the emerging Darfur Liberation Front (DLF) and the Justice and Equality Movement (JEM) insisted on economic equality and power-sharing from the Sudanese government.[400] Primarily from the Fur, Zaghawa, and Massalit tribes, they viewed the Sudanese government as the root of the socio-economic problems, political marginalization, and widespread atrocities.[401] In March 2003, when the DLF became the Sudan Liberation Army, military operations intensified. Joining with the JEM, it had around five thousand rebels to fight against the Sudanese Government.[402]

Responding to attacks by the combined JEM-SLA forces, the Sudanese government enlisted the 'Arab Alliance' to stop the rebel movements in Darfur. The 'Arab Alliance,' which had been helping the government for years, soon became know as the "Janjaweed," or 'devil on horseback.'[403] While both the Janjaweed and rebel forces have been accused of gross human rights violations, the Janjaweed – better equipped and backed by the Sudanese government – crushed the rebels and became an uncontrollable, genocidal force. Facing little opposition, the Janjaweed targeted Darfur's innocent civilians. They were responsible for destruction of non-Arab villages, over 200,000 deaths, and the displacement of about two and

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[399] Ibid

[400] US Department of State. 2004. Documenting Atrocities in Darfur. Available at <http://www.state.gov/g/drl/rls/36028.htm>.

[401] The JEM pointed to the Sudanese government's systematic suppression of political representation, and declared that Darfurians were intentionally banned from influential positions in the Khartoum government.

[402] Ibid., 40

[403] Gberie, Lansana. 2004. The Darfur Crisis: A Test Case For Humanitarian Intervention: KAIPTC Paper No. 1. Available at <http://www.kaiptc.org/kaiptc/The%20Darfur%20Crisis.pdf>

half-million Darfurians. Upwards of 120,000 others fled to Chad, yet large majority of victims are trapped inside Darfur.[404]

International Response to Darfur and the Darfur Peace Agreement (DPA)

On May 5, 2006, the Government of National Unity[405] and the Sudan Liberation Movement (SLM) signed the Darfur Peace Agreement (DPA) following nearly two years of diplomatic talks. The DPA, however, was rejected by both the Justice and Equality Movement (JEM) and a SLM 'splinter group.' The DPA called for the following: (1) the incorporation of 4,000 SLA troops into the Sudan Armed Forces; (2) an initial 300 million dollar deposit and 200 million dollars in both 2007 and 2008 from the GoS for the reconstruction of Darfur; (3) positions for SLM delegates in the national and regional parliaments and also numerous top positions in the executive branch; and (4) the disarmament and demobilization of the Janjaweed.[406] Yet, the DPA has failed to garner support in Darfur. Both signers of the DPA have accused each other of breaching the terms of the agreement. As a result, implementation of the agreement has been slow to progress, and both groups continually fail to meet deadlines.[407] For example, the disarmament and demobilization of the Janjaweed has not occurred, and "power sharing and wealth sharing commitments remain largely unaddressed."[408] Furthermore, De Waal suggests that the DPA "could have worked," but the agreement failed and led to an exacerbation of the conflict

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[404] Human Rights Watch. 2004. Darfur in Flames: Atrocities in the Western Sudan: 37-38. Available at <http://www.hrw.org/reports/2004/sudan0404/sudan0404.pdf>.

[405] On September 22nd, 2005, nine SPLA members and sixteen members of the GoS became Ministers in the post-war Government of National Unity, as part of the terms ending the Second Sudanese Civil War.

[406] Dagne, Ted. 2007. Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement. *Report to Congress*, 1-30: 11.

[407] Report on the Implementation of the Darfur Peace Agreement. Available at <http://www.unmis.org/english/dpaMonitor.htm>.

[408] Ibid

because "the international community, led by the US, tried to bully the rebels into acceptance which created a backlash; after signing the deal Minawi [the leader of the SLM] was deserted by most of his commanders."[409]

The international response to the crisis has also been rooted in three contradictory approaches.[410] First, human rights organizations, Western journalists and news media, and some states felt an international obligation to protect innocent victims of the crisis. Second, questions exist about how the responsibility should be allocated – through what organizations, states, and with what funding – and what roles the Government of Sudan (GoS), United States, AU, and UN should play: "What was clear, was that key Western states [particularly the United States] were deeply reluctant to assume that responsibility if it meant acting against the wishes of the GoS."[411] To be addressed later, US reliance on GoS intelligence for its 'War on Terror' contributed to this reluctance. Third, many states have been hesitant to violate GoS sovereignty, even as their rhetoric has been a way of avoiding an intervention that does not serve their national interests.

While a consensus has emerged within the UNSC to avoid military intervention, the US has continued to call for bolder actions such as economic sanctions and more AU presence in the region. The US has declared that "genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility and genocide may still be occurring."[412] In September of 2004, the United States distributed a draft resolution that found Sudan in violation of UN Resolution 1556 and called for an enlarged AU force,

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[409] De Waal, Alex. 2007. Darfur – The Crisis Explained:1-6.
[410] Bellamy, Alex J. and Paul D. Williams. 2006. The UN Security Council and the Question of Humanitarian Intervention in Darfur. *Journal of Military Ethics, 5(2),* 144-160: 151.
[411] Ibid., 151; *brackets added.*
[412] BBC. 9 September 2004. Powell Declares Genocide in Sudan, *BBC News World Edition.* Available at http://news.bbc.co.uk/2/hi/africa/3641820.stm.

aerial monitoring, prosecution of genocidaires, a no-fly zone for Sudanese military aircraft, and sanctions such as travel bans against GoS elite.[413]

UN Resolution 1564 called for only some these measures. Even those were extremely watered down. It asked for an expanded AU presence, ceasefire and disarmament, and a UN commission to inquire about the human rights abuses committed by the GoS and Janjaweed. The resolution failed to declare Sudan in violation of UN Resolution 1556, censure the GoS, or impose economic sanctions. Again, three contradictory approaches were evident."[414]

UN Member State Influence on the US Intervention Policy in Darfur

On one side, the Philippines and Romania advocated a military intervention. The Philippines maintained that if a state is unwilling or unable to protect its citizens the UNSC has legal and moral authority to assume that responsibility. Romania added that the UNSC has failed to fulfill its responsibility to protect the innocent victims of Darfur:

> There should be no moral hesitation in the Council in taking up its responsibilities. While it may be true that it is not for the Council to make legal findings, it is certainly within its political, legal and moral obligations to ring the alarm bell and foster, and indeed, urge proper consideration of such acts [military intervention] in the appropriate venues.[415]

On the other side, Russia, China, and Pakistan opposed intervention and economic sanctions due to their concern (genuine or not) for violating sovereignty and the eroding the norm of non-intervention. These states also believed, albeit incorrectly, that the crisis in Darfur was

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[413] Ibid

[414] Bellamy, Alex J. and Paul D. Williams. 2006. The UN Security Council and the Question of Humanitarian Intervention in Darfur: 152.

[415] Report of the Secretary-General on the Sudan to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004) (S/2004/703). Available at <http://www.undemocracy.com/securitycouncil/meeting_5040>; *brackets added.*

improving and the violence was subsiding.[416] Even with what the US sees as clear proof that

genocide had occurred, these member states disregarded arguments that such violations of

human rights should trump the norms of sovereignty. This shows that even obvious cases of

genocide may not provoke UNSC intervention. Even if the UN Commission of Inquiry had

unequivocally termed the crises in Darfur genocide, Russia, China, Algeria and Pakistan

would likely have ignored those findings and opposed intervention.[417]

During 2004, the United States publicly endorsed a position between these two

extremes, noting progress but finding that the Sudanese government remained in violation of

UN Resolution 1556. However, the US did not criticize the Sudanese government, demand

further economic sanctions, or request military intervention to stop the genocide. Even

though the Bush administration has called the situation in Darfur genocide, it has not

concurred with Romania and the Philippines that the UNSC should protect the innocent

civilians through a military intervention. At the time, the United States had two distinct

options. It could initially advocate within the UNSC as it did in Kosovo and Iraq, by

assuming a proactive stance in favor of intervention. It also could have declared itself

willing to act outside the UNSC if that body was unable to reach a consensus, due to the veto

power of Russia and China.

A US-led NATO did exactly this in Kosovo, by securing an "ambiguous

authorization"[418] in which the UNSC acknowledged a threat to 'international peace and

security' but withheld an explicit authorization of intervention. This "ambiguous authority"

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[416]Bellamy, Alex J. and Paul D. Williams. 2006. The UN Security Council and the Question of Humanitarian Intervention in Darfur: 153.
[417] Ibid., 156-57.
[418] Byers, M. 2005. *War Law: International Law and Armed Conflict*. London: Atlantic Books: 40 & 51.

was enough to permit US action.[419] When Russia responded by distributing a resolution

denouncing NATO's intervention it was voted down 12-3.[420] With regards to Darfur,

however, given its overextended military commitments in Iraq and Afghanistan, the latter

option would have forced the administration to garner the support of other major Western

states.

Promoting such a proactive policy to the American public is not infeasible. The

International Crisis Group/Zogby found that 84 percent of those polled said that the US

should not allow oppressive governments, such as the GoS, to commit genocide, and should

use its military prowess (albeit without using solely US ground troops) to stop the

atrocities.[421] Failing to garner public support, the alternative was to foster consensus by

convincing Russia and China to advocate for – or at least abstain from using its veto – a

multilateral military intervention. Such an approach became difficult, however, as Russia,

China, Algeria, and Pakistan, renounced any approach except a unilateral AU force. US

diplomats, reluctant to intervene unilaterally, may have felt unable to pursue a more

proactive interventionist stance for fear of breaking the UNSC's delicate consensus, upon

which the AU mandate depended.

At the end of 2004, debates regarding GoS sanctions centered around whether the

crisis should be investigated by the ICC and whether UN troops previously assigned to

enforce the 'Comprehensive Peace Agreement'[422] would assist the African Union Mission in

Sudan (AMIS). It should be noted that the African Union was delayed in responding to the

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[419] Both the United States and the United Kingdom relied on this argument as part of its legal justification for NATO's intervention.

[420] Bellamy, Alex J. and Paul D. Williams. 2006. The UN Security Council and the Question of Humanitarian Intervention in Darfur: 157.

[421] International Crisis Group. 2005. Do Americans Care About Darfur? An ICG/Zogby International Opinion Survey: Nairobi/Brussels, Africa Briefing No. 26.

[422] The UN mission in Sudan (UNMIS) previously enforced – albeit, relatively unsuccessfully – this agreement between the GoS and the SPLMA.

crisis in Darfur. Once they became involved, however, the AU was active during the cease-fire negotiations in 2004, assumed the primary role in monitoring the agreement, and encouraged political dialogue between the GoS and SLA/JEM. The AU also has close to 8,000 peacekeepers in Darfur, however, near the end of 2006, GoS president Bashir rejected a restructured United Nations peacekeeping mission, and threatened to drive out the AU if they maintained their intention to transfer AMIS to the UN.[423] After UN officials argued that the failure to resolve the status of UN peacekeeping deployment will likely to lead to the collapse of the DPA, Bashir eventually agreed to negotiate. As a result, on November 30, 2006, the AU and GoS accepted the proposed AU/United Nations (UN) hybrid force (UNMIS) for peacekeeping operations in Darfur. However, in early March 2007, President Bashir demanded that the mandate of the AU/UN hybrid force be re-negotiated, and reversed his previous approval. In response to Bashir's demands, the US State Department stated it was "troubled and disappointed by President Bashir's recent letter to the U.N. Secretary general that, essentially, abrogates the November 16 Addis agreement Bashir made to allow U.N. troops."[424] The press release also mentioned that "Bashir continues to defy the will of the international community, whose only goal is to ease the suffering in Darfur. Bashir is also reneging on his own commitments."[425]

Throughout the conflict, the US advocated for bolder actions to protect innocent Darfurians, but ultimately yielded to European pressure and agreed to refer Darfur to the ICC despite its continuing objections to the Court. The United States had few realistic options in Darfur and was ultimately forced to accept the ICC referral as the only alternative to overt

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[423] Dagne, Ted. 2007. Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement: 1-30.
[424] State Department Press Release, March 15, 2007.
[425] Ibid

inaction or unilateral military intervention.[426] Still, critics of the Bush administration

believed it had supported this resolution because it helped "create an appearance of action in

Sudan even though this resolution, like those that went before it, will do nothing much to

stop the actual killing. The ICC referral, though welcome as a means to see that some justice

will be done, will do nothing to prevent the situation from getting any worse. That would

require some form of military intervention."[427] While the ICC has investigated over 50

Sudanese officials for war crimes, the GoS has maintained that it will not hand over members

of its government for trial.[428] In other words, the US may have pursued this "appearance of

action" in order to mask its unwillingness to intervene in a region in which has few 'vital'

national interests.

US Diplomacy in Darfur

While maintaining bilateral sanctions against the GoS, the US has also engaged the

Sudanese government in critical talks and offered to re-establish normal relations as an

incentive for ending both Darfur crisis and the North-South conflict. US policy towards

Sudan remains complex, however, because the GoS has signed the peace agreement with the

South, but has also been acknowledged as abetting the genocide. Some critics maintain that

the US did not initially view the Darfur crisis as a priority; and instead concentrated on the

talks between the SPLM and GoS. While the same critics suggest that the first US press

release on the atrocities was not released until April 2004, others argue they "have been at

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[426] Bellamy, Alex J. and Paul D. Williams. 2006. The UN Security Council and the Question of Humanitarian Intervention in Darfur: 155.

[427] Daalder, I. H. 2005. The Bush Administration on Darfur: Less than Meets the Eye. *The Center for American Progress*. Available at <https://www.brookings.edu/views/op-ed/daalder/20050405.htm>

[428] International Institute for Strategic Studies. 2005. US Policy Towards Sudan: Constraints and Compulsion. *Strategic Comments, 11(9)*, 1-2: 2.

the forefront in calling for an end to the crisis in Darfur and demanding accountability, especially since mid-2004."[429]

The US also spearheaded an informal push to give UNMIS, the newly created UN mission, a legitimate role in Darfur. With the UNSC deadlocked against military intervention and the world's other great powers unwilling to act outside of the Council, what factors, influenced the United States' decision to not intervene unilaterally? During UNSC debates, the United States hesitated to severely sanction the GoS, because the Khartoum administration had become an intelligence source for the US "War on Terror."[430] The US also thought that a more intransigent stance could incited violence and undermine a potential ceasefire between the GoS and the SPLM/A.[431] Moreover, the US military is overstretched and experiencing a post-Iraq/Afghanistan international credibility crisis.[432]

Despite calls for action in Darfur, a US-led resolution to the crisis appears distant. The result has been diplomatic posturing, with UNSC deliberations more ad-hoc, and less systematic and premeditated:[433]

> Certainly, this points to the fact that human security as a practical priority was an illusion nurtured in the euphoria that accompanied the end of the Cold War. The plain reluctance of developed states to place their troops at risk in support of humanitarian missions indicates the hollowness of the values supposedly underlying their commitments to human security. The comparison between action on Iraq and inaction on Darfur reveals just how hollow this supposed commitment is.[434]

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[429] Dagne, Ted. 2007. Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement: 1-30.
[430] Snyder, C. 20 July 2005. Statements of Charles Snyder, Senior Representative on Sudan, US State Department, at the US Holocaust Memorial Museum Committee on Conscience Roundtable: Boots on the Ground: What can the African Union achieve in Darfur? (Washington, DC).
[431] Williams, P. D. & Alex Bellamy. 2005. The Responsibility to Protect and the Crisis in Darfur. *Security Dialogue, 36(1)*, 27-47.
[432] Bellamy, Alex J. 2005. Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq: 31-54.
[433] De Waal, Alex. 2005. Who are the Darfurians? Arab and African Identities, Violence and External Engagement.
[434] Mitchell, Paul T. 2006. US Military Primacy and the New Operating System. *46(385)*, 11-26: 22-23.

In both Iraq and Darfur, the US has established a visible leadership role. The US termed the crisis in Darfur as genocide in order to "shame" other nations to commit troops, and to establish a legitimate legal and normative basis for intervention. The difference between the two cases remains that while the US was willing to commit its own troops for a unilateral intervention in Iraq, its non-intervention in Darfur "remains stalled at the diplomatic level, and whatever funding is available is clearly far less than America is willing to spend in Iraq."[435]

While a formal cease-fire was declared in April 2004, an ill-equipped, undermanned AU force has failed to enforce it. The AU sent one-third of its mandated force of 7,000 *peacekeepers* (currently, there is no 'peace' to keep) to 'provide African solutions to African problems.'[436] Since May 2005, NATO and the US have offered only logistical support to the AU force. Current US action is limited to economic and air-logistical support for the AU force, combined with minimal UN diplomatic pressure. Though by mid-2005, the African Union Mission in Sudan (AMIS) was at its full mandated size, the force has been insufficient for the stabilization task. UNMIS, the newly mandated hybrid AU/UN force has also been ineffective. Both forces were authorized for peacekeeping operations, not military interventions, and have, as a result, been unable to even temporarily halt the violence. 'Peacekeeping' in a region that has not seen peace since the 1980s is unrealistic: "If the situation were not so tragic, the absurdity of the suggestion that 2300 AU troops could

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[435] Ibid, 22-23.
[436] International Institute for Strategic Studies. 2005. US Policy Towards Sudan: Constraints and Compulsion: 1 & Williams, P. D. & Alex Bellamy. 2005. The Responsibility to Protect and the Crisis in Darfur: 35.

protect more than two people from these thugs [the GoS and Janjaweed] would be laughable."[437]

The UN and AMIS have also failed to enforce the 2005 Naivasha (North-South) Comprehensive Peace Agreement (CPA)[438], which calls for "a fair political arrangement founded on power and wealth sharing, leading to national election within 4 years.[439] While a hearing before the US House's Committee on International Relations suggested that the CPA established a "political and constitutional framework for sharing authority and wealth within which to end the conflicts in Darfur," UN and AMIS 'peacekeeping' troops cannot enforce either wealth or power sharing because their mandate does not allow for the threat of force sufficient to hold the two sides accountable. The hearing observed that the genocide's "downward spiral" – which precludes US support for the new government – is undermining the positive, "upward spiral" of the CPA's implementation and enforcement.[440]

The US and UN continue to rely on 'political solutions' to the genocide, and overlook the reality that 'peacekeeping' is ineffective and unrealistic when there is no 'peace to keep.' The 1994 Rwandan genocide proved "it is incredibly dangerous to rely on 'political solutions' or 'peace agreements' alone."[441] Anthony Lake, national security adviser under the Clinton administration, adds that "you're always supposed to be for a peace process, and you're always supposed to believe they will succeed. In fact, *they seldom succeed, if they're*

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[437] Sudan: Consolidating Peace While Confronting Genocide. 2005. Hearing Before the Committee on International Relations House of Representatives 109th Congress, First Session: 47.
[438] The CPA also includes "commitments to develop an Interim Constitution, bicameral national legislature, process for competitive elections, new Institution of Presidency, allocation of ministerial posts, oil-revenue sharing, joint-integrated units, and human rights provisions." Sudan: Consolidating Peace While Confronting Genocide: 27.
[439] Ibid., 27.
[440] Ibid., 28
[441] Frontline interview with Anthony Lake. 1 April 2004; *emphasis added.*

not backed up by the realities on the ground and by the threat or the use of power."[442]

Romeo Dallaire, the Force Commander of UNAMIR – the ill-equipped UN 'peacekeeping force' – during the 1994 Rwandan genocide, adds that "I am afraid that moral condemnation, trade penalties and military efforts by African countries are simply not going to be enough to stop the killing—not nearly enough."[443] Numerous military analysts and scholars agree that military intervention, led by the United States, but supported by UN member states, NATO, and the AU, would stop the genocide. It has not occurred.

Factors Informing US Non-Intervention in Darfur

While the United States acknowledges the government of Khartoum as directly responsible for the massive loss of life, rape, and displacement of more than two and a half million Darfurians, why have they not intervened and what factors continue to inform their inaction?[444] Sudan appears as a likely candidate for a regime change, as *Foreign Policy*'s 'Failed States Index' recently ranked it as *the* most unstable in the world.[445] Under protection from the al-Bashir regime, Osama bin Laden had been permitted to bomb American embassies in Kenya and Tanzania.[446] Responding to President Clinton's inaction in Rwanda, President Bush said that similar atrocities would not occur "on my watch" and that "my Administration will continue to speak out as long as the persecution and atrocities in Sudan last," but the United States has not intervened.[447] What is preventing the US from

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[442] Ibid., *emphasis added.*
[443] Dallaire, Romeo. 4 October. Looking at Darfur, Seeing Rwanda. *The New York Times.*
[444] Sudan: Consolidating Peace While Confronting Genocide: 27.
[445] Kristof, N. 25 April 2006. Osama's Crusade In Darfur. *The New York Times*, 27: 1.
[446] Stone, P. 2001. Sudan Shifts its Sands Toward Washington. *National Journal, 33 (43)*: 2.
[447] Taylor, Stewart. 25 February 2005. Genocide in Darfur: Crime Without Punishment? *The Atlantic Monthly.* Available at <http://www.theatlantic.com/doc/200502u/nj_taylor_2005-02-22>.

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leading a NATO ground action to stop the killing, similar to the action taken during its 1995

bombing of Bosnia and its 1999 campaign in Kosovo?

Complex factors underlie the failure of the United States and the international

community outside of Africa to act against crimes committed by the GoS. Factors

contributing to US non-intervention in Darfur can be divided into nine interconnected, yet

identifiable categories: (1) the US' "War on Terror"; (2) US fears of further inciting Muslim

extremists; (3) the US attempt to avoid being viewed it as Western expansionists resolve

conflicts (as in Iraq) to further its national interest of promoting democracy and controlling

the region; (4) the US unwillingness to pay the human and financial costs of intervention, as

its military is overstretched elsewhere; (5) the weakness of the United Nations' Resolution on

Genocide; (6) the reluctance of the UN to define the conflict in Darfur as genocide; (7) the

economic factor of oil; (8) and domestic factors – a lack of US public support for

intervention, insufficient media representation of the crisis, and wavering pressure from

Congress; (9) the 'historical milieu' relating to Darfur and Sub-Saharan Africa

Establishing a hierarchy for the relative significance of reasons for US non-

intervention is difficult because external dynamics and US policy elites' perceptions interact

with and build on each other in the evolving 'operational environment.' However, the US'

"War on Terror," its unwillingness to pay the price of intervention, its military strain in Iraq

and Afghanistan, and the 'historical milieu' – through which US diplomats remember the

failed 1993 Somalia intervention, past deteriorations in many African states, the at-risk

USAID campaign, and the region's position as a 'secondary' "sphere of interest" – emerge as

the foremost factors explaining its non-intervention. As opposed to Kosovo, where causal

factors explain US *intervention*, analyzing US *non-intervention* in Darfur using the same set

of causal factors requires a different application of the theoretical framework. In the Kosovo chapter, causal factors were discussed separately, with conclusions drawn regarding their interaction within the wider 'operational environment.' The Darfur chapter will address the nine interconnected factors for US non-intervention separately, and the framework's causal factors will be distinguished within these sections. The first four factors for US non-intervention are components of the US national interest, the next three factors relate to the 'international' environment. The eighth factor comprises the 'domestic' sphere, and the ninth factor examines the 'historical milieu.'

National Interests

(1) The United States' 'War on Terror'

At first glance, the United States' 'War on Terror' may seem a likely cause for military intervention, as the GoS has long been connected to terrorist groups. However, GoS President, the despotic Omar al-Bashir, is a skilled politician who has avoided direct conflict with the US for many years.[448] In 1996, al-Bashir offered to hand Bin Laden over to US authorities, but President Clinton refused.[449] In 1999, al-Bashir arrested Dr. Hassan al-Turabi, the leader of the National Islamic Front, who harbored Bin Laden during the early 90s.[450] Following September 11th, the US declared that any state not with them in the 'War on Terror' would be deemed an enemy. Given his connections with Bin Laden and his radical followers, al-Bashir protected his fragile position by supporting the 'War on Terror.' In the weeks immediately following September 11th, the GoS arrested around 30 suspects

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[448] Sudan: Consolidating Peace While Confronting Genocide: 1
[449] Ibid., 1
[450] Ibid., 26

targeted by the US and allowed American security officers to see files about the whereabouts of Islamic fundamentalists living in Sudan.[451]

Subsequently, al-Bashir declared the GoS no longer associated with Bin Laden, and was willing to allow US use of Sudanese military facilities.[452] He shared intelligence to maintain political leverage and prevent a unilateral US military intervention. When the United States called on the UNSC to sanction the GoS for atrocities in Darfur, al-Bashir reminded US diplomats about his instrumental role in the 'War on Terror.' Bordering on political blackmail, al-Bashir argued that economic sanctions would undermine GoS stability. Sudan would end up another 'failed' African state; the perfect asylum for terrorists.[453] To keep a strategic ally in the 'War on Terror' – a more 'vital' US interest than prosecuting the al-Bashir – the Bush administration granted the GoS, perpetrators of genocide, a kind of de facto immunity.

Even so, the 'War on Terror' cannot be considered a legitimate reason for US non-intervention in Darfur. A 2007 State Department report on worldwide terrorism declared that:

> The Sudanese government was a strong partner in the War on Terror and aggressively pursued terrorist operations directly involving threats to US interests and personnel in Sudan. In recent months, Usama Bin Laden and other senior al-Qaida leaders have called for the expansion of AQ's presence in Sudan in response to possible deployment of UN peacekeepers in Darfur…the Sudanese government did not openly support the presence of extremist elements in Sudan. The Sudanese government took steps to limit the activities of these organizations. The Sudanese government also

[451] Ibid., 26
[452] Stone, P. 2001. Sudan Shifts its Sands Toward Washington.
[453] Huliaras, A. 2006. Evangelists, Oil Companies, and Terrorists: The Bush Administration's Policy Towards Sudan. *Orbis, 50(4),* 709-724: 717.

worked to disrupt foreign fighters from using Sudan as a logistics base and transit point for Jihadists going to Iraq.[454]

Yet in 2005 a senior US government official declared that GoS intelligence regarding terrorist whereabouts was no longer reliable. When questioned about the quality of recent terrorist information, he responded, "no, not anymore. The motherlode? We got that in 2003. We didn't get it lately." However, during the uproar among anti-genocide organizations about the head of Sudanese intelligence, Salah Abdallah Gosh's visit to the United States, the CIA assuaged critics by declaring that the meeting was essential to the 'War on Terror.'

In reality, the decision to receive Gosh was more a show of gratitude for past intelligence, than an attempt to gather new intelligence. The US has also revoked Sudan's standing as a country listed as "non-cooperative" in the 'War on Terror' and has ignored some of its crimes against humanity, in return for past terrorist intelligence. Likewise, the US recently upgraded the human rights rating of the GoS by increasing its status on the issue of human trafficking.[455]

In its 2006 *National Security Strategy*, the United States does not list Sudan as a 'tyrannical' state even though it acknowledges that the Darfur genocide is "arising from a civil war that pits a murderous militia, *backed by the Sudanese Government*, against a collection of rebel groups."[456] How can a government that "backs" genocide not be considered "tyrannical"? Does Sudan not conform to the Bush administration's definition of tyranny? Is its' "combination of brutality, poverty, instability, corruption, and suffering, forged under the rule of despots and despotic systems" – unlike that of the other countries

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[454] Country Reports on Terrorism. 30 April 2007. Chapter 3: State Sponsors of Terrorism Overview. Available at <http://www.state.gov/s/ct/rls/crt/2006/82736.htm>.
[455] Katz, M. 2006. A Very Long Engagement. *The New Republic, 234(18)*, 20-25: 25
[456] Ibid., 25; *emphasis added*

listed: the Democratic People's Republic of Korea (DPRK), Iran, Syria, Cuba, Belarus, Burma, and Zimbabwe?[457] The United States has declared that the tyranny of these nations leads to an instability that threatens both the "world's interest in freedom's expansion" and "our immediate security interests as well."[458]

Sudan threatens the "immediate security interests" of the United States. "In the cause of ending tyranny and promoting effective democracy," the US stated it would "employ the full array of political, economic, diplomatic, and other tools at our disposal, including speaking out against abuses of human rights and supporting condemnation in multilateral institutions of egregious violations of human rights and freedoms."[459] Again US rhetoric has not matched policy.

(2) US Fears of Further Inciting Muslim Extremists

The fear of further provoking Muslim extremists in Sudan and throughout Africa has also contributed to the United States' reluctance to intervene militarily. This concern is tied to the US national interest of winning the 'War on Terror,' and reveals another reason why the US fails to act. Muslim extremists have criticized the United States even though US military presence in the region is minimal. As Nicholas Kristof notes, a stronger US stance in Darfur may incite Al-Qaeda to increase its presence in the region and commit acts of terrorism against international troops stationed there: "Those of us who want a more forceful response to genocide in Darfur should be sobered by Osama bin Laden's latest tape."[460]

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[457] The National Security Strategy of the United States 2006: 12
[458] Ibid., 12
[459] Ibid., 12
[460] Kristof, Nicholas D. 25 April 2006. Osama's Crusade In Darfur. *The New York Times*: 27.

In a tape released April 23rd 2006, Bin Laden blames the US for dispatching "Crusader troops" to occupy Darfur in order to "steal its oil wealth under the pretext of peacekeeping."[461] Bin Laden then asks all good Muslims to enter Sudan, gather land mines, stockpile rocket-propelled grenades, and prepare for "a long-term war" against Western infidels and UN/AU peacekeepers. While most innocent victims in Darfur are Muslim, the US does not want to further aggravate already existing anti-US sentiments in parts of the Muslim world, nor does it want to exacerbate the negative international and domestic reactions to the failed war in Iraq.[462]

The dilemma facing Washington is to develop an approach that backs their rhetoric calling for an end to the crisis, but which does not further incite Muslim radicals and allow Sudan to become a safe-haven for anti-Western terrorists. This rationale resulted in the US decision to allow the AU to spearhead the international response.[463]

(3) Avoiding Criticisms of Western Expansionism

US concerns about being viewed as Western outsiders, morally policing African states, has likely contributed to its non-intervention in Darfur. US Deputy Secretary of State Robert Zoellick cited this rationale in response to California Congresswoman Barbara Lee's 2005 request for a US-led peacekeeping force. Zoellick maintained that such a force would exacerbate anti-Western sentiments, risking the same outcome as the 1993 US intervention in Somalia: the loss of American lives and the subsequent backlash of American public opinion.[464] Zoellick added, "the problem is that if you had American troops or western

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[461] Ibid., 27
[462] Ibid., 27
[463] Williams, P. D. & Alex Bellamy. 2005. The Responsibility to Protect and the Crisis in Darfur: 38.
[464] Sudan: Consolidating Peace While Confronting Genocide: 46

European troops, I honestly don't know what this could trigger with some of the dangerous people you have there. I am thinking of the Somalia incident. I think we all agree you have got some bloodthirsty, cold-hearted killers here." He adds that African states may respond by saying, "Oh, it is the United States, or the British or colonial powers, that are telling Sudan what to do. By the way let's bring in new terrorist killers to go after them."[465]

Furthermore, the Bush administration appears cognizant of suspicions about "what the 'real' US agenda behind the plan might be – fears fuelled by US activities elsewhere in the Arab and Muslim World, and parallels made by some US politicians between 'saving' Kosovo and 'saving' Darfur."[466] Sudanese president al-Bashir "likely realizes that NATO's humanitarian intervention in Kosovo has led its independence and that a US military intervention may generate the same for Darfur."[467] US officials also acknowledge that after interventions in Afghanistan and Iraq, many nations have criticized US humanitarian justifications for intervention as a façade to cover up "neo-liberal ambitions."[468] In front of the UNSC, one of Sudan's officials questioned whether "Sudan would have been safe from the hammer of the Security Council even if there had been no crisis in Darfur, and whether the Darfur humanitarian crisis might not be a Trojan horse? Has this lofty humanitarian objective been adopted and embraced by other people who are advocating a hidden agenda."[469]

Though most states have not expressed extreme criticism, some states suggest that humanitarian justifications are masking the "neo-imperial ambitions" of stopping terrorism

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[465] Ibid., 46 Sudan:
[466] De Waal, Alex. 2007. Darfur and the Failure of the Responsibility to Protect. *International Affairs, 83(6),* 1039-1054.
[467] Ibid
[468] Williams, P. D. & Alex Bellamy. 2005. The Responsibility to Protect and the Crisis in Darfur: 36.
[469] United Nations News. 5 October 2004. Sudan Has Failed To Disarm Militias or Prevent More Attacks in Darfur – UN Envoy.

and acquiring oil.[470] Moreover, non-Western countries have argued that humanitarian

justifications based on the 'responsibility to protect' can be exploited as a cover for the US to

coerce weak and recalcitrant enemies. The reckless use of humanitarian arguments to justify

war in Iraq has deepened skepticism among many Third World observers. Having failed to

find weapons of mass destruction in Iraq, the US has tried to legitimize the war *ex-post* on

humanitarian grounds. This attempt was far from convincing. The behavior of the US-led

coalition during and after the war that overthrew Saddam Hussein has led to increasing

cynicism about Western professed humanitarian concerns. For US officials working under

this rationale, a US military intervention would do more damage to its legitimacy than would

allowing the AU to take the lead.

(4) US Military Overstretch in Iraq and Afghanistan

The US military is not only overstretched in Iraq and Afghanistan, but also

diplomatically preoccupied with North Korea, Iran, and the Israeli–Palestinian conflict. As a

result, dilemmas in Sub-Saharan Africa have been demoted on the list of US national

priorities. President Bush's ability to form 'coalitions of the willing' and pursue democratic

nation-building abroad has been restricted by his declining domestic approval rating to an all-

time low of 19%. Bipartisan concerns remain about developments in Sudan. While domestic

factors are likely to keep American attention focused on Sudan and even stimulate a more

robust policy response, they have thus far not been enough to spur military intervention.[471]

As leading Darfur scholar, Alex De Waal has maintained, "an outright invasion or air

assault, as undertaken in Iraq, Afghanistan or Kosovo, was impracticable because of the

unwillingness of NATO countries to commit the huge numbers of troops that would be

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[470] Williams, P. D. & Alex Bellamy. 2005. The Responsibility to Protect and the Crisis in Darfur: 36.
[471] International Institute for Strategic Studies. 2005. US Policy Towards Sudan: Constraints and Compulsions: 1-2

required and to accept the casualties, cost and indefinite commitment required of a ground occupation."[472] Alex Bellamy adds that, "while the UN had 'unsurprisingly . . . epitomized paralysis,' the US administration had also decided to 'take a pass on Darfur,' owing to military overstretch and a 'tarnished image in the Muslim world.'"[473] Due to this military overstretch, the Bush administration has viewed a unilateral intervention as unrealistic, and thus a consensus-building approach within the UNSC became the most viable option.

International Factors

(5) The 'Genocide' Debate and Weakness of the United Nations Resolution on Genocide

Serious international discussion of genocide in Darfur began in March 2004, when Nicholas Kristof published a series of *New York Times* articles with detailed narrative and visual depictions of the horrific GoS and Janjaweed killings. Soon, many advocacy groups – Jewish-American, African-American, liberal, and religious-conservative – called for international action. In early 2004, the Holocaust Museum in Washington, D.C., issued the first-ever 'genocide emergency,' and the Congressional Black Caucus called on Colin Powell to label the crisis 'genocide.'[474] Since March 2004 American media has used 'genocide' to describe the crisis unfolding in Darfur. This relates to widespread coverage of the tenth anniversary of the Rwandan genocide.

Those who characterized the crisis as 'genocide' believed the killings in Darfur crossed the threshold for genocide: the state-supported violence intentionally and systematically targeting an ethnic group with the aim of complete elimination. They also

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[472] De Waal, Alex. 2007. Darfur and the Failure of the Responsibility to Protect. *International Affairs, 83(6):* 1047.

[473] Bellamy, Alex J. 2005. Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq: 31-54.

[474] Strauss, Scott. 2005. Darfur and the Genocide Debate. *Foreign Affairs, 84(1),* 123-133.

believed that under the UN Genocide Convention, use of the term 'genocide' would force international intervention to halt the violence. Salih Booker and Ann-Louise Colgan from the human rights NGO, Africa Action, wrote in *The Nation* that "we should have learned from Rwanda that to stop genocide, Washington must first say the word." To date, Africa Action has been incorrect in this assumption. During the Rwandan genocide, the US State Department was told not to use the term. An internal government memo stated that public recognition of 'genocide' may force the US to intervene militarily. The case of Darfur demonstrates that recognizing genocide does not necessarily spur action. After Rwanda, many NGOs and other advocacy groups believed the impetus for quick, effective intervention would be widespread acknowledgment of genocide. So far, this has proven untrue in Darfur.

Should intervention in Darfur not be required, because the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Article I of the Resolution 26 of the UN General Assembly declares that, "the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish"? While this proclamation to "prevent and punish" may seem to require intervention, a review of international political implications finds both the terminology and the real-world impetus needed for mobilization are absent. Article I doesn't say that the 'contracting parties' are 'required' to act, but simply states that prevention and punishment are both legitimate options. Because the article does not use any obligatory term

between "they" and "undertake," the US and the UN are not – at least textually – legally bound to prevent genocide."[475]

Several advocacy groups and the US Congress had the mistaken belief that "naming the situation in Darfur genocide would commit the US to action [and specifically intervention]."[476] However, the US government had been unwilling to use the term genocide – as in Rwanda when the State Department failed to equate almost 800,000 deaths with genocide. After the US Human Rights Bureau interviewed 1,136 eye-witnesses living in Sudanese refugee camps, the US formally declared the conflict in Darfur genocide after and interpreted their findings using the UN Genocide Resolution.[477]

Even after a US State Department investigation in May 2004 which confirmed that genocide had occurred, the Bush administration declared that finding would "have no impact upon US policy."[478] The fact that the term genocide had been used did not translate into more robust US-led measures to stop it.[479] Meanwhile, the Bush administration maintained its policy of nonintervention despite July 2005 calls from the US House of Representatives for US diplomats to "seriously consider multilateral or even unilateral intervention to prevent genocide" if the UNSC failed to act. The administration viewed its responsibility differently, insisting that the determination of genocide would not alter US policy because the US was

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[475] Ibid
[476] Hamilton, Rebecca, and Chad Hazlett. 2006. Not On Our Watch: The Emergence of the American Movement for Darfur. In *War in Darfur and the Search for Peace*, edited by De Waal 337-66: 342, *brackets added.*
[477] The State Department's investigation characterized the killing committed by the Janjaweed and the GoS as racially motivated as the innocent victims were identified as 'black Africans' from Fur, Masseleit, and Zaghwa communities. Meanwhile, nearby 'Arab' villages remained unharmed. One-third of the 1,136 interviewed professed to hear racial comments, including "kill the slaves" and "we have orders to kill all the blacks."
[478] De Waal, Alex. 2005. Who are the Darfurians? Arab and African Identities, Violence and External Engagement.
[479] Ibid

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already doing enough by providing humanitarian aid and demanding that Khartoum stop the abuses.[480]

(6) UN Reluctance to Term the Crisis Genocide

Despite the Genocide resolution's failure to force effective intervention in Darfur, it is still important for the UN to classify the crisis as 'genocide.' It has failed to do so, even after Kofi Annan, in a speech commemorating the tenth anniversary of the Rwandan genocide, called on the UN Commission on Human Rights to remember the more than 800,000 Rwandans murdered in 1994: "We must all acknowledge our responsibility for not having done more to prevent or stop the genocide."

The first report from the UN Human Rights Commission on Darfur was not issued until May 2004, delayed a month because the GoS restricted the Commission's access. This delay meant that the Commission's report was not ready for the 2004 session of the UN Human Rights Commission in Geneva.[481] In Darfur, the UN has only been willing to find the GoS and Janjaweed guilty of "crimes against humanity."[482] Despite the shortcomings of the UN Genocide Convention, the genocide classification is needed to build international pressure to end the conflict. The UN' reluctance to do has allowed states typically opposed to US interventions, such as Russia and China, to frame the US' characterization of the violence as genocide, to be the exception, not the rule.

(7) Oil

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[480] Ibid
[481] Ibid
[482] Darfur Peace and Accountability. 2006. House of Representatives 109th Congress 2nd Session: 3.

The third factor contributing to US non-intervention in Darfur is oil. Oil is not a new commodity for the GoS. The civil war, which led to more than 2 million deaths, was a conflict over control of the oil deposits in the South. As Congressman Tom Lantos of California stated in a 2002 hearing, "Oil and access to capitol to exploit the reserves are at the heart of the conflict in Sudan." As long as oil revenues found their way into Khartoum, little pushed the GoS to stop the civil war and negotiate a peace settlement.

For 20 years, US business interests have been tied to oil revenues the GoS was using to finance its military operations against the South. Based out of Calgary, Talisman Oil Company was the most prominent connection, with American executives holding most of Talisman's higher-profile positions.[483] Retaining oil revenues for the American oil industry, which contributes to a large portion of the US economy, has influenced US non-intervention. Congresswoman Cynthia McKinney of Georgia made the connection explicit, stating that "we in the West might as well be filling our gas tanks with blood from hundreds of thousands of poor souls who have lost their lives in Sudan."[484] She added that GoS helicopters use Talisman fuel on missions to kill innocent civilians. Evidence of this, however, mysteriously disappeared when international inspectors began to investigate.

After Sudan began exporting oil in 1998, the US saw Sudan as a possible alternative to Middle East oil. However, US oil companies have not exported Sudan's oil at the high volumes as China, Russia, France, Canada, and Malaysia.[485] If the US had, critics may assert that its "so-called humanitarian intervention in Darfur would simply be a façade for gaining

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[483] This scenario parallels Iraq, in which strong ties existed between Haliburton and US Vice President Dick Cheney

[484] Hentoff, Nat. 1 May 2001. The Abolitionist Congresswoman: Trading in the Blood Oil of Sudan. *The Village Voice*. Available at <http://www.villagevoice.com/news/0117,164334,24302,6.html>.

[485] US' strategic role in the region – not wanting to appear as greedy Western expansionists in sole pursuit of oil – have restricted its commercial capabilities.

access to Sudan's oil."[486] Criticisms following Iraq, which pointed to US interest oil from the region, are likely influencing US diplomats in Darfur to allow the AU to take the lead in solving the crisis.

Domestic Factors

(8) US Public Opinion, Media Representation, and the role of Congress

Despite the international impasse, US public opinion has been consistent. While about 61% of the Americans favor *UN/AU* humanitarian 'peacekeeping' in Darfur and 87% support intervention if US ground forces are not involved, only 49% of Americans believe the United States "has a responsibility to do something about the ethnic genocide in Darfur."[487]

A lack of media attention is also adding to this dearth of public support. Linda Melvern points to a lack of sufficient Western press coverage of "what is happening and the presence in Darfur of a completely under-resourced peace mission, this time under the auspices of the African Union, the African Union Mission in Sudan (AMIS). While there have been two remarkable BBC documentaries on the reality of Darfur, the print media has largely failed to explain the targeted nature of the killing, with stories on Darfur sparse and intermittent and no attention is paid to the failure of AMIS and its lack of supply. Inadequate media reporting may be leading to a lack of public support for military intervention. As the Pew Research Center has found:

> People who have read or heard a lot about the conflict are significantly more likely to believe the United States has a responsibility to do something about the ethnic genocide in Sudan. Nearly three-quarters of those who have heard a lot about the Darfur situation (72%) say the United States has a responsibility to do something,

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[486] Williams, P. D. & Alex Bellamy. 2005. The Responsibility to Protect and the Crisis in Darfur: 36.
[487] World Public Opinion. 11 June 2007. Available at
<http://www.worldpublicopinion.org/pipa/articles/hot_links/369.php?nid=&id=&pnt=369>.

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compared with just half of those who have heard a little about the crisis and only about a third (32%) who have heard nothing about it.[488]

With 49% of Americans believing there is "too little" media coverage, an increase in media representation would only boost those in favor of US action. The convergence of public opinion and media representation has not forced a shift in Washington non-intervention policy.

While Congress has been in favor of a more robust US role in solving the crisis, there is no consensus about military intervention. In July 2004, both houses passed unanimous resolutions declaring GoS and Janjaweed violence as genocide. In December 2005, Congress passed the Comprehensive Peace in Sudan Act, which approved $200 million in humanitarian aid and authorized President Bush to freeze the US-based assets of Sudanese government officials. Congress also raised the policy alternative of establishing no-fly zones over Darfur. A bill provided by Senators Bill Frist, Sam Brownback, and Jon Corzine to increase US aid for AU peacekeeping was voted down. Other than Jon Corzine – who stated that if the UN peace agreement on Darfur failed, the US might have to send a 'coalition of the willing' – few members of Congress have mentioned the possibility of US military intervention.

Darfur demonstrates that there is no clear-cut relationship between US national interests and its humanitarian concerns. These two factors gravitate towards opposite poles: national interests engendered a perceived need to ally with the GoS in order to win the 'War on Terror' and stabilize the region, while humanitarian concerns necessitated rhetoric and diplomatic pressure against the government's involvement in the genocide. Although the US

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[488] Pew Research Center. 7 June 2007. Public Wants to Know More about Darfur and Many Favor U.S. Involvement. Available at <http://pewresearch.org/pubs/504/Darfur>.

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has a national interest in preventing regional instability in Africa and avoiding a 'failed'

Sudan, that does not necessarily mean it will intervene militarily. As Bellamy notes, "In

Darfur...perceived strategic interests mitigated against an interventionist position."[489] The

next section shows how US policy elites' recognition of precedents and past experiences,

along with the 'operational environment' through which they process, perceive, and frame

the current Darfur intervention scenario, informs the eight interconnected factors detailed

above.

Historical Milieu

The 'historical milieu' relating to Darfur is pushing US policy elites further away

from deciding to intervene to stop the crisis. Foremost in the minds of US diplomats are

memories of the failed 1993 Somalia intervention, deterioration in many African states, the

at-risk USAID campaign, and the region as a 'secondary' "sphere of interest." The Bush

administration views such 'past' repercussions as a result of misguided US *action*. Yet, how

has widespread censure of US *inaction* in the 1994 Rwandan genocide caused the

administration to adapt its intervention policy in Darfur? Have perceptions of Rwanda

changed US attitudes towards humanitarian intervention, and was its plea for forgiveness

following inaction in Rwanda legitimate remorse or simply empty political rhetoric?

The following section suggests that the backlash from the US non-intervention in

Rwanda has not resulted in an intervention to stop the genocide in Darfur. This section will

rely partially upon the work of Agbakwa, who relates international indifference to the

genocide in Darfur and the race of victims, arguing that "the humanitarian impulse of extant

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[489] Williams, P. D. & Alex Bellamy. 2005. The Responsibility to Protect and the Crisis in Darfur: 40.

international order is inherently racist" and that "racism, not the so-called lack of national interest, shapes the understanding and non-response to genocide in Africa."[490]

Because US policy elites operate in a 'psychological environment' and form opinions about the "behavior of human beings," the race of the genocide victim affects the 'operational environment' of an intervention scenario. Because US elites perceive African's racial identity as "those who are different,"[491] Agbakwa suggests that "Africans [in Darfur] are simply perceived as less than human and not worth costs often associated with interventions."[492] The 'psychological environment' in Darfur has contributed to the "callous indifference to the sufferings of perceived 'outsiders' or those who are different."[493] US disinterest shows that the Rwandan genocide was "the norm and not the exception as far as responses to tragedies in Africa are concerned."[494] Agbakwa suggests that US "indifference betrays its racist character and its inhumanity:" "In a world where the imperatives of humanitarianism are dictated by racial affinity and identity, Africans appear too different and, perhaps, less human to matter."[495] Unless new geopolitical conditions further 'traditional' US national interests and force Washington to perceive the region as a 'vital sphere of interest,' the US is unlikely to increase its diplomatic or military presence there.

Added to Agbakwa's assertion that the 'psychological milieu' of US policy elites towards Africa "betrays racism" is the US recognition that 'past' actions there have had serious repercussions. Washington now calls the crisis 'genocide,' and claims to be doing all

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[490] Agbakwa, Shedrack C. 2005. Genocidal Politics and Racialization of Intervention: From Rwanda to Darfur and Beyond. *German Law Journal 6(2)*, 513-531: 515.

[491] Herzfeld, M. The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy (New York: Berg, 1992): 1.

[492] Agbakwa, Shedrack C. 2005. Genocidal Politics and Racialization of Intervention: From Rwanda to Darfur and Beyond. 522; *brackets added*

[493] Ibid., 522.

[494] Ibid., 531

[495] Ibid., 531

in its power to stop it, but its current stance has not matched its rhetoric. In 1996 US

Congressman Donald Payne stated that Washington is reluctant to intervene in Africa

because of "past" experiences:

> I think that since the US has made it a policy issue of not sending US troops into harm's way unless it is a very, very unique situation – and I don't see Africa ever getting up to that level of the bar – I think then the next best thing would be that we ought to be able to train troops to be proficient in attempting to avoid the types of *problems that we saw in the past.*[496]

In 1999, nine of the US' twenty-one missions for overseas aid in Africa were shut down.

Some scholars have blamed USAID for supporting winning ventures that further America's

national interests. Taylor adds that levels of international aid have declined in step with the

continent's diminishing geopolitical importance.[497] For the US, "Sub-Saharan Africa has

remained the orphan of international interest and investment," as its return on investment

declined from 12% in 1985 to just 3% in 1994. This decrease strengthened policy elites'

perception of Africa as a 'secondary' "sphere of influence."

Taylor observes that America's '*realpolitik*'[498] concerns in Darfur have been weak, and

that Africa's relative unimportance for US foreign policy has contributed to non-intervention.

While US policy elites have perceived the geopolitical impact of sub-Saharan Africa as

minimal, in the future, America may upgrade the region to a 'vital sphere of influence'

because of its extensive supply of oil, minerals, gems, and timber.

Taylor adds the concept of an 'ebb and flow' of 'Global Meliorism'[499] to the notion of

'historical milieu.' The aftermath of Somalia – the lack America's political will to intervene

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[496] Taylor, Ian and Paul Williams. 2004. *Africa in International Politics: External Involvement on the Continent.* London: Routledge: 29, *emphasis added*

[497] Ibid., 30.

[498] Taylor defines 'realpolitk' as "a balance-of-power game where a pawn is advanced here, a rook sacrificed there; here a feint, there an advance, there a strategic retreat."

[499] Taylor defines "Global Meliorism" as the "socio-economic and politico-cultural expression of an American mission to make the world a better place." While Taylor asserts this current has the weakest pull on American foreign policy, he believes it still may, in the future, spur US humanitarian intevention.

in Rwanda – demonstrates the "ebb and flow" of Meliorism. The US displayed 'high humanitarian engagement' in Somalia – with "humanitarian outrage defeating bureaucratic resistance in Washington" – and relatively "low humanitarian engagement" since. Taylor suggests that because "'Rwandan guilt' affects Western public and governments alike with respect to Africa, the tide of Meliorism will rise again in the future."[500]

Other scholars disagree, asking whether the genocide in Rwanda has solidified the US policy to not risk its troops in humanitarian interventions in Africa. Have the pull of *'realpolitik'* currents in Iraq, Afghanistan, and the 'War on Terror' outweighed the US' political will to intervene in Darfur and in other African humanitarian crises?

Conclusion

Analysis of how causal factors laid out in the theoretical framework have informed US non-intervention in Darfur reveals several conclusions. First, the US' "War on Terror," its unwillingness to pay the price of intervention, its military strain in Iraq and Afghanistan, and the 'historical milieu' – through which US diplomats remember the failed 1993 Somalia intervention, deteriorations in African states, the at-risk USAID campaign, and the region's position as a 'secondary' "sphere of interest" – emerge as the foremost factors explaining its non-intervention. Second, domestic factors, such as American public opinion, the media, and Congress, have not forced US elites to reshape its decision not to intervene militarily. Third, international factors, including Chinese and Russian disapproval of intervention, and the weak US economic interest in the region, appear to be pushing the US further away from a decision to intervene.

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[500] International Institute for Strategic Studies. 2005. US Policy Towards Sudan: Constraints and Compulsion: 2.

US interest in Africa has not involved long-term planning, but has mostly been made up of short term operations, such as tracking down terrorists, establishing counterterrorism measures, and training AU forces. Ironically, these actions misalign with recent US claims in the 2006 *National Security Strategy* that: "Africa holds growing geo-strategic importance and is a high priority of this Administration" and that weak or failed states "pose as great danger to our national interests as strong states. Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders."[501]

Under such reasoning, the crisis in Darfur would "pose a great danger" to US national interests, as the conflict has made the "weak state [Sudan] vulnerable to terrorist networks and drugs cartels." The report even adds that "the world needs to start honoring a principle that many believe has lost its force in parts of the international community in recent years: genocide must not be tolerated. It is a moral imperative that states take action to prevent and punish genocide. History teaches that sometimes other states will not act unless America does its part...*Where perpetrators of mass killing defy all attempts at peaceful intervention, armed intervention may be required.*"[502] While the next chapter draws several concludes about this paper's normative findings, the afterword will address the dilemma described above, and in turn, list several reasons why the United States *does* have a 'vital' national interest in intervening to stop the genocide in Darfur.

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[501] Pham, Peter J. 2004. An Immense Charge: Realist Lessons about the Consequence of Intervention.
[502] The National Security Strategy of the United States 2006: 17, *emphasis added.*

Conclusion

This paper examined why the US intervenes militarily in some humanitarian crises, but not in others. While US national interests at stake in humanitarian intervention scenarios initially guide policy formation, causal factors such as domestic and international influences, and 'historical milieu' create an 'operational environment' in which national interests and intervention policy evolve. These causal factors were then applied to the 1999 US-led NATO intervention in Kosovo, and the US' current non-intervention in Darfur to test this paper's hypothesis. Both cases confirmed that the critical denominator in American humanitarian interventionism is neither solely 'humanitarian' concern nor simply furthering national interests. Instead, policy-makers process a convergence of domestic and international pressures through the 'historical milieu' of past experiences and a context of evolving international and legal norms. Furthermore, US humanitarian interventions and non-interventions form a broader, non-linear trajectory of engagements in which past precedents continually reshape subsequent intervention policy.

Kosovo and Darfur reveal how American humanitarian interventionism cannot simply be explained by 'traditional' national interests in a given region, nor based upon a fixed, clear, and linear set of policy goals. The reality is much more complex. US decision-makers continuously realign intervention policy and policy rationale to assuage domestic and international pressures, but also to respond to 'past' precedents, perceptions, and experiences. The realist and the idealist paradigms by themselves are insufficient frameworks for explaining the US' intervention policy formulation.

The diplomatic and 'psychological' interplay between US policy elites and the external influences of the 'operational environment' informs American humanitarianism.

This concept moves beyond realist and idealist paradigms that assert the motivations and objectives of policy elites alone drive decisions to intervene. Washington's perception of intervention scenarios are never isolated, but always based upon past precedents and experiences. This 'historical milieu' significantly influences US decision-making processes. It is impossible to explain US non-intervention in Rwanda without understanding the fallout from Somalia. It is similarly difficult to understand Kosovo without the recognition of the political backlash of Rwanda.

While trying to avoid drawing definite predictions about future US humanitarian intervention policy, the following section suggests similarities and differences between the cases of Kosovo and Darfur and observes a broader, non-linear trajectory of US humanitarian engagements.

The US rarely intervenes to stop ethnic cleansing or genocide solely out of a 'humanitarian' concern or purely to further its national interests, but instead, a broader, non-linear trajectory of engagement creates an evolving 'operational environment' in which US decision-makers continually reformulate policy. No two interventions are alike. Each humanitarian intervention informs elite perceptions of subsequent intervention scenarios. Thus, each new intervention scenario requires new policy formulations. Domestic, international, and legal contexts, as well as the 'psychological' and 'historical' milieu are always changing. This larger, non-linear trajectory occurs *because of* the US' divergent responses to humanitarian crises. Selective responses, in turn, reshape the wider 'operational environment.' In other words, from case to case, constraints and opportunities shift, support for intervention among various actors (allies, enemies, the UN, the public, the media, NGOs, and other government officials) ebbs and flows, and legitimacy is won and lost. Policy

elites' 'past' perceptions of how these forces have evolved inform decisions whether or not to intervene.

While the policy outcome remains relatively uncomplicated and easily categorized – intervention or non-intervention – this paper suggests the complexities of humanitarian intervention lie in the causal forces that push nations towards, or pull them away, from intervention. Figure 5 below is a simple conceptual model of the similarities and differences between causal factors informing US intervention in Kosovo and non-intervention in Darfur.

Figure 5. A Comparison of Causal Factors in Kosovo and Darfur[504]

	Domestic Factors			*International Factors*						*'Historical Milieu'*				
	Public Opinion	Media		UNSC	Econ	GeoS[503]	Legal	Human. Concern		Memory of past cases	Expected duration of intervention	Potential for American Casualties		Policy. Outcome
Kosovo (1999)	–	+		–	+	+	–	+		+	+	+		+
Darfur (2003-)	–	N		–	–	–	+	+		–	–	–		–

In Kosovo, US motivations for intervention included maintaining strategic relations with Europe, stabilizing the Balkans, promoting NATO viability and credibility, appeasing the media and public, and establishing a longer-term legal and normative precedent allowing it to intervene unilaterally without UN consent. The decision to engage was also strongly influenced by the 'historical milieu.' While American public opinion, the UNSC, and legal norms were all factors normatively 'inhibiting' intervention, they did not exert sufficient influence to either initially inform a non-intervention policy, or reshape policy once US

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[503] Geostrategic Concerns
[504] + (Inciting Factor)
  - (Inhibiting Factor)
  N (Neutral Factor)

policy-makers had decided to intervene. Influential, 'inciting'[505] factors included the media's

portrayal of the humanitarian catastrophe, the US economic, geostrategic, and 'ethical

foreign policy' interests, and most significantly, the 'historical milieu.'

US humanitarian intervention in Kosovo was controversial, but it also provoked

questions of who could intervene to stop human rights atrocities and how they should do it.

Such questions must be addressed as the nation-state is becoming more autonomous and

capable of acting outside international institutions such as the United Nations.

Darfur shows that when the United States is pursuing an expensive and 'vital' "War

on Terror" and being militarily overstretched in Afghanistan and Iraq, it is unwilling to invest

the political, human, and financial resources to spearhead an effective humanitarian

intervention or act on its bold rhetoric about a 'responsibility to protect' universal human

rights. Darfur involves limited pressure from the American public, the media, and Congress

as well as Russian and Chinese opposition to intervention in order to avoid culpability for

committing atrocities in Chechnya and Tibet. As a result, the repercussions of US non-

intervention in Darfur appear to be less than costs of intervention in Kosovo, largely because

Washington has minimized criticism through its 'ethical foreign policy' rhetoric in the

former. Although the US has always been reluctant to place its forces in harm's way for

humanitarian reasons (even in Kosovo it limited military action to air strikes), "Darfur's

geography, relatively sparse population, and low-level militias suggest that the West has the

capacity to intervene effectively without serious casualties."[506] Still, US policy elites'

perception of the 'historical milieu' in Africa reinforces the region's status as a 'secondary

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[505] This term will also be used in Figure 5. 'A Comparison of Causal Factors in Kosovo and Darfur.
[506] MacFarlane, S. Neil and Thomas Weiss. 2000. Political Interest and Humanitarian Action.

sphere of interest,' overshadowing domestic and international pressure to intervene. The 'historical milieu' appears to be the most influential factor informing non-intervention.

With the increased focus on human rights issues among Western nations, atrocities such as genocide can no longer be ignored. Even in regions or situations scenarios that do not overtly place 'traditional' US interests in danger, Washington needs to adjust its human rights rhetoric to assuage worldwide concerns and fit with shifting normative and legal contexts.[507] Selectively, as in Kosovo, the US backs its 'ethical foreign policy' rhetoric with the political will to militarily intervene on humanitarian grounds. More often, as Darfur shows, declarations of 'ethical foreign policy' combined with diplomatic posturing (such as allowing the AU to 'provide African solutions to African problems'), have allowed the US to retain international legitimacy without offering troops.[508]

As with Kosovo, the debate over Darfur boils down to whether states can be persuaded to act. The key difference is that in Kosovo the US was willing to act outside the UNSC. In Darfur, it does not have to because the AU 'peacekeeping' operation satisfied the theoretical 'responsibility to protect.' This policy alternative allowed the US to take a diplomatic approach in the UNSC, and force states historically opposed to intervention, such as Russia and China, to officially acknowledge the humanitarian catastrophe.

A few conclusions can be drawn. First, nation-states (most notably the US) have the autonomy to act outside of governing bodies such as the UN and without regard to international norms increasingly concerned with promoting universal human rights. Though a critique of US humanitarian interventionism, Hawthorn supports this conclusion, observing

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[507] Belloni, Roberto. 2006. The Tragedy of Darfur and the Limits of the 'Responsibility to Protect. *Ethnopolitics, 5(4)*, 327-346: 341.
[508] The International Institute for Strategic Studies. 2005. US Policy Towards Sudan: Constraints and Compulsion: 1 & Paul D. Williams and Alex J. Bellamy. 2005. The Responsibility to Protect and the Crisis in Darfur: 35.

that the "weakness of such alliances [the UN] frees the United States to continue to act capriciously in nominally liberal adventures which on their own terms."[509]

Second, both Kosovo and Darfur show that for the United States, defining a humanitarian crisis as genocide does not necessarily spur intervention. This does not mean that international organizations should be reluctant to define humanitarian crises as genocide. Genocide identification by the UN in Darfur may build international pressure to stop the genocide by adding the genuine threat of force to the already abundant list of 'political solutions.' UN reluctance has allowed states opposed to US interventions to frame the US' characterization of the Darfur violence as genocide, to be the exception, not the rule. In the future, such a classification may encourage states other than the US to take leading roles to stop human rights atrocities.

Third, Somalia, Rwanda, and Darfur suggest that while the "horrors of genocide should ordinarily propel international action to prevent, stop and punish the crime of genocide," regardless of where it takes place, Africa may continue to be the exception, unless nations such as the US recognizes its 'vital' national interests in the region.[510]

Finally, while US policy elites believe other military commitments and the risks of intervention in *another* 'Muslim' state should translate into non-intervention, this paper suggests that the US has a 'vital' national interest in stopping all episodes of genocide.[511] Though the 2006 *National Security Strategy of the United States* provides the rhetoric for the US willingness to stop genocide – "genocide must not be tolerated. It is a moral imperative that states take action to prevent and punish genocide. *History teaches that sometimes other*

[509] Hawthorn, Geoffrey. 1999. Liberalism Since the End of the Cold War: An Enemy to Itself?:157.

[510] Agbakwa, Shedrack C. 2005. Genocidal Politics and Racialization of Intervention: From Rwanda to Darfur and Beyond: 518.

[511] Bellamy, A. J. 2005. "Responsibility to Protect or Trojan horse? The Crisis in Darfur and Humanitarian Intervention After Iraq: 52.

states will not act unless America does its part...Where perpetrators of mass killing defy all

attempts at peaceful intervention, *armed intervention may be required* – it has continued to

selectively intervene to stop humanitarian crises.[512] Though the main purpose of this paper

was to convey the complexities of US decisions whether or not to intervene, it contends that

the US should reformulate its conception of 'traditional' national interests to elevate the

prevention of genocide and the promotion of human rights to the sphere of 'vital' interests.

To recover legitimacy lost from its moral failure in Rwanda and its ineffectiveness in Iraq,

the United States has a 'vital' national interest in reestablishing its role as a moral hegemon.

Stopping the genocide in Darfur would be a step towards its re-legitimization.

Shalom and Gelb support this assertion, concluding that if democratic states want to

increase stability and security, they should hold oppressive rulers accountable for human

rights abuses, and that a failure to prevent or stop genocide will erode the fabric of

democratic society.[513] Shedrack Agbakwa agrees, observing that the "legitimacy of

international human rights depend on, among other things, the non-discriminatory application

of its norms."[514] As the US selectively intervenes and critics worldwide view its approach to

human rights as the "virtual racialization of contemporary humanitarian intervention," US

actions remain legitimate only as long as discriminatory laws and policies remain supportable

and justifiable.[515] Staying on this path, the United States will experience increasing negative

consequences from not backing its 'ethical foreign policy' rhetoric with actions that stop

genocide and promote universal human rights. Unless American humanitarian

interventionism *"equally* and *non-discriminatorily* identifies with, and responds to all 'voices

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[512] The National Security Strategy of the United States 2006: 17.
[513] Shalom, Stephen. 1993. *Imperial Alibis: Rationalizing US Intervention After the Cold War.*
[514] Agbakwa, Shedrack C. 2005. Genocidal Politics and Racialization of Intervention: From Rwanda to Darfur and Beyond: 527.
[515] Ibid., 528

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of suffering,'"[516] it will become very difficult to convince both the neglected victims and the

international community of its role as a world leader that backs up the words it speaks.[517]

[516] Baxi, U. 1998. Voices of Suffering and the Future of Human Rights. *Transnational Law and Contemporary Problems, 8*: 125.
[517] Agbakwa, Shedrack C. 2005. Genocidal Politics and Racialization of Intervention: From Rwanda to Darfur and Beyond: 528, *emphasis added.*

Afterword: The 'Vital' US National Interest in Stopping the Genocide in Darfur and Suggestions for Advocacy Groups

This paper examined why the US intervenes militarily in some humanitarian crises, but not in others, and pinpointed certain causal factors that influenced US decisions. However, because of the grave and troubling nature of human rights abuse, the question must be asked whether America has done enough to stop the genocide? This paper says it has not. While the analysis has defined factors that US policy-makers perceive as justifying non-intervention, this final section suggests that the US has a 'vital' national interest in stopping the genocide. Yet, how should advocacy groups present this belief? How should organizations, such as human rights NGOs, encourage the US to intervene to stop the genocide? Considering this paper's normative implications, particularly the role a *positive* 'historical milieu' plays in moving the US towards humanitarian intervention, advocacy aiming to stop the genocide should imagine pragmatic ways in which to *rewrite* history, or at least US policy-elites' perception of it.

The dilemma remains that in a time when the international community considers the repercussions of unilateralism, the viability of international norms and institutions, and the boundaries of sovereignty, the US remains relatively inactive Darfur and is at an impasse over the ramifications of its 'democratic' nation-building in Iraq. In Darfur, the Bush Administration has not practiced unilateral, pre-emptive intervention, but has advanced its rhetoric about stopping the genocide and promoting democracy and peace. Its polemics and action have not aligned. As the GoS aids the CIA in the 'War on Terror,' Washington condemns its support of the Janjaweed. Likewise, Congress has called for an end to the genocide, but voted down a $50 million dollar bill to fund an increased AU presence. The

US' contradictory policies towards Sudan and the Darfur crisis have accommodated ongoing crimes, thus questioning the United States' unsteady position as an international leader. The crisis in Darfur presents an opportunity for the US to reestablish its role as an international leader committed to stopping human rights abuses.

Yet, does the United States even have a "vital national interest" in stopping the genocide in Darfur? This paper argues that the US has five distinguishable national interests in relation to the GoS and the genocide in Darfur; (1) ensuring the regional stability of Africa; (2) addressing economic concerns; (3) advancing the 'War on Terror'; (4) dealing with problems of conflict management and international law; and (5) reestablishing its role as a moral hegemon. The following section will argue the US does has a 'vital' national interest in stopping the genocide.

Regional Stability in Africa and Sudan

For the US, instability in Darfur and Sudan may not only intensify the genocide, but create new problems in Chad, the Great Lakes, the Horn, and Nile regions. As long as the Janjaweed are mobilized, they can continue to make assassination attempts on Chadian president, Idriss Déby, who broke ties with Sudan in March 2006.[518] The crisis may result in a resurgence of violence between Ethiopia and Eritrea, raise levels of rape, murder, and slavery already occurring in Uganda, and renew hostilities between Sudan and Egypt. A prolonged crisis in Darfur may also lead to the deterioration of the GoS' governing capacity, producing a far more tyrannical government. The US would benefit from a successful

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[518] Chadian President Idriss Déby broke ties with Sudan following an attempted coup d'état, in which involving the shooting down of Déby's plane.

intervention because it would establish a new proxy for conflict management throughout Africa.

Africa as a whole "holds growing geo-strategic importance and...the United States recognizes that *our security* depends upon strengthening fragile and failing states and bringing ungoverned areas under the control of effective democracies.[519] The United States also maintains that in crises which pose a "grave threat to our broader interests and values, conflict intervention may be needed to restore peace and stability." Past experiences such as Rwanda have shown that the international community does "not have enough high-quality military forces trained and capable of performing these peace operations." The Bush administration has promised to collaborate with NATO to improve the ability of states to intervene in humanitarian crises and restore peace and stability.[520]

Economic Interests

Although Indian and Chinese oil executives are ignoring the genocide in order to maintain exports coming out of Khartoum, the violence in Sudan currently prevents American corporations from drilling oil that Chevron discovered nearly 30 years ago. While receiving a steady flow of oil from the region is not a declared 'vital' national interest of the United States, and is a factor influencing its intervention policy. Because the US cannot afford to relinquish its moral principles (as China and India have done), the ongoing genocide prevents large-scale American drilling during a time when its economy is searching desperately for new energy sources. The US also has a significant national interest in maintaining the Suez Canal as a passageway for commercial shipping. As Sudan owns more

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[519] The National Security Strategy of the United States 2006: 37-38, *emphasis added*.
[520] The National Security Strategy of the United States 2006: 16

than 300 miles of Red Sea coastline and, in turn, has the authority to secure the southern outlet of the Suez Canal, a prolonged civil war in Sudan may endanger control of the Canal.

The 'War on Terror'

Following the terrorist attacks of September 11, 2001, Sudan became extremely important because it had information about Bin Laden and Al Qaeda - it could collect intelligence where the CIA could not. However, Sudan's recent intelligence has been unreliable and ineffective. While immediately after September 11th, Sudanese president, al-Bashir's cooperation with the CIA advanced America's 'War on Terror,' Sudan has more recently become an unstable 'ally.'

Another aspect of the US' 'War on Terror' is regulating the proliferation of weapons of mass destruction (WMDs). This standard applies not only to rogue states and failed states [i.e. Sudan, Iran, and North Korea], but also to 'stateless' terrorist groups such as Al Qaeda. A 2006 Western intelligence report suggests that the GoS has been "a major conduit for sophisticated engineering equipment that could be used in nuclear weapons programmes. Hundreds of millions of pounds of equipment was imported into the African country over a three-year period before the 9/11 attacks in New York and Washington in 2001 and has since disappeared."[521] The report adds that the nuclear equipment received by Pakistani scientist Abdul Qadeer Khan (convicted of nuclear trading in 2004) was subsequently traded to Iran, and possibly al-Qaida. If the US is serious about non-proliferation, it cannot permit Sudan to be a black market dealer of WMDs.

Solving Dilemmas of Conflict Management and International Law

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[521] Traynor, Ian and Ian Coban. 5 January 2006. Clandestine Nuclear Deals Traced to Sudan. *The Guardian.*

While some in the Bush administration would not admit it, the United States has a fundamental interest in stopping and punishing human rights violators. The Iraq insurgency, Taliban activity in Afghanistan, and the deterioration in Somalia have shown that anarchy, lawlessness and 'failed' states are prerequisites of terrorism. Consequently, it is in the US national interest to support the normative structures of international law and the 'responsibility to protect' principle.

A dilemma in the debate over humanitarian intervention is the idea that superpowers must prevent foreign states from committing or abetting genocide, overriding notions of state sovereignty. Such a standard is clearly not influential for American policy-makers. A superpower's 'responsibility to protect' – reaffirmed at the UN World Summit in September 2005 – is no doubt well-intentioned, but it is difficult to enforce. Nations make decisions that consider their own 'vital' interest rather than adherence to a theoretical norm.

The notion of a superpower's intrinsic 'responsibility to protect' may be more of an obstacle than an impetus to US military involvement in Darfur. The Bush administration perceives the 'responsibility to protect' doctrine as an outside attempt to shape its policy decisions. However, this paper asserts that US policy-makers should change this view viewpoint and acknowledge the national interest – albeit an unconventional one – of a moral foreign policy as a way to reassert American primacy. To sustain its role as a political, military, and moral leader, the United States should approach the genocide in Darfur and other human rights abuses as a 'vital' component of its national security strategy. While the rhetoric is there – as evidenced by its 2006 *National Security Strategy* – the action is not. By not opposing the ongoing genocide and displacement of innocent civilians in Darfur, while at

the same time speaking out against it, the US reveals the hypocrisy of American democracy. Not only will this disrupt international support for future American policies, but will also threaten Washington's ability to achieve peaceful diplomacy.

The decision to invade Iraq without an international consensus has demonstrated that pure force, combined with the ignorance of cultural and political factors, cannot achieve American objectives in today's world, and that the war of ideas is more important than previously assumed. While many Americans doubt the Administration's pursuit of vague policy goals that do not advance US national interests, until US policy changes, the international community will be unwilling to cooperate with its policy initiatives or to participate in American-led military operations.

Certain members of the international community, such as China and Russia, will continue attempts to constrain and counter-balance American power. Some scholars suggest existing alliances are unnecessary markers of a far removed past. While there cannot be an unqualified alliance in American-European relations, there surely cannot be continual conflict and dissension. Thus, the United States has a significant national interest in reestablishing its moral[522] primacy as a sensible authority to be trusted and followed. It must also convince its allies that it is able to pursue rational approaches to meticulously analyzed problems, which it did not do prior to its' 2003 unilateral invasion of Iraq. To date, the Bush administration has failed to approach Darfur in this manner. If the US began to do so now, it

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[522] The term 'moral' does not connote a normative 'moral' superiority, but instead a rational philosophy for the proper understanding of a dilemma; a decision-making approach that reflects upon divergent viewpoints, used information from primary sources, and continually evaluates benefits and costs. As a result, policy decisions are neither completely idealistic (i.e. unaware of costs and benefits), nor solely pragmatic (i.e. indifferent to human rights abuses).

would not only achieve an ethically just objective, but also effectively stop the genocide. Several military analysts, including Jim Terrie, assert that a US intervention force of 40,000 to 50,000 troops could "remove Khartoum's influence in Darfur" and stop the genocide.[523] Dagne adds that a military intervention force "could disarm the Janjaweed, enforce a no-fly zone, and provide protection to civilians in Darfur by deploying large numbers" ground troops.[524]

As Dagne suggests, a number of policy options exist for addressing the genocide. The option of military intervention – while complicated by factors such as divisions internationally over the correct approach, and the alignment of some governments with the GoS – emerges as the most immediate way to end the genocide. Though it is most capable of spearheading the military intervention, the US must work closely with the UN, UNSC, and Sudan's neighboring states. However, before suggesting how military intervention could end the genocide, other options must be ruled out first.

First, previous diplomatic engagement with the GoS has not altered its behavior. The GoS has been able to sign peace agreements "when it feels that it is in its interest to do so."[525] Second, the impact of economic sanctions has been insubstantial: "Over the past decade, a number of punitive measures have been imposed on the government of Sudan. The government of Southern Sudan is exempted from these sanctions. But the government of Sudan has survived years of sanctions imposed by the United States."[526]

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[523] Terrie, Jim. 2006. Military Options for Darfur. From De Waal, Alex. 2006. Darfur and the Failure of the Responsibility to Protect. *International Affairs 83(6)*, 1039-1054.
[524] Dagne, Ted. 2007. Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement: 14.
[525] Ibid., 14.
[526] Ibid., 14.

Furthermore, numerous states – particularly Russia and China, who have business interests in Sudan's oil industry – oppose sanctions.

While sanctions alone will not stop the genocide, they could be used in conjunction with a military intervention: "Multilateral targeted sanctions, including oil embargo, travel ban, and asset freeze, might have serious impact, especially if enforced by the international community. Another option is prohibiting foreign businesses from raising capital or trading their securities in the United States if they are engaged in business activities in Sudan."[527]

Thus, a forceful intervention should target GoS military assets, such as their "air force, military airfields, intelligence and military headquarters, and training facilities for the Janjaweed and the Sudanese armed forces,"[528] but should also be backed by more robust economic sanctions.

Likewise, in support of this paper's assertion that the current UN peacekeeping mission has been ineffective in establishing a cease fire (and in enforcing the Naivasha Comprehensive Peace Agreement between Northern and Southern forces), Terrie adds that a more "robust peacekeeping force will make some limited difference, but not enough of one, and will certainly fall well short of a 'responsibility to protect.'"[529] In Darfur, a moral intervention policy demands for the GoS-sponsored murders to be stopped. Ending the genocide in Darfur is necessary in itself, but also in order for the US to recover from its moral failure in Rwanda and ineffectiveness in Iraq.

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[527] Ibid., 14.
[528] Ibid., 14.
[529] Terrie, Jim. 2006. Military Options for Darfur. From De Waal, Alex. 2006. Darfur and the Failure of the Responsibility to Protect. *International Affairs 83(6)*, 1039-1054.

Whether today in Darfur or tomorrow in another part of the world, the existence of genocide is a symptom that simply ignoring or ineffectively addressing will continue to cause the deaths of thousands.

Genocide, regardless of where it takes place, must be stopped.

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Appendix A: The Statist Paradigm[530]

1) The world consists of sovereign states. Every human being is a member of an identifiable state, and the two belong to each other. Citizens are the exclusive responsibility of their state, and their state is entirely their own business. Citizens should be morally concerned only with the activities of their own state, and the later is responsible to and for its citizens alone.

2) Being sovereign, every state has a right to run its internal affairs as it deems fit, and outsiders have no right to interfere with it or to influence the way it treats it citizens.

3) Every state has a right to conduct its external affairs as it considers proper, provided that it does so consistently with its international obligations and subject to the demands of international law. No state may interfere with another expect when it is attacked by it, or fears an imminent attack.

4) The civil authority derives its legitimacy from its citizens and its sole duty is to promote their collective interests. It has a right to do all that is necessary for that purpose, and conversely it has no right to undertake activities that compromise, damage or sacrifice their interests.

5) The citizen has a moral obligation to obey the state, which generally takes precedence over all other obligations including such universal moral obligations that human beings might have to one another. No citizens may condemn, let alone disobey, his state on the grounds that it pursues policies prejudicial to the interests of other states, or that it fails to promote their interests even when the likely damage to its own is minimal.

Appendix B: Defining 'Genocide'

In an attempt define the virtually indescribable suffering inflicted by Hitler during the

Holocaust, Raphael Lemkin, author of the seminal *Axis Rule in Occupied Europe*, coined the

term "genocide." For Lemkin, the word – "a hybrid that combined the Greek derivative

geno, meaning "race" or "tribe," with the Latin derivative *cide*, from *cadere*, meaning

"killing" – meant "a coordinated plan of different actions aiming at the destruction of

essential foundations of the life of national groups, with the aim of annihilating the groups

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[530] Parekh, Bhikhu. 1997. Rethinking Humanitarian Intervention: 52.

themselves."[531] In this sense, states that commit genocide aim to demolish "the political and

social institutions, the culture, language, national feelings, religion, and economic existence

of national groups. They would hope to eradicate the personal security, liberty, health,

dignity, and lives of individual members of the targeted group."[532] For Lemkin 'genocide'

has two distinct stages; (1) the annihilation of the "national pattern" of the oppressed

demographic and (2) the subsequent "imposition of the national pattern of the oppressor."[533]

However, as Power asserts, simply labeling a humanitarian crises as genocide does "not

necessarily cause statesman to put aside their other interests, fears, or constraints."[534] Not

until the 1948 Genocide Convention agreed upon a definition for 'genocide' did the term

officially become codified into international law. The Convention concluded that:

> ...any of the following acts committed with intent to destroy, in whole or in part, a
> national, ethnical, racial, or religious group as such:
>
> A. Killing member of the group;
> B. Causing serious bodily or mental harm to members of the group;
> C. Deliberately inflicting on the group the conditions of life calculated to bring
> about its physical destruction in whole or in part;
> D. Imposing measures intended to prevent births within the group;
> E. Forcibly transferring children of the group to another group.

The law, however, did not require the extermination of an whole "group," but instead

deemed the intent to destroy a significant part as illegal. Furthermore Article 1 of the

resolution confirmed genocide as a "crime under international law."

Appendix C: The "Just Cause Threshold" and "The Precautionary Principles of the 2001 ICISS Report

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[531] Lemkin, Axis Rule: 79 & Power, Samantha. *Problem from Hell*: 42
[532] Ibid., 43
[533] Lemkin, Axis Rule: 79.
[534] Power, Samantha. *Problem from Hell*: 44

(1) *The Just Cause Threshold*[535]

Military intervention for human protection purposes is an exceptional and extraordinary measure. To be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur, of the following kind:

> A. **large scale loss of life**, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or
>
> B. **large scale 'ethnic cleansing'**, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.

(2) *The Precautionary Principles*

> A. **Right intention:** The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.
>
> B. **Last resort:** Military intervention can only be justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing lesser measures would not have succeeded.
>
> C. **Proportional means:** The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.
>
> D. **Reasonable prospects:** There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.

Appendix D: The Three Fundamental Criteria of the "Just War" Tradition

There are two "Just War" categories – developed mainly by European theologians such as

Saint Thomas Aquinas, but also influenced by "canon lawyers, legal scholars, secular

philosophers, and military strategists – *ius ad bellum* and *ius in bello*.[536] The first concerns

when a state may justly resort to war, and the second examines how the war may be

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[535] It is important to note that the ICISS draws heavily from the framework of the "Just War" Tradition in establishing their "Just Cause Threshold."

[536] Fixdal, Mona and Dan Smith. 1998. Humanitarian Intervention and Just War: 286.

legitimately fought. The criteria in the table below are borrowed from the scholarship of Miller.

Criterion	Definition
Ius ad Bellum (the Justice of Resort to War)	
Right authority	Only a legitimate authority has the right to declare war.
Just Cause	We are not only permitted but may be required to use lethal force if we have just cause.
Right Intention	In war, not only the cause and the goals must be just, but also our motive for responding to the cause and taking up the goals.
Last Resort	We may resort to war only if it is the last viable alternative.
Proportionality	We must be confident that resorting to war will do more good than harm.
Reasonable Hope	We must have reasonable grounds for believing the cause can be achieved.
Relative Justice	No state can act as if it possesses absolute justice.
Open Declaration	An explicit formal statement is required before resorting to force.
Ius in Bello (the Justice of the Conduct of War)	
Discrimination	Noncombatants must be given immunity and protection.
Proportionality	Military actions must do more good than harm.