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Editor's Introduction

MARO: Mass Atrocity Response Operations; A Military Planning Handbook: *Selling the Mission and/or Protecting Human Rights?*

As we enter our sixth year of publication, the editors are very pleased to welcome readers to the sixth volume of *Genocide Studies and Prevention*. We have been very fortunate over the past five years to present a wide array of material related to the prevention and understanding of genocide and mass atrocities. This volume continues that tradition as it presents a symposium of invited commentaries on *MARO: Mass Atrocity Response Operations; A Military Planning Handbook*.

MARO grew out of the United States military *Quadrennial Defense Review* which contained a statement noting that the military needed to focus on “preventing human suffering due to mass atrocities or large-scale natural disasters abroad.”¹ The Carr Center for Human Rights Policy at the Harvard Kennedy School and the US Army Peacekeeping and Stability Operations Institute collaborated in writing *MARO*.

MARO is the second recent attempt by the United States or related organizations to design policies to prevent genocide and protect civilian populations. Like its predecessor, Madeleine Albright and William Cohen's *Preventing Genocide: A Blueprint for U.S. Policymakers*,² *MARO* consists of what I would call semi-official US government documents. I say semi-official because these documents are actually sponsored and published by universities or other organizations. They are not official policy pronouncements in the sense that they are only recommendations and have not been incorporated into the decision-making apparatus of the government or the military. In common with virtually all such exercises, including *Blueprint*, *MARO* suffers from an excess of bureaucratic jargon, acronyms, diagrams that look as though they were designed by sixth graders after playing video games, and referents that often bear little or no relationship to reality—the reality, in this case, of genocide and mass atrocities. They also often ignore or rewrite history, or perhaps create their own version of history that suits their policy recommendations. All of these and many more specific critical and analytic views are expressed by the authors of the commentaries in this issue.

The immediate background of *MARO* is, most likely, the failure to stop the massive human rights violations in the former Yugoslavia and Rwanda in the 1990s. Embarrassed and determined to justify United States policy that allowed those atrocities to occur virtually unimpeded, Albright and Cohen's *Blueprint* was published and followed by the present *MARO*. The United States had apparently been in denial about the role it played in allowing those atrocities to occur and had retreated from any idea that it would be engaged in protecting human rights as

attention turned to terrorism after September 11, 2001. In March 2007 the US Army War College sponsored a conference titled *The National Security Implications of Climate Change*, and attention began to shift to the possible importance it held for military operations and how it would affect human rights around the globe. As the wars in Afghanistan and Iraq began to slowly recede from public consciousness, the military saw the importance of a new mission in the new environment. This is described as “selling a mission”³ by Gwynne Dyer in his daring new book, *Climate Wars: the Fight for Survival as the World Overheats*. As he puts it,

The next mission of the U.S. armed forces is going to be the long struggle to maintain stability as climate change continually undermines it. The “war on terror” has more or less had its day and, besides, climate change is a real, full-spectrum challenge that may require everything, from Special Forces to aircraft carriers. So it’s time to jolt the rank and file of the officer corps out of their complacency, re-orient them towards the new threat and get them moving.⁴

Of course, this also guarantees continued funding for the military, for those corporations that depend on military funding, and for the congressional districts that contain such installations. It means that when the missions in Afghanistan and Iraq end, the military will have a new mission. It is the answer to the debate started by Eisenhower’s military-industrial complex speech and the answer to the questions which have been raised since the end of the Cold War.

In fact, as the Cold War faded into historical anachronism in the 1990s it became clear that the “mission” was ambiguous and not as clear as it had been. What would replace the Cold War? The “war on drugs” was not only inadequate but it was a war that was defeated by the demand for drugs in the US. Until September 11, 2001, there was no adequate factor to sell the mission, to mobilize the fear of the public, and to unite the country behind the military and the new mission. Climate change and the protection of human rights are perfect. Not only do they serve the purpose but they also form a response to a very real threat—a threat, incidentally, that the liberal, humanitarian left has been supporting before the military arrived to pick up the thread that has been woven over the years since the atrocities in the former Yugoslavia and Rwanda in the 1990s.

This is where *MARO* fits and it is hard to criticize the now apparent good intentions behind the new mission. As the authors of *MARO* argue,

The Mass Atrocity Response Operations (MARO) Project seeks to enable the United States and the international community to stop genocide and mass atrocity as part of a broader integrated strategy by explaining key relevant military concepts and planning considerations. The MARO Project is based on the insight that the failure to act in the face of mass killings of civilians is not simply a function of political will or legal authority; the failure also reflects a lack of thinking about *how* military forces might respond. States and regional and international organizations must better understand and prepare for the unique operational and moral challenges that military forces would face in a MARO.⁵

Accordingly, the Project states that it

addresses the concrete and practical challenges of using military forces to halt ongoing mass atrocities through a MARO. The Project has developed operational concepts, a tailored planning guide, tabletop exercises, and other tools for military institutions and political actors. While military force will not always be required to halt mass atrocity, the MARO Project helps make credible, effective options more likely and it better prepares intervening forces in the event that they are directed to act. In this respect, the Project can help shift the policy debate from “whether” to “how” to intervene to stop widespread violence against civilians. (5)

And it all sounds very honorable. The US military is now devoted to humanitarian intervention and to the protection of civilian populations if the MARO project is ever adopted and instituted as an official policy response. Several of our commentators note that this is highly unlikely and they explain their reasoning in detail. For now, I simply wish to note that the report begins with faulty premises. Yes, it is true that the “failure to act in the face of mass killings of civilians is not simply a function of political will or legal authority,” but it is an oversimplification to argue, as *MARO* does, that “the failure also reflects a lack of thinking about *how* military forces might respond.” In fact, the United States military was reluctant to act in the cases of the former Yugoslavia and Rwanda. The so-called Powell Doctrine, which was a response to the Vietnam Syndrome coupled with the disaster in Somalia in 1993, argued that any response must include a massive infusion of US force along with an exit strategy. Throughout the course of the atrocities in the former Yugoslavia, the US military and its political allies in the Clinton administration argued against intervention on the basis that the long standing ethnic and religious hostilities responsible for the ongoing slaughters were an intractable force that was not amenable to military solution. Similar arguments were made about any possible intervention in Rwanda. The real lesson here is not that there was no military thinking but that there were political reasons why the United States did not wish to intervene and the forces supporting intervention were not politically influential. Neither Bosnia nor Rwanda had sufficient oil reserves to justify action similar to that taken in the Persian Gulf, and there was little or no equivalent to the movement to publicize the atrocities in Darfur and to pressure the government to take action. Even in 2010 with a strong Save Darfur movement supported by students, movies stars, NGOs, and others, the atrocities continued, and there exist reasons why the United States does not support intervention and cannot intervene. In fact, in spite of those newer forces there remains a reluctance to intervene as well as powerful political forces militating against any action. Lack of planning, as *MARO* claims, is not the primary factor, or even a major factor at that, in this reluctance.

The authors of *MARO* also argue that “The Project has developed operational concepts, a tailored planning guide, tabletop exercises, and other tools for military institutions and political actors” (5–6). “In this respect,” the authors continue, “the Project can help shift the policy debate from ‘whether’ to ‘how’ to intervene to stop widespread violence against civilians” (6). The problem is that answering the “whether” to intervene question must come before any discussion of “how” to intervene. Here, once again, political factors play a major role. If, however, it is determined that intervention will take place, it does not seem logical to lay out a one-size-fits-all plan since every case is different. The Pentagon has done this to its detriment repeatedly. After World War II planning for war on the European plains did not lead to the successful prosecution of wars in Korea or Vietnam. In fact, the opposite was the case as US strategy was self-defeating and was further undermined by the lack of understanding of the cultural and political situation of both of those conflicts. Therefore, body counts as the measure of success in Vietnam led to atrocities being committed by US troops as any Vietnamese was counted as an enemy casualty, and the policy of free-fire zones led to the mass killing of civilians. Much more important is an in-depth understanding of each situation so that planning may be pursued to develop a successful strategy to meet each exigency.

As an attempt to respond to these factors, *MARO* intends to overcome the reluctance to intervene and to instead advocate that it is in the national interest of a nation such as the United States to protect human rights. *MARO* notes:

Some argue that it is unlikely that, despite advocacy and education to the contrary, the United States will ever decide that it is within its national strategic interest to launch an intervention to stop a mass atrocity, and therefore that planning for this eventuality is not a priority. Such a position is not only ahistorical; it represents an abdication of responsibility to prepare for contingencies. (14)

Contingencies must indeed be anticipated, but what is ahistorical is to interpret past US foreign policy as intervening to protect human rights. In fact, the United States has not identified intervention to stop mass atrocities as part of its strategic interest. To be sure, that does not mean planning should not occur, but it does mean that undertaking such intervention would be a new and unusual step for the United States. The *MARO* authors note this to some extent:

A Mass Atrocity Response Operation (MARO) describes a contingency operation to halt the widespread and systematic use of violence by state or non-state armed groups against non-combatants. The term MARO is not yet enshrined in military doctrine—but it should be. The United States does not currently recognize mass atrocities as a unique operational challenge, and there is no operational concept or doctrine that might help commanders understand the dynamics and demands of responding to mass atrocities. (17)

To rectify this, *MARO* argues that while the United States is not fully prepared to intervene effectively in a mass atrocity situation, past military operations provide guidelines and MARO will be familiar because it will include many traditional operations:

This is true almost across the operational spectrum: convoy escort, direct fires, and detainee operations are features of both peacekeeping and war. More broadly, a MARO involves a dynamic mix of offense, defense, and stability operations. Many familiar operational concepts, such as no-fly zones, protected enclaves, or separation of forces, may be elements of a MARO operational plan. (24)

In short, MARO differs from more traditional military operations only in the fact that it intends to stop atrocities and help protect civilian populations. *MARO* next attempts to incorporate the US experience in Operation Iraqi Freedom as a case study, noting, “Consider the US experience in Operation Iraqi Freedom, in which the context changed from major combat operations to counterinsurgency. Although many of the tasks and concepts remained the same, US forces were inadequately prepared to carry them out” (24). Of course, this is the case and it is no different, as I argued above, from the experience in Vietnam or Afghanistan. What was lacking was not a MARO plan but knowledge of the culture, politics, social structure, the entire underpinnings and history—in fact—of those experiencing US military intervention. Consequently, Iraq is a particularly poor choice; US operations in Iraq were not originally sanctioned as multilateral and the United States is at fault for not being prepared to engage counterinsurgency operations. After years of counterinsurgency experience in places such as Vietnam, not to mention the former Soviet Union’s experience in Afghanistan, the US military’s lack of preparation for this is, indeed, a sad comment on the military.

Finally, it is important to ask whether an operation plan outlining what should be done is necessary. Does this explain the inability to be flexible and to adapt to new circumstances? If so, the US military will always be at a disadvantage to guerrilla groups which adapt quickly to their changing circumstances. To its credit, *MARO* incorporates this into its analysis, noting, “Indeed, the asymmetry

between a rushed genocide and a graduated response has important—and somewhat contradictory—implications for intervention. The asymmetry works against those who want to stop mass atrocities,” and a successful model of military intervention must take that into account (29). This is important to note, and yet doing so does not mean that a written plan will adequately prepare a military force to respond in such fashion.

The authors of *MARO* are not unaware of the most telling criticisms that may be made of their operational handbook; nor are they ignorant of the history of genocide and human rights atrocities. To their credit, they attempt to anticipate most of the comments to be found in the following analyses. Yet, they faced a massive and perhaps insoluble task in trying to present a military plan that would anticipate the contingencies of inherently unstable and quickly changing circumstances. The authors are aware of this issue and, consequently, argue for the necessity of education as well as the necessity of “developing doctrine, leader orientation, conducting routine planning exercises, and developing common national and coalition concepts, vocabulary, and expectations. Any multinational execution of this type of mission will require a high degree of coordinated political and military effort” (30). Acquiring the necessary training for such a mission is a complicated process and requires some highly specialized forms of training including the acquisition of the language, culture, or context within which operations may need to take place. The level of difficulty that is involved in the process becomes evident when one notes that this type of training—which includes ongoing historical, cultural, and linguistic education of a highly complicated nature for most of the regions of the world—prepares for a mission that intends to anticipate the possibility of atrocities.

As *MARO* trudges to its conclusion, it rushes to include a discussion of very complicated factors to be taken into consideration such as the importance of NGOs, the moral dilemmas that might be confronted, the aftermath of such atrocities, and the responsibility to help with the recovery and reconstruction processes. For this reason, although *MARO* contains errors of omission and commission, it is a valiant attempt to redefine the mission of the US military to incorporate a consciousness of the necessity of protecting human rights. Whether it is selling a new mission in order to preserve the defense establishment or it is motivated by a genuine desire to protect civilian populations, the least that can be said about it is that *MARO* opened a discussion and gave rise to a level of consciousness that until now appeared to be beyond the pale of discussion. For many more specific and interesting criticisms and analyses of both the positive and negative implications of the project as well as for practical considerations of the issues related to the implementation of the recommendations that *MARO* advances, I encourage you to read the following commentaries very carefully.

Since the commentaries cover a wide range of topics from diverse perspectives it would be difficult to summarize them. I have divided and organized them into two categories: scholarly perspectives from outside of the United States and scholarly perspectives from within the United States—a method that offers some interesting alternative views. The commentaries can also be divided in terms of the theoretical or practical perspective that they adopt.

The editors of *Genocide Studies and Prevention* hope that these various views will contribute to the ongoing attempt to protect human rights and prevent atrocities.

The second part of this issue consists of an article and a research note. The article by Marko Attila Hoare—a reader at the Faculty of Arts and Social Sciences, Kingston University—is a case study of the international courts and genocide in

Bosnia-Herzegovina. Hoare notes that two international courts, the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Court of Justice (ICJ), established that genocide occurred in Srebrenica in 1995. Additional courts have concurred and yet, as Hoare notes, “there has been minimal international punishment in Bosnia.”⁶ This article attempts to explain and analyze why “international justice has underachieved regarding the mass murder in Bosnia by examining the structural weaknesses, political pressures, and errors of judgment that have hampered the international court.”⁷

The research note by Antonis Klapsis, adjunct lecturer in the Department of Political Science and International Relations, University of Peloponnese, brings attention to one of the lesser known mass atrocities that has taken place in the twentieth century. Klapsis provides an in-depth analysis of the measures undertaken by the US government to aid the Greek refugees escaping the atrocities in Asia Minor from 1922 to 1923. This analysis is not only important as a description of how humanitarian aid can be offered but, as I noted above, it also fills in another chapter of the history of a lesser known genocide.

In conclusion, as we begin our sixth year of publication, we, the editors of *Genocide Studies and Prevention*, intend to maintain our ongoing commitment to do everything that we can to help our readers understand the causes of genocide and to continue to help end what is increasingly accepted as one of the most egregious crimes against humanity.

Herb Hirsch
GSP Co-editor

Notes

1. Department of Defense, *Quadrennial Defense Review Report*, February 2010, http://www.defense.gov/qdr/images/QDR_as_of_12Feb10_1000.pdf, p. vi.
2. Madeleine K. Albright and William S. Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington: Genocide Prevention Task Force, 2008), http://www.usip.org/genocide_taskforce/report.html.
3. Gwynne Dyer, *Climate Wars: The Fight for Survival as the World Overheats* (Oxford: Oneworld Publications, 2010), 10.
4. Ibid.
5. Sarah Sewall, Dwight Raymond, and Sally Chin, *Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard Kennedy School / Carr Centre for Human Rights Policy, 2010), 5. Subsequent references appear parenthetically in the text.
6. Marko Attila Hoare, “A Case Study in Underachievement: The International Courts and Genocide in Bosnia-Herzegovina,” Abstract, *Genocide Studies and Prevention* 6, no. 1 (2011): 81.
7. Ibid.

The *MARO Handbook*: New Possibilities or the Same Old Militarism?

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In recent years some human rights scholars, journalists, activists, and policy makers have advocated the use of military intervention against violent mass human rights violations by governments or other perpetrators in societies with governments that are unable or unwilling to prevent the violence.¹ This push is a response to the failures of outside powers that appeared militarily capable of intervening in, for instance, the genocides in Rwanda and Bosnia in the 1990s. While many such advocates also recognize the importance of long-term prevention efforts and non-military options, they argue that there will be cases in which prevention efforts will fail and violent mass human rights violations against vulnerable groups will become a serious threat, if they do not actually take place. In such instances, military intervention from the outside is the legitimate last resort.²

The Carr Center for Human Rights Policy of Harvard University's Kennedy School and the United States Army's Peacekeeping and Stability Operations Institute offer the 2010 *Mass Atrocity Response Operations; A Military Planning Handbook*. The handbook was intended not only as a step toward the broader recognition of the purported need for military intervention but also as a crucial step toward the concrete capacity to intervene successfully. Designed for the United States military, the authors indicate that, with suitable adjustments, the handbook could be used by other forces as well. The report is meant to guide higher level decision makers and field commanders who might be required to run a mass atrocity response operation (MARO) through the planning process of the intervention and to guide adjustments as the intervention unfolds on the ground.

There are two general questions against which the handbook can be evaluated. First, assuming that military intervention in the kinds of situations discussed in *MARO* is morally right, does the manual fulfill its goal of providing useful guidance for accomplishing a successful intervention—that is, an intervention that saves some or all of the victims from violence and ensures long-term safety for them and stability for the area that they inhabit? The second question is more complex: given the concrete realities of the US military and the impacts of military intervention, is military intervention itself justified and, if so, under what conditions? At first glance, this second question would seem to carry us beyond the scope of the handbook, which is concerned with what should be done once the decision to intervene has been made. But, as will become clear below, given the concrete specifics and history of the US military and the ways in which it has been used, the issue of how to intervene is inseparable from the question of whether it is morally right to intervene, even if in *MARO* the latter is disregarded. What is more, the authors of *MARO*—Sarah Sewall, Dwight Raymond, and Sally Chin—hope that this unofficial guide, as the handbook

is presented, will be adopted officially by the US military. Such adoption is predicated on the acceptance of MAROs as acceptable military missions, and thus the *Handbook* implicitly advocates for this acceptance, if its internal content assumes that acceptance.

Both questions generate the evaluative points made in the present consideration of the handbook.

Steps Forward

The authors and consultants that contributed to *MARO* deserve credit for recognizing the significant differences between a standard operation in which US military forces would form one party in a two-party conflict and a MARO in which US forces would be outside actors coming into a situation of one-sided mass violence. Clearly it is one thing to seek to defeat or contain an enemy force and quite another to seek to protect a non-combatant group against one or possibly more military and/or paramilitary force(s). One strength of the handbook is that it details the various actors that can possibly be present in or potentially relevant to any MARO situation, including a set of perpetrators that might or might not be a part of the government of the area in which the atrocities are taking place or expected to take place—a set consisting of, in some cases, more than one perpetrator group; victims or potential victims that might have their own agendas beyond survival and other basic human rights; a host government that might be supporting the atrocities, unwilling or unable to alter the situation, or supportive of intervention; other states that might be supportive of (to the point of sending troops in) or opposed to an intervention; international actors such as the United Nations and African Union; non-governmental organizations (NGOs) that are already operating in the affected area, doing, for instance, relief work; NGOs that are not yet involved but that might have a role in post-intervention recovery; the International Monetary Fund and the World Bank; and non-military components of the US government, such as the State Department. The often differing and even conflicting goals, motives, and methods of different parties, even those supporting intervention, make a MARO much more complicated than a standard military operation in a war.³ The report emphasizes such things as the risk that victims, once the intervention succeeds, might engage in retribution against the perpetrators, in which case MARO forces “then become a shield” for the former victims as they carry out retribution (27).

Another laudable point of analysis is the recognition that, although there are some indicators that are sometimes useful in this regard, there is no recipe for predicting which contexts will generate mass atrocity situations (30–31). For this and other reasons, MAROs will often escalate rapidly and not allow for optimum force assemblage, while a quick response will sometimes be necessary to have a meaningful impact in stopping the killings of members of the targeted group(s) (33). The handbook significantly points out that the threat of prosecution or other accountability must be “real and understood” in order for the gathering of evidence and public exposure to have a real deterrent effect (35)—a point that the Rwanda and Bosnia cases illustrate all too well despite the fact that some perpetrators were ultimately prosecuted in those cases.⁴

Without explicitly identifying the sources of the lessons, the handbook appears to reflect certain lessons learned from earlier mass atrocity situations, including some interventions. The authors rightfully point out that intervention can introduce factors into a local situation that might exacerbate rather than mitigate the human rights problem. For instance, they understand that “if not controlled, humanitarian assistance supplies during and after an intervention may be at risk for appropriation by

criminals, military forces, or other armed groups and fuel black market activities” (53). This is well illustrated in Michael Maren’s account of humanitarian intervention in Somalia in *The Road to Hell*.⁵ The authors of *MARO* also recognize that hate speech and other types of “inflammatory information” can be key factors in supporting or driving human rights violations, and they call on MARO planners to monitor and possibly stop such speech as a method of prevention or intervention (55). This is presumably informed by the role of propaganda hate radio in the Rwanda Genocide and the debates about this hate speech that took place in US military and policy circles.⁶

The handbook also includes some good critical points that support the concrete planning and execution of MAROs. In discussing each of the seven forms that the actual military format of a MARO might take, the authors raise interesting objections regarding the third, which calls for the imposition of a militarily defended buffer zone to separate victims from perpetrators. This approach might be considered an obvious way of protecting a victim group, but the authors highlight several of its shortcomings: this approach does not help transform the society in which human rights violations either are or are on the verge of taking place, it will not necessarily protect people who are behind the lines of the buffer zone from violence that might be pursued by others behind those same lines, and it can have an unintended permanent political effect beyond the protection of the victim group by producing a permanent political border (77). Similarly, the authors critically engage another approach, which consists of setting up internally displaced person (IDP) camps to gather potential victims for easier protection. They point out that this approach might actually reward the perpetrators’ aggression if, for instance, in the case of attempted ethnic cleansing, the IDP camps become long-term homes because the victims will have been removed from the territory over which the perpetrators wish complete hegemony (78). At various points, the handbook recognizes a crucial issue: the threat or the beginning of an intervention might actually trigger the beginning of violent mass human rights violations or accelerate their execution. Because perpetrators might see that the window for action is closing and become convinced that intervention will prevent them from having any future opportunities to attack their targets, they might decide to begin or accelerate the violence when they might not have done so under other circumstances.

The handbook also includes recognition of some of the subtleties of MARO situations. For instance, the writers point out that the government in a MARO area might not have control over the population and so other forces could drive atrocities (109). It is much more difficult to intervene in this kind of situation than in a case in which there is an explicitly defined and identifiable perpetrator group with clear mechanisms of power and military organization and operation.

Missteps

While, as the previous section indicates, the handbook does potentially advance an understanding of MARO situations and responses, there is also a range of problems with the *MARO Handbook*. Some of the inadequacies of the project are not fundamental and could be addressed if the handbook were to be revised in the future. Some of *MARO*’s shortcomings, however, are functions of deeper problems with the MARO concept itself, military intervention, and the historically revealed but uncorrected tendencies of the US military in its relationships with civilian populations. Addressing these will require more than the revision of the report; it will require changes in approaches to international relations and the role of power and

violence in them as well as changes to some features of the culture of the US military. Nonetheless, revisions to the handbook that address these deeper issues can help spur these changes while their absence from the handbook in its present form reinforces the problems at stake.

Although some of the problems will inhibit the success of MAROs, not all of the problems will do so. Increases in capacity and commitment are sometimes assumed to automatically be positive moves forward. But even the ways in which the handbook increases the capacity and commitment to carry out MAROs might not constitute genuine improvements in the level of respect for human rights in the world. Moving the agenda of military intervention forward is not necessarily productive, especially if the handbook does not address the problematic relationship of the military basis of MAROs to human rights.

Issue 1: Reliance on the Report of the Genocide Prevention Task Force

MARO's authors frequently cite with approval the 2008 report issued by the self-designated "Genocide Prevention Task Force," which was chaired by Madeleine Albright and William Cohen.⁷ For instance, page 66 of *MARO* reproduces an extensive table directly from the Albright-Cohen Report. While the authors are certainly free to use material from the Albright-Cohen Report, there is no critical evaluation of what is appropriated or justification for its appropriation. This is, of course, a minimal requirement for any work claiming intellectual legitimacy. In the case of the Albright-Cohen Report this is especially important because the report has received detailed criticism from various angles. A special issue of *Genocide Studies and Prevention* featured commentaries on the report, a number of which made substantive, well-grounded criticisms of key aspects of it, including its approach to US military intervention.⁸ While this is not the appropriate place to rehearse those criticisms, the fact that *MARO*'s authors miss the opportunity to address them and thereby improve thinking on military intervention means that key shortcomings of the Albright-Cohen Report are imported directly into *MARO*.

Issue 2: Is There an Editor in the House?

Any reader used to decent journalistic, technical, business, or academic texts will doubtless be struck by the acronym-infused, jargonistic, cumbersome writing of the *MARO Handbook*. While the claim might have been made that a specialized military audience would be used to such writing and comfortable with it, *MARO*'s authors repeatedly express their desire to make the report accessible to a general audience. For instance, in discussing the genesis of the report, they explain, "We streamlined the entire process, stripping it of many detailed elements that would be essential but familiar to military planners while making the language and process easier for civilian actors to understand and apply" (135). Even as they stress this, the authors cannot resist using unnecessary acronyms: "Planners also sought to translate the JOPES process into concepts and terms that would be more easily understood by the US interagency community as well as NGOs and the general public" (133). "JOPES" is an acronym introduced just on page 133 with no role previously in the report and used only three times in total in the report. The sentence in which it is introduced manifests a typical use of acronyms: "This effort was based on the military's existing Joint Operational Planning and Execution System (JOPES) process, but the APF was envisioned to provide guidance to a GCC on how to develop a

Commander's Estimate and Operation Plan" (133). Perhaps it is enough to say that the acronym key runs for three full pages (141–43).

The jargon problem, while not as sustained as the acronym addiction, reaches levels of absurdity at points. For instance, in place of, presumably, "helicopter" we have "rotary-wing asset" (125, 127) and in place of, presumably, "communication" we have "two-way information" (70). We also find out that these "rotary-wing assets" can be employed from "amphibious decks" (127). The meaning here would seem to be either aircraft carriers or helipads on other types of naval vessels, unless it means some type of pontoon-supported floating helipads offshore. Regardless, not only is the term "amphibious" jargon but it also seems to be incorrect unless these are ships with helipads that actually come on land in addition to floating in water. Other non-standard and obscure uses of English include "socializing" as in "[t]he process of socializing the MARO Project among various military, government, and non-governmental communities" (101). Quite simply, it is unclear what this means—does it mean talking up the project in informal conversations, getting formal feedback through group discussions, or something else?

While it is tempting to dismiss such terminological twists as harmless lapses or at worst as a form of exclusivism that pretends to superiority over non-military readers, as some points below suggest, these uses of language might better be seen as evidence of muddled or closed thinking, whereby certain patterns of language typical in military circles are repeated without clear understanding or critical engagement. The jargon becomes a kind of endless mantra that displaces genuine thinking and expression.

There are also structural writing issues. For example, how do the different "approaches" to MAROs, that is, methods of actual military interventions (e.g., imposing a buffer zone between perpetrators and victims [70–87]); "lines of effort," that is, all major functions that are necessary and collectively sufficient to achieve success (88–95); and MARO phases (95–100) relate to one another? For instance, how does a variation in military approach require changes in the "lines of effort" to achieve success for that approach? The report does not explain the interrelationships among these aspects of planning. An example of where this would appear essential is the discussion of MARO Phase II, "Seize the Initiative," which focuses on the beginning of military operations (on "D-Day" [97]). Will the features of this phase vary depending on the approach to military operations? Do some features but not others apply to some but not all approaches?

Issue 3: Abstraction and Pro-Forma Lists

The handbook is supposed to provide a process for planning a MARO that will include the things that need to be thought out ahead of time and during the implementation of the plan. While clearly some kind of generic template—possibly an extensive one—could be used as a framework for planning, the handbook limits itself to generic templates, despite the authors' claim that in their writing process they wished to avoid "any attempt to create a universal or generic plan" (133). These templates are detailed in that they often include lists of all sorts of elements that might be necessary to a plan as well as many considerations of potential problems or obstacles that might be relevant. At the same time, the templates remain pro forma—that is, an abstract list of all sorts of possible issues that seem produced *a priori*, without an attempt to engage the real issues that have occurred in real attempts at humanitarian military intervention, such as in Somalia. While, as stated above, these experiences might have informed some of the details presented abstractly

in the handbook, by incorporating the details in an abstract manner, there is no indication of how they relate to actual interventions. In other words, planners are not shown how these detailed lists of considerations and the extensive templates for plans relate to concrete, on-the-ground situations. At too many points *MARO* becomes merely a sequence of lists following lists following lists, with no analysis, context, or application to concrete situations that would help in real planning for real operations (see, for example, 37–39, 51–57, 63–64, 90–95). Items are often obvious or generic, of the form “Laundry can consist of socks, underwear, pants, shirts, towels, etc. Towels might mean bath towels or dish towels or hand towels. The possibility that ‘pants’ might include shorts should be considered.”

Discussing the link between planned and real, concrete (as opposed to generic) situations would have made the handbook much more useful. For instance, while the “Draft Strategic Guidance” (106–7) could be employed in planning, without a link to specific situations established through examples, *MARO* commanders are left with the entire burden of figuring out how to apply the guidance to real situations without having the benefit of the experiences of others who have tried to do this kind of thing or any concrete analyses of the links to specific situations. The hard part of planning is too often left as an exercise for the reader.

A typical example, selected from many possibilities, of where a concrete example drawn from real experience would have increased the handbook’s value serves to illustrate this:

MARO plans will normally follow this process, although they may be complicated both by a lack of specific and timely guidance as well as by high-level participation in the planning process because of the politically sensitive nature and potential media glare put on a MARO, particularly with respect to COA development and selection. (42)

Without a concrete example, this says little more than “things might be complicated and planning must take this into consideration.” Explaining *how* things might be complicated using specific examples would be very helpful. Indeed, given that there have been a number of humanitarian interventions in recent years and that *MARO*’s authors seem to consider the military form of the invasions and subsequent occupations of Iraq and Afghanistan to be similar to MAROs, the authors could have discussed how these operations worked and how various aspects of the suggestions for planning worked or would work relative to each of the different actual situations, all with the benefit of hindsight. Rather than presenting planners with generic, abstract situations into which to fit their real situations, Sewall, Raymond, and Chin could have given planners real situations as reference points to make real decisions about what would be likely to work and not to work in a given specific MARO situation. At times *MARO* reads like a geometry textbook without any illustrations. At least at some points, students need to look at figures of right triangles to understand certain properties of right triangles that have previously been presented by abstract definition.

While the inclusion of concrete illustrations drawn from historical events would have been a significant improvement, the authors should have gone even further by testing each of their plan templates, assumptions, various lists, “approaches,” “lines of effort,” phasing schemes, and so forth against real past operations and MARO situations. This would have transformed much of the handbook’s content from generic, seemingly *a priori* speculation into genuine empirically-based analysis.

A similar limitation is revealed when the authors assert that a “brief historical overview” of a MARO situation might be helpful for the planning process (43). There

are two issues with this assertion. First, part of the problem relative to MARO situations is that outsiders, including the US government, rely on “brief historical overviews” that contain simplifications and “standard wisdom” about a situation, rather than factual analysis that is nuanced and accurate and has genuine explanatory value. For instance, the Rwandan Genocide was simplistically misrepresented by US policy makers and journalists as an intractable centuries-old ethnic conflict rather than the result of a complex set of contemporary forces that culminated in a well-calculated attempt by the ruling Interahamwe to retain power in the face of an impending shift to electoral democracy in Rwanda,⁹ a project that more instrumentalized “ethnic hatred” than was generated by it.¹⁰ Second, the authors do not explain what specifically in a historical overview would be useful and in what ways. They too should have provided historical overviews of past MARO situations and discussions of how they could have been used for MARO planning to illustrate their meaning.

While other elements of the MARO are not always as flawed as its account of the Rwandan Genocide, the brief historical overview of that case (6) is a good example of the problems that arise with limited accounts of human rights crises. The authors present the genocide as having started in 1994 with the breakdown of the peace accords, without any recognition of the complex political process that led to genocide as a way to prevent democratization of Rwanda. Shallow and limited “historical” accounts are in some ways worse than no accounts at all, as they provide false information that will mislead MARO planners. The authors could and should have included examples of the right kind of historical analysis that would support the success of a MARO, rather than repeat reductive accounts of such events as the Rwandan Genocide. This problem might have been addressed in part by the contributions of scholars, in addition to that of military leaders, to the research, conceptualization, and writing processes.

It might be argued that this level of specificity (i.e., testing against historical examples) would have increased the length of the *MARO Handbook* far beyond what would be manageable for planners, but at least some specificity could have been introduced instead of the rather significant amount of repetition in the work. For instance, the possibility that victims can potentially become perpetrators is unnecessarily repeated a number of times.

Similarly, we have an abstract assertion, “Understanding a perpetrator’s motivations is essential for determining how best to counteract,”¹¹ followed by a list of different possible motivations (45), but we do not have suggestions on how the specific possible motivations might be addressed with specific courses of action or how responses would vary based on different perpetrator motivations. Possible motivations are simply listed. Identifying different motives is not enough for planning; real models for what to do once the motives are identified are necessary. This is another example of the authors offering extensive lists of considerations without adequate (or any) guidance on how to relate those lists to real situations and actions.

An additional point relates to an issue that will be treated in greater detail below. The planning schemes presented in the handbook assume that US military personnel at various levels in MAROs operate as automatons, simply following orders and not engaging in any self-directed or divergent activities. Indeed, leaders and soldiers are treated in the abstract, never actually mentioned or evaluated, as if they have no history, no problems, or other features. There is no discussion of the kind of preparation, training, or selection process that might go into putting together a force that would have the right understanding of and regard for human rights

concerns—not simply military training—to carry out a MARO successfully. While the authors call for the consideration of all sorts of nuances of the perpetrators, victims, and other groups, there is absolutely no consideration of similar issues regarding US forces. As will be discussed in detail below, there is no mention of potential human right violations by U.S. troops, let alone elements of the planning process devoted to anticipating and preventing such abuses.

Issue 4: Optimism

While in some circumstances, an optimistic view of a situation might be useful by motivating actors to attempt to do what they might otherwise not have done and to have the confidence to push forward despite obstacles, in the planning process of a military mission optimism can obscure or cause to be discounted or spun facts that have life-and-death implications. *MARO*'s authors tend to be realistic (if abstract) and recognize many obstacles and potential problems arising in any MARO situation. At the same time, there are points where they display naïveté. In listing Flexible Deterrent Options, the authors claim that a show of force can be made by inviting regional leaders on US naval ship tours with media coverage. The idea is that this will convey “an implied deterrent message to perpetrators” (122). It is hard to believe that people considering or even having already initiated mass violence will suddenly change their course of action by seeing US naval ships up close. The authors offer no evidence that this type of approach has ever worked. On the one hand, if the perpetrators are motivated in a way that trumps risk analysis, then no threat of any level of power will change their minds. On the other hand, if they are more calculating they are also likely to be sophisticated enough to understand the meaninglessness of such gestures.

Another example occurs on page 90: “Short-term efforts include dissuading HN [home nation] leaders, organizations, and populations from conducting mass atrocities, while emphasizing the importance of good governance, human rights, and acting as a responsible member of the international community.” The idea that the drive to commit human rights violations is such a surface phenomenon that this kind of response will have any impact at all would appear to be naïve even without reference to the many historical cases that belie it.

A yet further example can be found in the discussion of PSYOPs (“psychological operations”): “All potential perpetrators are informed that they have the option of behaving responsibly or suffering the consequences” (124). The problem here is not just that this is unlikely to have any positive effects, but that this suggestion seems to be based on a simplistic and inaccurate notion of what motivates and produces violent mass human rights violations.

Issue 5: The Power of Euphemism

Jargon and the excessive use of acronyms are, presumably, innocent writing problems that can be addressed by good copy editing. Euphemisms are a different issue. While they likewise cloud meaning, they often function to hide what might be problematic attitudes or facts and thereby prevent exposure and criticism of them. The handbook is rife with euphemism, including euphemisms that have long been discredited for precisely such obscurantism. At the top of the list is a term that has been used to cover up the intensity and acceptance of what many consider unjustified, unnecessary, and largely preventable civilian killings and other casualties in recent military actions: “collateral damage.” This term appears on pages 68, 84, 86, 87, and 113, at which points a thoughtful discussion of the contradiction between civilian casualties

and a humanitarian intervention would have been appropriate and meaningful. Indeed, the apparent callousness of the US military regarding “collateral damage,” the apparent undercounting in both Iraq attacks and other cases,¹² and other concerns would appear to require such a discussion in the handbook to redirect military personnel away from callousness and toward a genuine respect for civilian human rights, which would seem to be requisite to any successful MARO—successful not in terms of some notion of military dominance but of an actual net gain in the safety of civilians (all civilians) affected by a MARO.

Another euphemism used with great frequency is “strategic communication,” which appears to be code for “propaganda,” that is, statements that purport to manipulate the target audience in some way regardless of their truth or falsity. The term is used on pages 21, 55, 63, 64, 112, 116, 121, 122, and 126, and a whole section is devoted to it on page 90. This term hides the manipulative and potentially falsifying nature of such communication and renders it an apparently innocent part of military planning. The acceptability, to *MARO*’s authors, of false communication that might even harm Americans comes through on page 69, where they suggest that “issuing travel advisories” regarding a potential MARO area can be a tool for putting pressure on the home government. Doing so transforms travel advisories into a propaganda tool, rather than an informational practice that promotes the safety of US citizens and residents. As this abuse of travel advisories becomes more apparent, the main effect will be a “crying wolf” effect similar to the use of “terrorist attack threat levels” after September 11.¹³ Many Americans will come to view all travel advisories as suspect and in cases in which they should heed them, most obviously in potential MARO areas, they will not take them seriously.¹⁴

While the killing of civilians as the by-product of military action aimed at military domination or victory does not logically contradict those goals (however unnecessary and culpable it might be), the killing of civilians in order to protect civilians is clearly contradictory. This contradiction reveals a core problem in the handbook: military methods that have historically caused the destruction of civilians and violations of their human rights are now claimed to have the opposite goal and effect. Of course, the authors extend the euphemistic façade to say that such killings of innocent men, women, and children are due to US forces engaging “innocents without being aware of their status or intentions” (68). Innocent *what?* Even here human beings killed by US forces are not identified as human beings and are denied their human status. What is more, their deaths are just an honest mistake, not a foreseeable result of military operations as currently practiced¹⁵, in full evidence in Iraq and Afghanistan, such that the military has not taken seriously even reporting this¹⁶ let alone coming up with better options for approaching operations. The suggestion of “precision targeting” is clearly another aspect of this problem (66); the fact that “precision targeting” is not as precise as suggested¹⁷ and often results in civilian deaths is not even acknowledged in the handbook, let alone treated thoughtfully.

Should not methods of stopping “collateral damage” have a central place in the handbook rather than be an issue of relatively low importance that is mentioned in only a few sentences in 150 pages? And “strategic communication” masks the reality of propaganda efforts. Here we have a two-layer propaganda process which uses doublespeak to hide from policy makers and the public what the military is actually doing, which is to use propaganda in an operation. This doublespeak might also prevent a process of self-reflection by military leaders and personnel who might otherwise notice the contradiction and decide in favor of human rights protection

rather than operating in ways that kill significant numbers of civilian noncombatants. This raises a yet deeper issue.

The authors promote conducting “Psychological Operations (PSYOP) to influence perpetrators, victims, and other actors” (57). The military will attempt to manipulate through psychological pressure even victims of violence or potential violence. Clearly dominance over *everyone* in a situation, even those who are supposed to be helped by the US military, is the goal here, but this is covered over by a vague term. To the extent that these activities are recognized for what they are, it is of little wonder that people in affected areas as well as human rights groups and other NGOs would be suspicious of US motives and attitudes regarding any military intervention. This issue will be revisited in the next section of this paper.

Issue 6: An Ideologically Closed Discursive System

Perhaps the most significant impact of the *MARO Handbook* will not be human rights promotion, which, for reasons discussed in this paper and other critical evaluations, will likely be minimal if not undermined by it. Rather, *MARO*'s significance lies in what it reveals about the mentality of contemporary US military upper- and mid-level leaders and the discourse they have fashioned with the support of militarist politicians, policy makers (such as *MARO*'s lead author Sarah Sewall), police forces, and others in successive waves from the post-Vietnam reclamation process, through the re-introduction of blatant militarism in the post-Cold War world of the first Gulf War, to the post-September 11 consolidation of what might be termed the “New Militarism.” The focus on human rights and the exceptionality of *MAROs* offered military strategists an opportunity in the *MARO Handbook* to break free from the discursive limits that have emerged and are manifested in everything from the fallacy that criticism of US military action is “unpatriotic” or “anti-American”¹⁸ to the view that the standards of democracy and liberty require that US military personnel not be subject to an international court such as the International Criminal Court for allegations of human rights abuses.¹⁹ The fact that *MARO*'s authors did not take that opportunity in this work is telling.

The analyses provided in the handbook reveal what can be termed an “ideologically-closed discursive framework” in which no potential critical points about the US military are recognized because they are either spun as innocent mistakes or misperceptions by others or omitted entirely from discussions of military issues. This ideological closure is a problem for two reasons. First, it renders invisible the many points in history in which the US military has engaged in human rights abuses. There has never been a sustained engagement with this history by the US military, and so the institutions, attitudes, culture, and practices that produced such abuses and continue to be formed through them remain intact because nothing has been done to counter, reverse, or exorcise them. The similarity of this aspect of the handbook to genocide denial is disturbing. Second, the report studiously avoids a substantive, explicit engagement with the failures and mistakes of the US military in regards to past *MAROs* and other military missions that the authors consider similar to *MAROs*, especially past humanitarian interventions and engagements in counterinsurgency warfare. *MARO* reads as if it were written in an ahistorical vacuum, projecting into the future all sorts of suggested procedures and plans without engaging the past data that should have been studied carefully as the bases of plans and speculations.

MARO includes list after list, plan schematic after schematic, and so forth, there are virtually no explicit, specific, comprehensive discussions of actual military

operations that have occurred in recent history or the obstacles, problems, or issues revealed in these operations. There is no discussion of what worked and did not work in relevant past operations, such as humanitarian interventions or peacekeeping operations. Here the abstractness discussed under Issue 3 becomes more than a correctable shortcoming; it becomes a method of avoidance. Generic recipes and lists do not merely fail to include useful information; they exclude data and insights that would reveal negative things about the US military.

Examples of ahistoricity in the handbook abound. It includes ignoring highly relevant causal factors, past human rights abuses as indicators of possible future abuses by US forces, and similar issues. The authors state, for example,

Military actions to halt the targeting of civilians may therefore develop from, or even coexist with, other operational concepts in the context of a larger campaign in which US forces are engaged. For example, it is easy to imagine how systematic mass atrocities could emerge from a security vacuum created by the withdrawal of a foreign counterinsurgency force. Thus, mass killings could haunt US forces as they exit Iraq. (14–15)

Here a critical evaluation of the US invasion of Iraq, centering on the question of how the specific form and approach of the US invasion and occupation have created conditions that might lead to mass violence if the United States withdraws its troops, is avoided. The future possibility of mass violence in Iraq is disconnected from all causal factors: the US military is presented only as a potential brake on mass violence, not as the key destabilizing force producing the possibility.

The authors also suggest that “the analysis [of a MARO situation] should include key considerations with respect to agriculture, manufacturing, trade, gross domestic product, natural resources, income distribution, poverty, unemployment, corruption, black marketing, narcotics trafficking, human trafficking, and humanitarian assistance needs” (53). There is no recognition here or elsewhere that peacekeepers themselves routinely use trafficked girls and women and sometimes traffic girls and women²⁰ so there need to be active steps to prevent this in any MARO.²¹ Peacekeeping missions might be motivated by a “world community” desire to protect the human rights of victims, but that does not necessarily mean that military personnel will be similarly motivated. Everything depends on the character of the troops deployed and how they are supervised. The military commander(s) and other US leaders at various levels should make the issue explicit and caution against any such activities, monitor personnel with an eye toward such violations, and pursue vigorously and sincerely any suspected violations. Rather than sacrificing civilians in cases of accusations against US military personnel to preserve US military power, control, and immunity from human rights standards as much as possible, in a humanitarian intervention US forces must place respect for the human rights of all civilians in their area of operation at the center of concern.

The misassumption that other groups might commit human rights abuses but U.C. military personnel are somehow immune from such behavior is captured particularly clearly on page 120: “Positive measures may serve as incentives for Country X forces or military-to-military contacts to improve their professionalism. This may make indigenous forces less prone to conduct mass atrocities.” This ignores the unfortunately significant number of recent abuses of human rights by US forces, during and outside of wartime. Most notable are the rampant rapes. Susan Brownmiller highlights just how normalized the rape and trafficking of Vietnamese women and girls by US military forces in Vietnam became and the degree to which these became

a part of military culture.²² A wartime to peacetime parallel is the huge number of rapes, as well as related murders in some cases, documented or estimated to have been committed by US military personnel against Okinawan and Japanese women from the time that the island was captured near the end of World War II to the present.²³ As previously, news stories coming from Iraq presumably show just the tip of the iceberg.²⁴ Perhaps the most publicized story was that of the rape of a 14-year-old Iraqi girl and the murder of her and her family by US soldiers in 2006.²⁵ The relative impunity of perpetrators as well as the lack of concern from or even complicity of military leaders at various levels regarding the sexual abuse of Iraqi women and girls²⁶ is consistent with the Okinawa, Vietnam, and other situations discussed above.

Other human rights abuses committed or encouraged by US forces with high-level political and military approval or instigation include the extensive murdering and torture perpetrated by countless human rights abusers trained by the US Army's School of the Americas²⁷ and the torture practiced against prisoners in the global "war on terror," in Afghanistan, Iraq, Guantanamo Bay, and beyond.²⁸ In the entire handbook there is no mention, not even in one single sentence, of the risk of US military personnel abusing human rights and absolutely no provision for this contingency, which has been a constant in the US military for at least decades, in any aspect of the suggestions for MARO planning.

If there is any doubt that human rights abuse, including violence against non-combatant women and girls, by US forces is a real risk that should be addressed in any plan, one need only take account of the fact that in Iraq, as in previous peace and wartime situations, sexual assault of female US military personnel has occurred at an astounding level. Even statistics from the Department of Defense show that about 30 percent of scientifically surveyed US servicewomen who served at some point from the Vietnam era forward experienced rape or attempted rape, often repeatedly.²⁹ Incident after incident has exposed too many military leaders at every level as well as many under them for their indifference to hostility toward women who attempt to seek justice for these violations of law.³⁰ In Iraq, for instance, it appears to be routine for commanders to dismiss the claims, while rapes are covered up and the women who report them suffer retribution.³¹ This appears to be a pervasive aspect of US military culture. As Sadler et al. put it, "Consistent rates of rape across eras of service indicate that violence towards military women remains an unresolved problem."³² While the rapes of US servicewomen are of tremendous concern in themselves, the extensive and institutionally complicit human rights abuse they represent is also an indicator of the risk of human rights abuse of other targets by US military personnel.³³ It is a reasonable inference from these abuses that there is a substantial risk of human rights abuse of non-US civilians in MARO areas.

It is important to point out that denial of these kinds of abuses does not have to be the result of a set of explicit decisions or a conspiracy within the military. Indeed, while in the nineteenth century cover-up and acceptance of US military human rights abuses, including genocide, was authorized by a broad and deep anti-Native American genocidal mentality,³⁴ one can see the most recent wave of denial as the long-term consequence of the defensive reaction to the broad criticisms of the military's abuses in Vietnam, especially as contrasted with the universal support the military enjoyed during World War II. This defensive cognitive dissonance emerged as a way of preserving a problematic military culture and conduct in a morally com-

fortable manner. Similar to the abuses themselves, this defensive reaction does not need to be seen as the function of explicit top-down decision-making or conspiracy to be seen as a pervasive problem in an evolving US military culture. As genocide studies scholars such as Irwin Staub and Vahakn Dadrian argue, the impunity of the perpetrators of human rights violations not only encourages them to continue abuses, but sets an example for others toward a broadening prevalence and intensification of human rights abuses.³⁵ The problem is not the result of any one explicit policy or decision, but has evolved as the consequence of countless half-decisions to look the other way, encourage, or otherwise enable human rights abuses that have produced a self-reinforcing process which forestalls the kind of self-reflection and -analysis that would drive genuine moral accountability and change. Far from excusing such problems, however, the real significance of their genesis is that they have become embedded at a level deeper than policy and law and thus addressing them requires much more than proscriptive rhetoric.³⁶

Perhaps the central reason for the lack of factual and historical appraisal of the US military in the handbook is the source of its content. It is striking that, beyond the three primary authors (which includes one person whose career has been in the defense establishment and one military officer), the entire team of consultants consists of military personnel, many of whom participated in the invasion of Iraq and other operations that would seem to beg for critical analysis at both the human rights and operational levels. While it is certainly not the case that all military personnel think in the same way about human rights, military strategy, and so forth, the narrow range of discourse on these issues in the handbook in relation to the obvious points of analysis that should have been included and the homogeneous nature of the analyses presented provide evidence that no effort was made to find even within the military true dissenters who could have added greatly to the report, let alone analysts of the military and others from outside who could have provided much-needed objective analyses. It is also striking that a bibliography that is only 33 percent longer than the list of acronyms does not include a single historical analysis of the relevant aspects of the Vietnam War, the Somalia intervention, Yugoslavia, or any other such case. What should have been the core of the research done for the handbook is, quite simply, absent.

The absence of critical perspectives is not only a matter of omission. Where criticisms are referenced in *MARO* they are uniformly dismissed as ungrounded. The authors appear to have been well aware of the kinds of issues highlighted above as well as others, yet chose to discount actively and explicitly all criticisms of the US military, no matter how well-grounded in fact. This discounting of facts is obviously poor scholarship, but it has deeper implications in a discussion of human rights. Apparently, the authors of the report could not bring themselves to recognize real and serious human rights issues that were right in front of them, raising questions about the very notion of human rights underlying the handbook. This is the core meaning of an ideologically closed discursive system. It is closed because all potential facts and insights that fall outside of a narrow range of “acceptable” discourse are automatically and without any critical analysis dismissed, excluded, or misrepresented. From within this mindset, legitimate criticisms become problems to be handled, often pre-emptively, so that they do not derail the military agenda, rather than reflections of problems with US military culture and conduct that need to be addressed through change in that culture and to that conduct.

The most typical method, repeated many times, is the misrepresentation of substantive criticisms as mere perceptions implied to be functions of misunderstanding

or some political outlook such as anti-Americanism. As the report authors state in reference to the inevitable grey areas of moral decision making that will arise in a MARO,

Interveners must not only anticipate [moral] dilemmas, but prepare themselves for criticism from interested parties—to include neighboring countries, human rights groups, and diaspora communities. The potential ethical backlash could be debilitating. Instead of producing the pride and satisfaction of being recognized for humanitarian action, a MARO may cause service members to question the morality of their actions and nations to second-guess their decisions to intervene.

Doing the right thing without being prepared for tough choices and potential ethical backlash can undermine the effectiveness of the operation and dissuade parties from future humanitarian action. (39)

There is no concern here that the ethical criticisms might actually be correct, but merely that they might interfere with the operation and cause moral quandaries for military personnel. Yet, if there are moral issues with the “humanitarian” action itself and the methods used to carry it out, is it not the duty of all involved to take those issues seriously? *MARO*, on the contrary, counsels commanders here to inoculate those serving under them from any moral qualms about what they are doing, a form of advice that itself increases the likelihood that they will commit human rights violations. If they follow such guidance, commanders will not only reinforce any existing human-rights-violating tendencies among their soldiers, but will in fact manipulate or push soldiers to suspend the moral compunctions against human rights abuse that they have. If this advice is followed, the un-self-critical self-righteousness underlying this statement—the military is *always* right and critics are *always* wrong—will be transferred to soldiers through their commanders. What is more, MARO forces are represented as automatically right in their decision making *by virtue of their good intentions*. Rather than recognizing that it is in fact good to “question the morality of [one’s] actions,” even when they appear on the surface to be morally right, *MARO*’s writers call on military personnel to hold on to their notions of what is right dogmatically and without taking responsibility when they make bad decisions, bad decisions that are likely to result in the deaths of innocent people. This creates a very dangerous self-justifying dogmatism that can mean that those who are inadvertently creating problems or even engaging in human rights violations are actually convinced they are promoting human rights.

The authors further inform their readers that

the MTF [MARO task force] could become the target of numerous factions that are frustrated by their perception of the situation, particularly if their expectations are not met. Mitigation approaches include strategic communication to influence the population, perpetrators, and other actors favorably regarding the intervener’s actions. (63)

Not only are potential criticisms that an operation will face dismissed as the result of “frustration” by “factions” based on their “perception,” by the handbook, but the solution is to use propaganda to manipulate them and others to see the operation in a favorable light. The language here is quite loaded: we have “frustration” rather than “critical evaluation,” “factions” rather than “legitimately interested parties,” and “their perceptions” rather than “the facts of the situation.” The term “factions” connotes belligerent parties representing narrow agendas that they are attempting to impose on others. That the MTF will become a “target” suggests that it is the victim in the situation, which could be far from the truth. What if these

“factions” are responding to real problems with the MARO operation? Even unintended problems—as abound in Iraq and Afghanistan—require thoughtful critical evaluation.

The issue comes up again on page 113: “Interveners may be motivated by other than humanitarian motives, which could cause others to view their actions skeptically.” Again, the actions will be *viewed* skeptically, as if this is just a matter of perception. But the authors themselves admit that the United States might be using the cover of humanitarian intervention to advance a political or economic agenda. While it might be in the political or economic interest of the United States for US military forces to discount such criticisms and might even be useful in manipulating US soldiers so that they will complete their mission without moral qualms, promoting this in a handbook that is supposed to be concerned with human rights, not cynical advantage, is a glaring ethical failure. The advice the authors should be giving is, “do not engage in violations of sovereignty and other kinds of interventions under the guise of humanitarian concern when in fact they are motivated by goals other than supporting human rights.”

It gets worse. The authors identify as a key vulnerability of intervention “opposition from other countries because of their concern over ‘imperialism’” (113). The use of quotation marks delegitimizes the term, turning it into yet another misperception. The implication is that “imperialism” is a term bandied about by malcontents who are always there to detract from the positive image the United States should rightfully have. There is no consideration that the term in fact does apply to many US military interventions and that, given this history, the burden is on the United States to demonstrate its good intentions and lack of military and economic expansionism whenever it uses its troops to violate another state’s sovereignty or it engages in similar military actions. The invasion of Iraq violated that country’s sovereignty with the result of a military conquest whose ultimate goal many see with good cause as economic benefit through increased and favorable access to oil.³⁷ Other contemporary examples of military actions that can be interpreted as attempts to advance global US power and influence from Vietnam forward abound.³⁸ Once more the handbook’s authors miss an excellent opportunity to produce positive change in the US political and military culture, this time by pushing for a serious commitment to human rights promotion in the place of instrumental use of human rights rhetoric in the service of less laudable agendas. Instead, a legitimate concern is misrepresented as inherently unjustified and itself a cynical rhetorical move.

Even if the report’s authors do not view this kind of criticisms as reasonable or empirically-justified, they nevertheless go too far in their delegitimation of it. They refuse to recognize that US military and related political actions in recent years at least make it reasonable for others around the world to be concerned about the projections of US military power, even when accompanied by human rights justifications. The authors seem to lack the basic self-reflective realization that people around the world might possibly have reasonable cause to be suspicious of the US military, even if they do not agree with the expressed concerns.

MARO does recognize the potential criticism of the disconnect between the stated humanitarian goals and the realities of some US military operations connected to humanitarian rhetoric: “the fact that a MARO’s endstate appears to be humanitarian in nature might not necessarily be accepted at face value by all NGOs” (49). It never occurs to the authors here or elsewhere to ask, why not? This brings us back to the ahistoricism discussed at the beginning of this section. The

handbook's authors do not analyze potential problems such as this in order to understand why such perceptions exist and thus get at the root issue, but instead recommend that MARO planners attempt to maneuver around them. Setting aside the moral concerns that this approach raises, it also represents a poor way of approaching human rights problems—the approach of developing some limited surface understanding of an issue and then addressing only that, usually in a limited tactical way, which thus leaves intact the problems generating the surface symptoms.

It is also telling that the authors recognize the criticism that China has received for support of the Sudan government throughout the Darfur Genocide (49), but they fail at any point in their work to recognize quite similar concerns about the motives and effects of US intervention based on active US support for dictators such as the Shah of Iran, Anastasio Somoza in Nicaragua, Ferdinand Marcos in the Philippines, and Indonesia's Suharto and for genocides by Guatemalan and Indonesian governments (twice),³⁹ as well as support for human rights abuse through training at the School of the Americas. This ideological blindness to the human rights issues of the US military is not acceptable and in fact contradicts the handbook's purported goal of human rights support.

Beside the potential hypocrisy of humanitarian interventions by US forces and the significant potential for human rights abuse by those forces, there is an “innocent” shortcoming of the handbook that could have just as devastating an effect. The authors fail to consider adequately the possible unintended consequences of military intervention, even when genuinely aimed at the promotion of human rights. They do acknowledge all sorts of lower-order potential problems, such as US forces inadvertently supporting and strengthening members of the protected victim groups in possible retribution against perpetrator groups. But intervention has the risk of radically destabilizing the area of the MARO and far beyond, as there is good evidence occurred through the US intervention in Iraq.⁴⁰ Even indirect intervention has the risk of dramatically increasing the military capacity of potentially dangerous players in a situation, as the US support for the Afghan resistance to the Soviet invasion that helped create Osama bin Laden and others like him shows.⁴¹ Direct intervention can do as much as being the precipitating factor in a major genocide, as in the case of the US bombing of Cambodia that perhaps became the key factor in the rise to power of the Khmer Rouge and their subsequent genocide of 1.8 million Cambodians.⁴² Central to any MARO process has to be consideration of such “doomsday” possibilities, given how frequently they have occurred in the practice of “targeted” or “limited” military operations.

Issue 7: Post-Intervention Recovery and Economic Development

Post-intervention economic development is discussed repeatedly in the handbook. For instance, the authors state,

Other mid-term goals [of the post-MARO process] include prioritized restoration of key infrastructure in large population centers, development of international trade, establishment of a banking system, implementation of World Bank and International Monetary Fund programs, and creating an environment that attracts foreign investment. (95)

Two important issues emerge. First, there is no discussion in the handbook of any local decision-making in post-intervention economic reconstruction and development. While there is some discussion of the development of governing institutions, especially if the home government is defeated as part of the MARO or collapses because of it, the involvement of such entities as the World Bank and International Monetary

Fund (IMF) is assumed rather than left to the affected population. Second, a number of elements in “reconstruction” and “economic development” raise questions about the ultimate result of these processes. For instance, what does “creating an environment that attracts foreign investment” mean? It can mean foreign exploitation of local workers and foreign control of the economy generally, which undermines rather than promotes the human rights of the local population. In fact, the World Bank and IMF are often viewed with good cause as mechanisms of foreign (US) domination and exploitation of a developing economy.⁴³ Two core criticisms must be addressed in any responsible discussion of these two entities in relation to human rights: that the IMF and World Bank function to re-mold economic and political systems to open them up to US corporations⁴⁴ (typically rendering the affected areas providers of cheap labor and/or raw materials) and that they impose conditions of damaging debt on weaker economies that bring them under the control of foreign creditors and provides significant economic benefits to those creditors through devastating losses to targeted societies and the individuals within them.⁴⁵ At the very least, the serious effects of structural adjustments imposed by the IMF on local economies—the driving down of wages, lowering of safety and environmental standards, and so forth⁴⁶—should be discussed in the handbook, so that planners can decide whether they should promote or block IMF involvement in the post-MARO process.

There is an additional concern. The general model presented in sections of the handbook dealing with the post-military process seems to follow the post-2003 Iraq script rather closely. Despite statements from official US military and other sources, from an outside perspective it is fairly clear that this “reconstruction” has not succeeded well and has also benefited companies such as Blackwater Worldwide⁴⁷ and Halliburton⁴⁸ much more than the Iraqi people.

Issue 8: Recycling

The authors bill the *MARO Handbook* as a radical new departure in military and human rights thinking. In fact, in the concluding remarks to the body of the work, they include the overused quote from William James, “A new idea is first condemned as ridiculous and then dismissed as trivial, until finally, it becomes what everybody knows” (101). The problem is that *MARO* appears to be much more a recycling of old military ideas than it is the development of anything new. In fact, it is unclear if any of the military strategies or tactics presented is a genuinely new approach, despite the insistence by the authors that MAROs are in some crucial aspects very different from traditional military operations (17; 23–29).

This recycling is similar to the absence of historical analysis highlighted above. The recycling is in fact ahistorical and uncritical; models that appear to have been standard operating procedure for military operations are simply imported into the handbook without critical evaluation or explicit modification. As already suggested, the most frequent model is the 2003 Iraq invasion and subsequent counterinsurgency war and occupation. *MARO*’s Main Approach 1, in fact, is explicitly modeled on “the occupation of Iraq after the 2003 invasion” (72). It is rather telling is that, despite the fact that five of the nine members of the MARO Project Core Planning Group working with the three main authors were involved in the Iraq invasion and/or its aftermath, there is no critical discussion of what worked and did not work in Iraq. Approach 5 is also based in part on Operation Enduring Freedom, again without critical commentary (80–81).

Other elements are also present. For instance, Approach 2 (72–75) is acknowledged as a classic strategy of counterinsurgency dating from 1964 and was pre-

sumably a mainstay approach to the Vietnam War. Given what would have to be understood as its failure in Vietnam and how much has changed militarily in 46 years, one would expect that if this approach was retained as an option it would have been updated to address the shortcomings experienced in Vietnam. Of special concern is that civilian noncombatants suffered tremendous casualties by US forces in Vietnam, and counterinsurgency techniques had a significant role in producing those casualties.⁴⁹ Approach 5 imports without comment an element that was used in Vietnam as well, the use of military “advisors” for partner forces (80).

Approach 6 is based on methods used in Iraq from 1991 to 2003 and the former Yugoslavia from 1995 to 1999, especially “the use of air . . . power to strike perpetrators or isolate them with . . . no-fly zones” (82). While there is a discussion of some of the negatives that presumably has some basis in these two concrete situations, given what must be understood as an overall failure in the former Yugoslavia prior to 1999 as well as Iraq after the Gulf War, planners would benefit from a detailed analysis of how these methods could be updated and modified to address their past shortcomings. Instead, they appear to have been simply imported into the handbook.

By presenting seven different approaches (70–87), *MARO*’s authors create the impression of comprehensive flexibility, but if each option is more or less some combination of commonly used military strategies, many of which have not been particularly successful even in non-*MARO* situations and some of which seem not to be good fit *MARO* situations, then the appearance of a diversity of options is misleading. What is needed is not a smorgasbord of the same old foods, but some genuinely new dishes. It is not enough to have a large number of options if those options are largely well-worn; what is needed are new options that are generated out of the specific needs of a *MARO* situation, not applied from very different kinds of military situations.

Power Politics

As stated above, good intentions do not guarantee good acts. This is not just a question of choosing between motives and consequences as the measure of morality. Even good intentions can mask deeper attitudes, commitments, and processes that undermine a stated commitment to human rights. Of course, the standard response is that the reality on the ground is messy and the best that can be done is a partial promotion of human rights that might involve setting aside or even directly violating some human rights. This is not true. And it is not good enough.

Two things come out of the foregoing examination of the *MARO Handbook*. First, perhaps the most effective strategy for the US military to promote human rights is for it to stop abusing human rights. The US military leadership and community as a whole could dramatically reduce sexual violence against women and girls by stopping their own violations of women within the US military and women and girls in the zones in which the US military operates in peacetime and wartime. The US government could dramatically reduce the number and intensity of human rights violations throughout Latin America by closing the School of the Americas and the Guantanamo prison. The US government and military could promote human rights by ending military occupations, not invading other countries to create refugee problems, and not supporting dictators and other governments—for instance, with military aid—that violate the rights of their own people and others. A good 3,000 people would not have been killed in Chile during the 1970s and 1980s if the US government had not aided and abetted the coup by arch human rights abuser Augusto Pinochet against the democratically elected president Salvador Allende.⁵⁰ The United States could have perhaps saved tens of thousands of Iranians from

the 1950s to the present if it had not helped oust democratically elected Prime Minister Mohammed Mossadegh in 1953 and installed arch human rights abuser Shah Mohammad Reza Pahlavi.⁵¹ Not only would this have prevented his mass violence and other abuses,⁵² but also, if he had not come to power, there presumably would never have been the 1979 revolution that installed Islamic extremists who themselves have violated human rights extensively. The United States could have saved 100,000 to 200,000 Mayans had we simply not provided prior military support and later political support to oppressive governments and genocidal dictators in Guatemala.⁵³ And so on.

Of course, from the perspective of the ideologically closed discursive framework that does not allow even the slightest criticism of the US military, such points will be dismissed as impractical or representative of some sort of extremist agenda. But, it is one thing to justify US military action based on power politics and “national interests” and another to claim that it is in fact what is best for those in MARO areas. It is quite possible that military intervention performed correctly *and morally*—without economic, political, or other strings attached—could have saved lives and promoted human rights in some historical circumstances and that there will be cases in the future in which this will also be true. But it is just as likely that in more future cases military intervention carried out for real or pretended humanitarian purposes will result in the long run in equal if not greater human rights abuses than those being opposed. Before MAROs are likely consistently to have positive benefits without significant negative impacts, there needs to be a dramatic improvement in US military culture and the US government’s relationship to human rights. Respect for human rights is not controlled by a switch, which can be turned on for MAROs and turned off for US-supported coups. One military will engage in both, and the disrespect for human rights in one context will inevitably bleed into the other.

The real question here is not how to carry out MAROs, but why MAROs have come to be seen as important for the future of human rights. Though the authors do recognize that MAROs are just one option among many to support human rights, they are pushing for their handbook to become an official tool of the US military and for the MARO Concept to be an important human rights idea for policy makers and military leaders. The only moment of (partial) moral self-reflection in the entire handbook supports this push. It occurs with a throwaway comment at the end of the discussion of the seven military approaches to a MARO: “an eighth approach is simply to do nothing (or to conduct mild, *pro-forma* suasion efforts). For a variety of reasons policymakers may opt for this method, as has been demonstrated throughout history” (87). This is not a criticism of the US military, but in fact a criticism of US policy makers who have not used military intervention when it has, in the authors’ view, been called for. Where did the notion that policy makers who do not use military intervention are morally culpable come from?

MARO appears to be a consequence of the shift in human rights thinking driven by such figures as Samantha Power. Her 2002 Pulitzer Prize-winning “*A Problem from Hell*”⁵⁴ is a polemic that reduces the problem of genocide in the twentieth century largely to one of the failure of the United States and other powers to intervene militarily. In Power’s work there is nothing of the truly complex process of genocide and absolutely no moment of self-awareness of the role that the United States played as a perpetrator of or accessory to genocide in a number of cases, such as the genocides of various Native American groups, Indonesia’s 1965 genocide, the Guatemala Genocide, the East Timor Genocide.⁵⁵ Genocides are reduced to the

crises they eventually became and presented in such a way that, in most cases, only a military solution appears to have been reasonable—which Power then promotes again and again. The core is an emotional appeal presenting the executions of genocides, exposure of the attitudes of and omissions by outside parties, and the justified outrage at what happened, in order to mold public opinion to see military responses as the right solution to human rights crises. Instead of untangling the knot of causal factors to locate the full range of culpable as well as innocent actions and omissions by the United States and other state and international actors that helped produce or supported genocide, Power ignores the genesis of crises, which makes it “self-evident” that the only thing that could have been done was military intervention. By dismissing hesitation as an indifference to human suffering or a sacrifice of human rights to other agendas, with either resulting in a lack of will to intervene militarily, this approach closes off the kinds of debates over the use of military power that are necessary for it to be used correctly and with respect for human rights—as well as offering a quick fix for problems that allows the United States to continue with global military, economic, and political policies that have contributed to many human rights crises, including genocides, that Power conveniently omits from her book.

The accomplishment of works such as hers has been to compress the framework of discussion of genocide and related violent mass human rights violations from a full consideration of how they might be prevented—including by having the United States simply stop its military and other support for human rights abusers—and a genuine analysis from various angles of the question of military intervention into a simple binary opposition: either you are against genocide and other mass human rights abuses and thus support military intervention or you are one of the bystanders who lets them happen. The *MARO Handbook* “operationalizes” this privileging of military solutions. It clearly follows and supports the Power shift. As the authors put it,

While military force will not always be required to halt mass atrocity, the MARO Project helps make credible, effective options more likely and it better prepares intervening forces in the event that they are directed to act. In this respect, the Project can help shift the policy debate from “whether” to “how to intervene to stop widespread violence against civilians. (5)

It does not occur to the authors that the real issue is how to prevent violent mass violations of human rights, and that addressing this problem in a serious way could very well obviate the issue on which they focus.

If one must assume that military intervention is the solution to some human rights crises, the question is still not “How should military intervention be carried out?” The question is, rather, “Is the US military a force that can perform MAROs in an appropriate manner?” or “How can the US military’s relationship to human rights be transformed so that it would be highly likely to consistently perform MAROs in an appropriate manner?” The *MARO Handbook* might indeed be ahead of its time, but not for the reasons the authors fear. It is ahead of its time because a US military force that could intervene on behalf of human rights in a genuine and morally correct way and a US government that could choose this path for the right reasons do not yet exist. And without them, intervention is not a path to human rights promotion, but a road to inevitable abuse. What is needed now is a deep transformation of US policy and military culture toward a genuine concern for human rights *throughout* their activities and institutions rather than a spotty concern

for human rights when no military or other “national interests” conflict with it or when intervention will support those interests. That transformation must include radical changes in (1) the present orientation of the US military toward violence against women and girls and (2) its attitude toward civilians in combat and occupied areas. At an individual level, there are presumably those in the rank-and-file and leadership of the US military who struggle on behalf of human rights in these deep ways already. If the *MARO Handbook* does not support their quest, perhaps the kinds of analyses contained in this *Genocide Studies and Prevention* special issue will.

Notes

1. See, for instance, Gareth Evans and Mohamed Sahnoun, Co-Chairs, *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty*, (Ottawa, ON: International Development Research Centre, December 2001); Joe Lauria, “U.S. Backs Implementing U.N. Doctrine Against Genocide,” *Wall Street Journal*, 30 July 2009, <http://online.wsj.com/article/SB124890587995691589.html> (accessed 5 January 2011); and Jim Lobe, “Broad Support for U.N. Intervention Against Genocide,” *Inter Press Service*, 5 April 2007, <http://ipsnews.net/news.asp?idnews=37238> (accessed 5 January 2011).
2. See, for instance, Human Rights Center; Religion, Politics and Globalization Program; and International Human Rights Law Clinic, University of California, Berkeley, *The Responsibility to Protect (R2P): Moving the Campaign Forward*, October 2007, <http://www.responsibilitytoprotect.org/files/R2P-Final-Report%201.pdf> (accessed 5 January 2011), especially 2, 4, 10, 50, and 65.
3. Because the power to commit the United States to a war that was once exclusively Congressional can now be exercised by either the legislative or executive branch of the US government, “war” here means any sustained military action initiated by either branch. Any conceptual difference between these is not relevant to the distinction between usual military operations and MAROs.
For details on the differences between war and MAROs, see Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard University, 2010), 26–28, 44–49. Subsequent references appear parenthetically in the text.
4. Regarding Rwanda, particularly the perpetrators’ disregard for the UN, see *Frontline: The Triumph of Evil*, produced by Mike Robinson and Ben Loeterman (Boston: PBS/WGBH, 1999). Regarding the former Yugoslavia, see the 1995 “Exchange of Letters between Simon Wiesenthal and President Bill Clinton on the Prosecution of the Perpetrators of Genocide in the Former Yugoslavia,” *Encyclopedia of Genocide*, ed. Israel Charny, vol. 2 (Santa Barbara, CA: ABC-CLIO, 1999), 639–40, especially if read against subsequent actions against Kosovo Albanians by Serbian perpetrators despite the 1995 indictments of some of the perpetrators for the violence of the early 1990s.
5. Michael Maren, *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity* (New York: Free Press/Simon & Schuster, 1997).
6. *Frontline: The Triumph of Evil*.
7. Madeleine K. Albright and William S. Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington, DC: Genocide Prevention Task Force, 2008).
8. *Genocide Studies and Prevention* 4, no. 2 (2009).
9. René Lemarchand, “Genocide in Rwanda and Burundi,” *Encyclopedia of Genocide*, ed. Israel Charny, vol. 2 (Santa Barbara, CA: ABC-CLIO, 1999): 508–13, 511.
10. See René Lemarchand, “The 1994 Rwanda Genocide,” in *Century of Genocide: Critical Essays and Eyewitness Accounts*, 3rd ed., ed. Samuel Totten and William S. Parsons (New York: Routledge, 2009): 483–504, 490.

11. The sentence ends with “counteract” without a direct object, so “counteract” here presumably should be read as “counter act”—to react in a situation given this or that set of perpetrator motivations.
12. See, for instance, Jeffrey Sachs, “Iraq’s Civilian Dead Get No Hearing in the United States,” in *In the Name of Democracy: American War Crimes in Iraq and Beyond*, ed. Jeremy Brecher, Jill Cutler, and Brendan Smith (New York: Metropolitan Books/Henry Holt, 2005), 52–54.
13. On the abuse of “terrorist attack threat levels” see, for instance, Garance Franke-Ruta, “Ridge Says He Was Pressured to Elevate Threat Warning,” *Washington Post*, 21 August 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/21/AR2009082103036.html> (accessed 5 January 2011).
14. For a discussion of this implication of the “terrorist attack threat levels,” see John Paul and Sangyoub Park, “With the Best of Intentions: The Color Coded Homeland Security Advisory System and the Law of Unintended Consequences,” *Research and Practice in Social Sciences* 4, no. 2 (2009): 1–13, http://www.researchandpractice.com/articles/4-2/paul_park-1.pdf.
15. In their 12 November 2002 report, Jane Salvage, June Crown, Richard Garfield, Douglas Holdstock, Victor W. Sidel, and John Yudkin developed a projection of the significant civilian impact likely resulting from an attack on Iraq based to a large extent on empirical data from the 1990–1991 Gulf War. Thus, a massive civilian death toll from military operations is foreseeable. See Salvage et al., *Collateral Damage: The Health and Environmental Costs of War on Iraq* (London: Medact/International Physicians for the Prevention of Nuclear War, 2002).
16. Sachs, “Iraq’s Civilian Dead.”
17. See, for example, “Nato’s Bombing Blunders,” *BBC News*, 1 June 1999, <http://cdnedge.bbc.co.uk/1/hi/world/europe/340966.stm> (accessed 5 January 2011).
18. See, for instance, “Following NewsMax’s Lead, Limbaugh Called Sheehan an ‘Anti-American War Protester,’” *MediaMatters for America*, 23 September 2005, <http://mediamatters.org/mmtv/200509230008> (accessed 5 January 2011).
19. An example of this kind of approach is Brett D. Schaefer and Steven Groves, “The U.S. Should Not Join the International Criminal Court,” *Heritage Foundation Executive Summary Backgrounder* no. 2307 (17 August 2009), http://s3.amazonaws.com/thf_media/2009/pdf/bg2307.pdf (accessed 5 January 2011).
20. See, for instance, Stephanie Busari, “Charity: Aid Workers Raping, Abusing Children,” *CNN World*, 27 May 2008, http://articles.cnn.com/2008-05-27/world/charity.aidworkers_1_jasmine-whitbread-children-uk-report-abuse?_s=PM:WORLD (accessed 5 January 2011); Sarah Elizabeth Mendelson, *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans* (Washington, DC: Center for Strategic and International Studies, 2005).
21. Should such abuses be considered “collateral damage,” that is, civilian casualties, in addition to what is usually meant by that term—civilians killed by a stray bomb and so forth?
22. Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon & Schuster, 1975), 86–113.
23. On the rape of Okinawan and Japanese women by US servicemen, see Cynthia Enloe, *Maneuvers: The International Politics of Militarizing Women’s Lives* (Berkeley: University of California Press, 2000), 111–23; Yumi Otagaki, “Japanese Police Arrest U.S. Marine Suspected of Sexual Assault in Okinawa,” *Bloomberg*, <http://www.bloomberg.com/news/2010-08-04/japan-police-arrest-u-s-marine-for-sexual-assault-in-okinawa-kyodo-says.html> (accessed 6 January 2011); Chris Hogg, “New US Rape Allegation in Okinawa,” *BBC News*, 21 February 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/7256056.stm> (accessed 6 January 2011); Calvin Sims, “3 Dead Marines and a Secret of Wartime Okinawa,” *New York Times*, 1 June 2000, <http://www.nytimes.com/2000/06/01/world/3-dead-marines-and-a-secret-of-wartime-okinawa.html?pagewanted=1> (accessed 6 January 2011). On murders as well as rapes by

- U.S. servicemen, see Suzuyo Takazato, "Violence against Women under Long-Term U.S. Military Station in Okinawa," *U.S. Military Bases in Japan—An Overview*, http://www.jca.apc.org/wsf_support/2004doc/WSFJapUSBaseRepoFinalAll.html#Violence_against_Women (accessed 6 January 2011).
24. See, for instance, "U.S. Soldiers Accused of Raping Iraqi Women Escape Prosecution," *Democracy Now*, 29 March 2005, http://www.democracynow.org/2005/3/29/u_s_soldiers_accused_of_raping (accessed 6 January 2011); Ghali Hassan, "Iraqi Women Under US Occupation," *Global Research*, 6 May 2005, <http://www.globalresearch.ca/index.php?context=va&aid=158> (accessed 6 January 2011).
 25. Reuters, "Soldier Weeps Describing Role in Rape and Killings in Iraq," *New York Times*, 22 February 2007, <http://www.nytimes.com/2007/02/22/world/middleeast/22confess.html> (accessed 6 January 2011).
 26. See, for instance, "U.S. Soldiers Accused of Raping Iraqi Women Escape Prosecution."
 27. In 2001, the School of the Americas' name was changed to the "Western Hemisphere Institute for Security Cooperation" because of the bad press it was receiving. The program remains the same, however. For information on the School of the Americas/Western Hemisphere Institute for Security Cooperation's important role in extensive human rights violations across Latin America, see *School of the Americas Watch's* documentation and analysis, www.soaw.org.
 28. *USA: Human Dignity Denied: Torture and Accountability in the "War on Terror,"* Amnesty International Report, 25 October 2004, <http://www.amnesty.org/en/library/asset/AMR51/145/2004/en/b6ab0f58-d570-11dd-bb24-1fb85fe8fa05/amr511452004en.html> (accessed 6 January 2011).
 29. Anne G. Sadler, Brenda M. Booth, Brian L. Cook, and Bradley N. Doebbeling, "Factors Associated with Women's Risk of Rape in the Military Environment," *American Journal of Industrial Medicine* 43 (2003): 262–73, <http://www.veteransforpeace.org/files/pdf/Sadler%20Military%20Environment.pdf>.
 30. See, for instance, Nancy Gibbs, "Sexual Assaults on Female Soldiers: Don't Ask, Don't Tell," *Time*, 8 March 2010, <http://www.time.com/time/magazine/article/0,9171,1968110,00.html> (accessed 5 January 2011); Eric Schmitt, "Military Women Reporting Rapes by U.S. Soldiers," *New York Times*, 26 February 2004, <http://www.nytimes.com/2004/02/26/national/26MILI.html?th> (accessed 6 January 2011).
 31. Helen Benedict, "The Private War of Women Soldiers," *Salon*, 7 March 2007, http://www.salon.com/news/feature/2007/03/07/women_in_military/ (accessed 5 January 2011).
 32. Sadler et al., "Factors Associated with Women's Risk of Rape," 270.
 33. Actually, while one might suppose that any rapes of US servicewomen that occur during a MARO would have occurred in the non-MARO situation of the relevant units if they had not been deployed on the MARO, one might be justified in counting any rapes of US servicewomen during a MARO as part of the overall human rights abuse record for that MARO.
 34. See, for instance, Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco, CA: City Lights, 1998).
 35. See Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989); Vahakn Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus*, 3rd rev. ed. (Providence, RI: Berghahn Books, 1997).
 36. This, it should be noted, is not the same as the belligerence by some military leaders and personnel, hawkish politicians, and related nonmilitary personnel, such as the police, against civilian and military personnel who raise any criticism of the military explicitly. This latter phenomenon seems to be a function of a distinct dominance mentality that is also embedded in military culture and impels treating all those who do not conform to the worldview, practices, and attitudes of and even domination by the military as

- enemies to be attacked and subdued rather than interlocutors in a democratic exchange of ideas.
37. See, for instance, Graham Paterson, "Alan Greenspan Claims Iraq War Was Really for Oil," *The Sunday Times*, 16 September 2007, <http://www.timesonline.co.uk/tol/news/world/article2461214.ece> (accessed 6 January 2011).
 38. For the mainstream recognition and justification of contemporary US imperialism, see Max Boot, "American Imperialism? No Need to Run Away from Label," *USA Today*, 5 May 2003. http://www.usatoday.com/news/opinion/editorials/2003-05-05-boot_x.htm (accessed 6 January 2011).
 39. On these cases, see for instance the sources cited in Notes 51, 52, 53, and 55 and relevant entries in the *Encyclopedia of Genocide*, ed. Israel Charny, vol. 1–2 (Santa Barbara, CA: ABC-CLIO, 1999).
 40. Rana Abdul-Aziz, "Iraq: Past, Present, and Future—A View from the Ground" (lecture, Center for the Study of Human Rights, Worcester State College, 5 April 2004).
 41. Michael Moran, "Bin Laden Comes Home to Roost," MSNBC, 24 August 1998, <http://www.msnbc.msn.com/id/3340101> (accessed 6 January 2011).
 42. Taylor Owen and Ben Kiernan, "Bombs over Cambodia," *The Walrus*, October 2006, 62–69, http://www.yale.edu/cgp/Walrus_CambodiaBombing_OCT06.pdf (accessed 22 April 2009).
 43. "World Bank and IMF," *Global Exchange Fact Sheet*, <http://www.globalexchange.org/campaigns/wbimf/facts.html> (accessed 6 January 2011).
 44. "World Bank and IMF."
 45. M. P. Giyose, "The Debt to the Indebted: Reparations, Odious Debt, and Their Global Implications," *Armenian Review* (forthcoming).
 46. Anup Shah, "Structural Adjustment—a Major Cause of Poverty," *Global Issues*, <http://www.globalissues.org/article/3/structural-adjustment-a-major-cause-of-poverty> (accessed 6 January 2011).
 47. See, for example, Mark Mazzetti, "2 Ex-Workers Accuse Blackwater Security Company of Defrauding the U.S. for Years," *New York Times*, 10 February 2010, <http://www.nytimes.com/2010/02/11/us/11suit.html?ref=blackwaterusa> (accessed 13 January 2011); and Yochi J. Dreazen, "Audit Finds That U.S. Overpaid Blackwater," *Wall Street Journal*, 17 June 2009 (accessed 13 January 2011).
 48. See, for instance, Griff Witte, "Army to End Expansive, Exclusive Halliburton Deal," *Washington Post*, 12 July 2006, http://www.washingtonpost.com/wp-dyn/content/article/2006/07/11/AR2006071101459_pf.html (accessed 13 January 2011); Jane Corbin, "BBC Uncovers Lost Iraq Billions," *BBC News*, 10 June 2008, <http://news.bbc.co.uk/2/hi/7444083.stm> (accessed 13 January 2011).
 49. See, for instance, Ken Silverman, "Six Questions for Deborah Nelson on Vietnam War Crimes, and Why They Matter Now," *Harper's Magazine*, 2 February 2009, <http://www.harpers.org/archive/2009/02/hbc-90004324> (accessed 6 January 2011).
 50. Samuel Totten, "Pinochet, Augusto, and a New Legal Precedent Toward Extradition on Charges of Genocide," *Encyclopedia of Genocide*, ed. Israel Charny, vol. 2 (Santa Barbara, CA: ABC-CLIO, 1999), 460–62.
 51. "Obama Admits US Involvement in 1953 Iran Coup," *Agence France-Presse*, 4 June 2009, <http://www.google.com/hostednews/afp/article/ALeqM5j8-a9Bpq471PDjYA2z6WazPmIZqw> (accessed 6 January 2011); David Barsamian, "What We Say Goes: Pakistan, Iran, and US Foreign Policy" (lecture, Center for the Study of Human Rights, Worcester State College, 12 September 2008).
 52. See Ryszard Kapuscinski, *Shah of Shahs*, trans. William R. Brand and Katarzyna Mroczkowska-Brand (New York: Vintage, 1992).
 53. "The Cold War, National Security Doctrine and the Role of the United States," *Guatemala: The Memory of Silence*, Report of the Commission of Historical Clarification, 25 February 1999, <http://shr.aaas.org/guatemala/ceh/report/english/conc1.html> (accessed 22 April 2009),

- para. 13–14; Susan Jonas, “Guatemala: Acts of Genocide and Scorched-Earth Counter-insurgency War,” *Century of Genocide: Critical Essays and Eyewitness Accounts*, 3rd ed., ed. Samuel Totten and William S. Parsons (New York: Routledge, 2009), 377–411.
54. Samantha Power, *“A Problem from Hell”: America in the Age of Genocide* (New York: Basic Books, 2002).
55. On the US role in the East Timor Genocide, see Matthew Jardine, *East Timor: Genocide in Paradise (The Real Story)* (Monroe, ME: Odonian Press, 1996).

Team America: Genocide Prevention?

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Introduction

Genocide can be defined as a complex process of systematic persecution and annihilation of a group of people by a government. In the twentieth century, approximately 40 to 60 million defenseless people became victims of deliberate genocidal policies. The twenty-first century did not begin much better, with genocidal episodes going on in Darfur and the Congo. We can speak of genocide when individuals are persecuted and murdered merely on the basis of their presumed or imputed membership in a group rather than on their individual characteristics or participation in certain acts. Although it makes little sense to define genocide by a specific number of victims affected by it, we can state that a genocidal process always concerns a society at large and that genocide destroys a significant and often critical part of the affected community. It can be argued that genocidal processes are particularly malicious and destructive because they are directed against all members of a group, most often against innocent and defenseless people who are persecuted and killed regardless of their behaviour. Genocide always denotes a colossal and brutal collective criminality. For this reason, genocide has been studied as a modern phenomenon that is distinct from other forms of mass violence. After Raphael Lemkin died in 1959, the term seemed to be a dead letter. But in the 1970s historians and social scientists rediscovered the concept and published the first academic work on genocide. Since then, the number of publications has grown and today genocide studies, with journals and research institutes in North America and Europe, is a respectable intellectual specialism.¹

Three questions are central in this research field. First, what are the causes of a genocidal process? Or, put another way, how does the systematic destruction of a group of people begin? Second, how does a genocidal process develop? There are strong indications that, when such a process has been put in motion, it develops its own dynamic. How does that process evolve from the individual to the collective level? Finally, it is important to investigate the consequences of genocide. How are perpetrators, victims, and third parties affected by genocide? How do they process, if at all, the traumatic events? In the growing, interdisciplinary field of genocide studies much useful research has been conducted into the evolution of separate genocides such as the destruction of Ottoman Armenians in 1915, the Holocaust, and the genocides in Cambodia from 1975 to 1979, Rwanda in 1994, and Bosnia during the Yugoslav civil wars. A significant amount of knowledge about certain aspects of genocide exists as well. Both separate and comparative research has been conducted, for instance, on the turn of a fairly “normal” civil society into a persecutory one, the motives of the ordinary people who are involved in mass murders, the power and effect of charismatic leaders, and aspects of violence as they relate to gender. From time to time, publications appear trying to understand the causes of genocide in

order to integrate that knowledge into policy mechanisms aimed at the prevention of genocide. Such a report, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook*, was published by the US army and attempts to build on this tradition.

MARO: Fallacies, Missteps, Naiveté

It is important for military personnel across the world to understand genocidal situations. Clusters of perpetrators need to be told that they can be held accountable for their actions and that the old excuse of “orders are orders” (*Befehl ist Befehl*) is not exculpatory. It is crucial for intervention forces to recognize a genocidal situation because of the nature and purpose of their work. For example, during the separation of Muslim men from women and children in Srebrenica, the Dutch UN officials should have immediately understood that this action was a pernicious omen if not a direct indicator of mass murder to come. Historically, the gender segregation of groups of unarmed civilians has not led to the containment or de-escalation of the conflict; in fact, it has served little other purpose than further destruction. For this reason, in principle, a handbook such as *MARO* is a laudable effort. However, genocide is a political act, not one that can be simply understood and tackled through a purely military prism. Most of the handbook’s flaws emanate from its inability to integrate the political dimension of genocide into its report. In the analysis that follows I will confront this report with existing genocide theory as well as several concrete scenarios.

There are some bizarre passages in the handbook. For example, when discussing victims the report states the obvious: “Victims will *probably* require significant humanitarian assistance and will *likely* desire to return to their land, seek justice and/or retribution against the perpetrators, and gain knowledge of what happened to family members or acquaintances who may have disappeared during the crisis.”² More importantly, the handbook insufficiently discusses the problem of state sovereignty. For example, the handbook develops the idea that decisions need to be made “whether to target, pursue, or prosecute perpetrators, which potentially could mean that the MTF [MARO Task Force] would need to attack the HN [host nation] military or government” (60). Does this mean that the United States, in an effort to stop genocide in Darfur, would declare war on Sudan—a major ally of China? Or would an elite unit in a helicopter secretly land in Khartoum, sneak into the presidential palace, and assassinate Omar Al-Bashir? This scenario is taken straight from the latest Rambo film, in which Stallone and a clutch of mercenaries infiltrate the Burmese jungle and liberate a group of victims. In other words, the ambitions laid out in this handbook challenge the imagination of the social scientist.

Having worked on genocide perpetrators in my past research, I wish to present some thoughts on the report’s (mis)understanding of perpetration.³ The obvious example is paramilitarism. According to the report, perpetrators are a clearly definable, easily identifiable group of killers. But comparative research into the involvement of paramilitary units in mass crimes, such as genocide and ethnic cleansing, demonstrates that governments benefit from relying on paramilitary groups as they provide governments with plausible deniability for the violence that units commit against targeted populations. The regime can simply disavow any linkage with the paramilitary organizations by claiming that they operated on their own volition.⁴ This model fits virtually every case of genocide in the twentieth century. Although the report acknowledges the different types of perpetrators (paramilitaries, military, top state elites, and so forth), it fails to recognize the fundamentally different political contexts

in which they operate. Intervening in a situation where a breakaway rebel group is persecuting a group in a limited territory requires following entirely different procedures than a situation in which the very political top is involved in the organization of violence (44–45). Deploying a well-armed force to stop massacres against Banyamulenge civilians in the Eastern Congo may be relatively easy. After all, the Congo is a failed state in an advanced stage of decomposition and its resistance as host nation might be negligible. But there are three not unrealistic scenarios for future conflict. All of the three examples to follow build on recent violent events that captured the attention of newspaper readers throughout the world.

The first example is China's persecution of the Uighur population of Xinjiang. The ongoing marginalization and persecutions, the Uighur reaction and riots, and the ensuing backlash by the government have demonstrated that violence against civilians is not considered a serious transgression by the Chinese government. Should the persecution increase intensively as well as extensively into collective dispossession, displacement, and the murder of elites, China's Uighurs would face extremely bleak prospects. During the riots in early July 2009 more than 100 Uighurs were killed, 1,700 injured, and an unknown number "disappeared." What is particularly relevant is that the Chinese government did not only arrest and imprison Uighurs in Urumqi (where the riots had taken place), but also in other cities including Kashgar.⁵ This potentially signifies ethno-categorical thinking by the Chinese security forces, which constitutes a serious and radical development. After these arrests and killings, no amount of protest from NGOs or governments made a serious impact on the Chinese government's policies in regards to the Uighurs.

A second example comes from the Gaza Strip. In a wide-ranging comparative study of ethnic cleansing, Michael Mann included the Palestinians, especially those in the Gaza Strip, in a select group of victimized communities that are facing a slow but imminent process of persecution and drifting in the long term toward critical decline if not destruction.⁶ A recent example of asymmetrical violence in the Israeli-Palestinian conflict is the 2008 to 2009 Gaza Winter War. The UN report produced by Richard Goldstone concluded that Hamas committed violations of the laws of war and other war crimes and that the Israeli army had used disproportionate force, targeting Palestinian civilians and destroying civilian infrastructure. The war ended in the very asymmetrical body count of 1,417 Palestinian and 13 Israeli deaths.⁷ To any dispassionate scholar of mass violence, these figures and the dynamic of the violence must be interpreted as unmistakable signs of an escalating counter-insurgency potentially heading toward catastrophe. The issue is not so much the discriminatory population policies of the Israeli government—these measures are being sharply criticized and satirized in Israeli society. The real issue is the asymmetry of violence, which can polarize even further.⁸

The final example comes from Chechnya. Whether under Russian imperial or federal rule, from a long-term perspective, the North Caucasus has been a thorn in the side of Russian political elites.⁹ The March 2010 suicide bombings in the Moscow subway sparked a sharp radicalization of a conflict that has been lingering since the eruption of the first war in 1994. On the part of the Chechens, the ruthlessness of these attacks also denotes an awareness of the asymmetrical nature of the conflict, a sense of collective despair, an acceptance of blind revenge, and a lack of belief in future prospects of mutual reconciliation, conflict de-escalation, and societal integration. This conflict escalated to such an extent that in May 2001 the Committee on Conscience of the United States Holocaust Memorial Museum placed Chechnya on its Genocide Alert list.¹⁰ Here too, the asymmetry of the conflict is striking:

although the Chechen rebels targeted both Russian soldiers and civilians, the total losses they suffered far exceed those of the Russian military campaign. In a comparative study of ethnic cleansing, Norman Naimark expressed fear that Chechnya may be on the brink of genocide if the conflicts in the Caucasus deepen.¹¹

In all three cases, a militarily and politically superior state attacked a vulnerable minority that included not only political elites (whatever their political colouring) but many civilians as well. In all three cases, recent conflagrations fit in a pattern of long-term disempowerment and persecution from the early- and mid-twentieth century. Now, if we believe *MARO*, there are several strategies to tackle these cases successfully: saturation, oil spot, separation, safe areas, partner enabling, containment, defeat perpetrators (70–85). How would future escalations in similar scenarios be stopped? Turn Gaza into a safe area after the flotilla scene? Deploy forces in Urumqi and use the method of the oil spot? (Operation Deepwater Horizon?) Demilitarize the Caucasus, a major source of Russia’s internal and external security policy? None of these constraints and problems is discussed in a satisfactory way in the handbook. In Annex F (“Intelligence Considerations”), the handbook does, however, pose questions for the “intelligence personnel to assist their analysis of the *MARO* environment” (118). Let us consider these questions in a hypothetical, but not unthinkable, new phase of a serious escalation of mass violence in Chechnya:

1. Who are the perpetrators?
Vladimir Putin and Dmitry Medvedev
2. Where are they located?
The Kremlin
3. How are they organized?
In the Russian domestic secret service, FSB, which has eleven departments and directorates
4. What are their usual modes of operation?
Counterintelligence, counter-terrorism, border protection, export control
5. What are their capabilities and vulnerabilities?
They are capable of anything and vulnerable to little.
6. What are their objectives and ideology?
“[We will] eliminate them [terrorists] like rats.”¹²
7. What are their recent and current activities?
Appointing Ramzan Kadyrov as President of Chechnya and unconditionally endorsing his policies of murder, extortion, embezzlement, intimidation, rape, forced disappearance, torture, and other acts of violence against civilians
8. What support mechanisms exist to sustain their operations?
Spetsnaz and organized crime
9. What are their possible courses of action and which of these will likely be taken?
Burn villages, massacre civilians, bomb buildings, and destroy property.
10. What is the level of government complicity with the perpetrators?
Full
11. Are there any divisions among the perpetrators?
Not anymore

The tragicomic absurdity of the situation is clear: the handbook does not offer a serious and credible way of intervening in possible escalations of real crises.

Another important issue is the relationship between domestic support (i.e., political will) and foreign policy. Nowhere in the report is there any discussion of

the relationship between American political dynamics and a MARO. How will the use of funds be justified to the population or to parliament? Moreover, there is no sensible explanation of how a MARO would function in the case that an ally of the United States would commit mass atrocities. Mann has argued that “the United States is currently intervening on the side of dominant states against their ethnic-religious insurgents. From Palestine to Georgia, to Chechnya, to Kashmir, to the southern Philippines, to Colombia, U.S. policy favors state terrorists.”¹³ Without a critical discussion of this problem, one cannot take the handbook seriously.

Conclusion

Two proverbs and a quote capture the essence of *MARO*. To begin with, a German proverb suits the handbook well: “Well meant is not always well done” (*Gut gemeint ist nicht immer gut gemacht*). Although the handbook means well, it commits the sin of utter naïveté in its assumptions and hence also in its conclusions. Secondly, reading it immediately invokes the Turkish proverb “Calculations at home won’t match the market” (*Evdeki hesap çarşıya uymaz*) or Moltke the Elder’s famous saying “No battle plan survives contact with the enemy.” In other words, if we believe the handbook, the eight scenarios outlined in *MARO* are predictable and will seamlessly conform to conditions on the ground. All in all, the handbook cannot see the forest for the trees. It is full of excessive detail and out of touch with reality. It might have been much more useful to take real historical or current events and analyze them in light of two or three potential future developments. What we need is not a desk fantasy about how to curb hypothetical “mass atrocities” but (a) credible argumentation linking military planning with international politics and (b) thorough analysis of existing genocidal processes, such as Darfur. For instance, the failures of the 1999 NATO bombing of Serbia during the Kosovo War—the bombing escalated the atrocities rather than stopped them—could have been scrutinized carefully. But, instead, the handbook very briefly refers to airpower only at the end and does not seriously consider it as a form of action.

MARO is also ridden with obscure jargon, vague abstractions, incredible non sequiturs, caricatural acronyms you forget after a few paragraphs, fictional scenarios seemingly drawn from a computer game, ambitious flowcharts that only serve to elicit roaring laughter, and naïve assumptions about international relations. One can read page after page and still not understand what the report intends to convey to the reader or where it is heading in general. Some passages are worthwhile, but further probing demonstrates that it is difficult to intellectually engage with this naïve military-planning document for genocide prevention because genocide is embedded in political structures. In order to verify the military recommendations and commentary in the handbook, one likely needs to approach military sociologists for their expert opinions.

An unforgivable sin that the handbook commits is that it searches for that one single solution that will serve as a panacea for all evil, a *deus ex machina* that will intervene and stop genocide. Ultimately, this will accomplish the utopia of a genocide-free world. This is an ideology that ignores the pragmatic arguments marshalled by specialists in the field of conflict prevention.¹⁴ Unfortunately, more realistic and sober accounts of genocide recognize that such an elixir does not exist. We need to recognize that political violence will continue to play a part within and between human societies. As Jacques Sémelin has reminded us in his penetrating study of genocide, “We are really going down the road of formulating a superbly pious wish: because conflict is obviously inherent in the history of man, and so any

intention to prevent it is doomed to fail from the start.”¹⁵ No early-warning system, preventive diplomacy, rapid response unit, structural prevention, MARO, or other well-meant effort can fully extinguish our potential for mass violence.

The handbook ties in with many themes in Daniel Goldhagen’s recent documentary film with the dubious title *Worse than War*. (Apropos, really? Is genocide worse than war? In other words, if I would write a book on the enormous destruction of human lives and property wrought by a war, would I title it *Better than Genocide*?) In the film, Goldhagen ignores the thorny issue of state sovereignty and travels across the world to preach American military invasion as the most effective form of genocide prevention. As in the book with the same title, the documentary does not deploy any dynamic political science model but uses static binaries of bad guys versus good guys. Destroying the bad guys will pave the way for the genocide-free, multiethnic Walhalla to which we aspire. This is a complete failure to recognize the fact that there is a lot that we do not understand about mass murder yet. The film compensates for this lack of intellectual sophistication with an overdose of moralistic indignation about the phenomenon rather than dispassionate reflection. (Moreover, the documentary grossly exaggerates the supposed threats that emanate from Muslim parts of the world and from current Islamist terrorism. Ironically, in the three examples provided above, it is mostly Muslims who are living under threat of collective victimization.)

Viewed from this broader perspective, *MARO* truly seems to be a reflection of its time and political culture. Well-intentioned do-gooders in the West often do not grasp the complexity of the many processes that occur during genocide. They insufficiently recognize the difficulty of being able to grasp, let alone control, the international minefield of states and the outcome of this constellation. The handbook’s reasoning denotes a certain blind belief in the formability of the world through a series of measures that can shape the future. Its credibility, however, is critically undermined by the authors’ naïve views on global power relations. The authors believe in a world in which everything is feasible and they have answers to every possible human problem. The handbook suffers from a lack of modesty and instead surrenders to a blind conviction in the otherwise laudable goal of genocide prevention. Most of all, the authors also turn a blind eye to the politics of a *MARO* itself. Will not such a phenomenon become the object of political manipulation? And what if American forces are the ones committing the atrocities?

Nothing epitomizes this intransigence better than the last scenario described in *MARO*, “Defeat the Perpetrator.” Under this heading, the handbook actually includes the reference “Iraq 2003 model.” With the 106,035 civilian deaths in Iraq in mind,¹⁶ one can hardly be surprised that the US army has produced a report this credulous. Surely its annual budget of more than \$660 billion could be spent in a more prudent way. All in all, the handbook fails to understand that in the international state system states are allied and profoundly interconnected to each other through a series of economic, political, and security interests. Intervention into the interests of one state means manipulation or influence of other states’ interests as well. The simplistic thought processes deployed in this handbook fail to convince this reader of its usefulness in an intervention in a genocidal process.

Notes

1. For three recent volumes taking stock of the state of affairs in the research field, see Dan Stone, ed., *The Historiography of Genocide* (Basingstoke: Palgrave Macmillan, 2008); Samuel Totten and Paul R. Bartrop, eds., *The Genocide Studies Reader* (New York:

- Routledge, 2009); Donald Bloxham and A. Dirk Moses, eds., *Oxford Handbook of Genocide Studies* (Oxford: Oxford University Press, 2010).
2. Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard Kennedy School / Carr Centre for Human Rights Policy, 2010), 47; emphasis added. Subsequent references appear parenthetically in the text.
 3. See, for example, Uğur Ümit Üngör, “Diyarbakir (1915–1916): Young Turk Mass Killings at the Provincial Level,” *Online Encyclopedia of Mass Violence*, 25 March 2009, <http://www.massviolence.org/The-genocidal-process-in-the-southeastern-Ottoman-province>.
 4. Alex Alvarez, “Militias and Genocide,” *War Crimes, Genocide, and Crimes against Humanity* 2 (2006): 1–33.
 5. Amnesty International, “*Justice, Justice: The July 2009 Protests in Xinjiang, China* (London: Amnesty International Publications, 2010), 20.
 6. Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2004), 520.
 7. Richard Goldstone, *Report of the United Nations Fact-Finding Mission on the Gaza Conflict* (New York: United Nations General Assembly, 2009).
 8. See the excellent discussion in Michael L. Gross, *Moral Dilemmas of Modern War: Torture, Assassination, and Blackmail in an Age of Asymmetric Conflict* (Cambridge: Cambridge University Press, 2010), 253–63.
 9. Vicken Cheterian, *War and Peace in the Caucasus: Ethnic Conflict and the New Geopolitics* (London: Hurst, 2008), 222–33.
 10. Emma Gilligan, *Terror in Chechnya: Russia and the Tragedy of Civilians in War* (Princeton, NJ: Princeton University Press, 2009), 1.
 11. Norman Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, MA: Harvard University Press, 2002), 107.
 12. Vladimir Putin (speech, Federal Security Service, Moscow, February 7, 2006), quoted in “Putin Accuses NGOs of Being Unscrupulous about Their Funding,” *Kyiv Post*, 7 February 2006, <http://www.kyivpost.com/news/world/detail/23826/>.
 13. Mann, *The Dark Side of Democracy*, 526.
 14. Arthur C. Helton, *The Price of Indifference: Refugees and Humanitarian Action in the New Century* (Oxford: Oxford University Press, 2002), 284.
 15. Jacques Sémelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (London: Hurst, 2007), 364.
 16. “Iraq Body Count,” accessed 3 August 2010, <http://www.iraqbodycount.org>.

The Good, the Bad, and the Invisible: A Critical Look at the *MARO* Report

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American policy on genocide prevention often reads like a children's story or a screenplay for a Hollywood B-movie. The "bad guys" (the wolves) are committing horrific acts against innocent civilians (the sheep) out of sheer malice and can only be stopped by the "good guys" wearing the uniform of the US Army. The problem is that this approach not only dominates the media, but it has also become popular among academics.

Many well-intentioned Americans, outraged at the human suffering shown on network news broadcasts, call for immediate action to "stop genocide" at any cost. And because of the media's political agenda, this usually means human rights abuses in the Sudan rather than in Colombia or Sri Lanka. However, this "buy now" television marketing of foreign policy is hardly conducive to serious academic discussions of such a complex and contradictory phenomenon as systematic mass murder.

The Rule of Law

Simplistic calls for trigger-happy intervention in "genocide hotspots" ignore the fact that America too is bound by the rule of law. Ever since the first moral codes were developed by the Ancient Egyptians, Hebrews, and Babylonians, the primary purpose of law has been to repress or control our innate capacity for evil so that we can live together in peaceful communities. Similarly, modern international law, which began as an attempt to safeguard territorial sovereignty in the seventeenth century in Europe, has developed into a complex set of constraints to prevent us from harming others.

True, there have been attempts in the past to create a form of "enemy criminal law." The logic of such legislation is simple: those who fail in their duties as citizens forfeit their rights as citizens and can be treated as enemies. We need only define someone as a bad guy in order to place him or her beyond the law and give free rein to our worst impulses. Legislation of this kind has a long history in Europe where it has been used, among other things, to legitimate the Nazi genocide.

According to the West, in particular the United States, during the Cold War period the bad guys were the Communists in the East. Behind the Iron Curtain lurked the Red Menace and beyond that the Yellow Peril. Once the Cold War was over, this division of the world into capitalist (good guys) and Marxist (bad guys) was no longer sustainable. However, there has been renewed interest in enemy criminal law in the wake of 9/11. For example, the concept of "illegal enemy combatants" as developed recently by the Bush administration has allowed a stigmatized and dehumanized enemy to be imprisoned and tortured without trial, habeas corpus rights, or due process of law.

Down the Slippery Slope

Equally serious is the fact that the same massive and systematic human rights violations that were ignored during the Cold War era because they supposedly helped to defeat the common enemy are being used as an excuse for a new model of intervention in the twenty-first century. An insidious logic links Samantha Power's criticism of the United Nations and the US government for failing to "prevent genocide"¹ to the Responsibility to Protect (a US responsibility, of course) and, from there, to the explicit modes of intervention laid out in the *Mass Atrocity Response Operations (MARO)* Report, a technical operations manual for US military intervention to prevent mass atrocities.

The Responsibility to Protect, together with a distinctly American interpretation of the concept, is mentioned explicitly in the opening pages of the report:

The MARO Project has emerged in parallel with growing consensus around the international norm of the "responsibility to protect" (R2P). The R2P concept was introduced in the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS), which shifted the discussion away from the debate about whether a state had the right to intervene to save civilians at risk and toward the formulation of a state's "responsibility to protect" global citizens.²

On the next page, the report defines the roles assigned to the international community:

The UN General Assembly has articulated a requisite Security Council process for international decision-making about the use of military force in R2P situations. The MARO Project, as such, is agnostic about the politics; the concepts and tools we are developing can be used in an R2P case, in a "humanitarian intervention," or whenever national leadership decides it needs to conduct a MARO. (12–13)

But whoa! Hold your horses. . . . Who decides that an atrocity crime is taking place somewhere on the planet? Which international body is ultimately responsible for these military interventions to stop genocide? And how do we ensure that intervention does not bring about more deaths than it is intended to prevent? How do we prevent a rerun of Iraq or even Kosovo, to mention just two examples from the report?

These are not merely academic questions. US intelligence reports about weapons of mass destruction (WMD) in Iraq led to a unilateral intervention that has cost tens of thousands of civilian lives. Unconfirmed reports put the figure as high as several hundred thousand. On the other hand, Carne Ross, the former first secretary at the United Kingdom's mission to the United Nations, told the Chilcot inquiry in July 2010 that there was no "'significant intelligence' to support claims that Saddam Hussein had amassed an arsenal of deadly weapons" and that "Britain was taken to war in Iraq on the basis of 'lies,' scaremongering and deliberate exaggeration."³ Why then should we assume that reports of mass atrocities will be any more reliable?

It is disturbing, to say the least, that *MARO* seems to give the US government a free hand to intervene anywhere in the world without the need for regional or international agreements. It is also disappointing that the report focuses only on the "willingness to act" without taking into account what is known about policies of extermination and the origin and nature of evil in the world.

Milgram, Evil, and Obedience

Most readers of this journal will be familiar with Stanley Milgram's 1963 experiments on obedience.⁴ Briefly, subjects were told to give what they believed to be

electric shocks to a “learner” (in fact, a paid actor) for nothing worse than failing to memorize a list of word pairs. They were asked to increase the voltage by 15 volts for each wrong answer. Even though the victim began to scream and displayed apparent signs of pain at the 150-volt level, two thirds of the subjects were persuaded to administer a massive 450-volt electric shock and only one third refused to administer shocks between the 150- and 300-volt levels.

The important thing about these experiments is that Milgram’s subjects were ordinary Americans—professional people, technicians, housewives, teachers, and students. The experiments were designed to see if the subjects would obey immoral orders as many ordinary Germans had done under the Nazis. Of course, the usual objection to Milgram’s results (apart from ethical considerations) is that the world has changed since 1963. However, Jerry Burger’s 2006 partial replication of the experiments found obedience rates almost identical to those found by Milgram.⁵

This is a reminder, if one is needed, that Americans are as human as the rest of the world’s populations and that the United States is just another community within the international arena. The fact that most of us can be persuaded to torture another human being for no good reason should make us more cautious about unilateral military intervention. How do we ensure, for example, that new Abu Ghraibs or Guantánamos do not spring up all over the occupied territories? The risk seems especially high in Africa, which is portrayed in the report as a veritable breeding ground for genocide.

The Limitations of Binary Logic

The MARO Handbook’s 161 pages are packed with hard-to-decode acronyms describing how to reduce American casualties in various military interventions to stop atrocities. But there is little advice on how to limit “enemy” civilian casualties. Pages 70 to 87 describe seven different military intervention strategies: saturation, oil spot, separation, safe areas, partner enabling, containment, defeat perpetrators. In the section on containment there is one brief paragraph about the possibility of “collateral damage” from the indiscriminate shelling of the areas under the control of the “aggressor nation” (68). But collateral damage here refers primarily to third-party populations and victims of the aggressor state. The report seems to assume that civilians of a state that violates human rights are automatically accessories to these crimes and so their deaths are of no importance.

These oversights are inevitable if we reduce our prevention model to how to get the good guys to have the political will to neutralize the bad guys. The report’s implicit Manichaeistic worldview makes too many assumptions that are never named or addressed:

1. There is only one way to detect mass atrocities worldwide; this method is reliable and would never be distorted to justify a military attack for any other purpose (e.g., to overthrow an anti-American regime, to control natural resources such as water or oil, or to control a vital geopolitical territory).
2. Mass atrocities tend to be one-sided with a perpetrator population that either commits or supports genocide and a victim population that is helpless.
3. These atrocities can be prevented by the use of military force. It is enough to defeat the perpetrators in order to liberate the victims—a classic Hollywood happy ending.

But not only Hollywood is to blame for these simplistic views. The report reflects the growing trivialization of genocide since the term was coined nearly seventy years

ago. A simplistic model has emerged that requires each case of genocide to have one and only one victim and one and only one perpetrator. Victims, perpetrators, and accomplices that do not fit the model are ignored or rendered invisible.

For example, the Holocaust is often reduced to the persecution of Jews by Germans under the Nazis. Little attention is given to the other victims of Nazism—3 million non-Jewish Poles, 3.3 to 3.5 million Russian prisoners of war, and hundreds of thousands Sinti and Roma. Even less attention is given to the hundreds of thousands of *German* victims, including not only Jews, Sinti, and Roma but also political dissidents, Jehovah's Witnesses, homosexuals, the unemployed, and the handicapped. The Austrians, Croatians, Hungarians, French, Latvians, Lithuanians, Poles, and Romanians who also killed and tortured are forgotten.

In the same way, genocide scholars tend to focus on the massacre of Armenians between 1915 and 1923, ignoring the large numbers of Greek and Syrian Christians who were also murdered by the Young Turk Ittihadist party during the same period. More recently, oblivion has befallen the Hutu moderates killed in the Rwandan genocide in which Hutu militias mainly targeted Tutsis. However, the complex system of interrelated conflicts in the former Yugoslavia has proven impossible to explain away using a banal dualism of “goodies” and “baddies,” even if the Serbs could play the role of the bad guys. Attempts to label the current conflicts in the Sudan in terms of Arab Muslims against black Christians have similarly turned out to be oversimplified. Most of the groups involved are Muslim *and* black and define themselves as Arab.

All of this is not to say that the report's recommendations might not be of use to international organizations—and I stress the word *international*—where mass atrocities really are being committed by bad guys against good guys. But most conflicts are more complicated than the CNN would have us believe.

Counterinsurgency Doctrine: A Blast from the Past

One good thing about *MARO* is that it makes no bones about where it is coming from. Its authors took part in the US invasion of Iraq and the opening paragraphs make it clear that this is their model for “intervention.” Describing the origins of the project, the report states:

The US military has long focused on preparation for major conventional operations, rather than preparing for other types of military operations. As it struggled with counterinsurgencies in Afghanistan and Iraq, the United States military realized that preparation for conventional warfare was inadequate for some other military challenges. MAROs also generate such unique requirements. (5)

A few pages later, the report describes the role played by counterinsurgency doctrine in designing different forms of intervention:

Counterinsurgency (COIN) has some aspects that are similar to those of mass atrocity response. COIN also prominently features the civilian, along with insurgents and local and/or foreign counterinsurgents. Insurgent and counterinsurgent forces compete for civilian loyalties using positive (protection/assistance) and negative (threats/violence) actions, and some civilians will be allied more closely with the competing groups. (25)

This comparison is an interesting one. Throughout the Cold War, French and then American counterinsurgency doctrines brought terror to Latin America, Indonesia, Vietnam, and parts of Africa and Southeast Asia. They led to hundreds of thousands

of deaths in political, ethnonational, and religious genocides. Now, the same techniques designed to commit those crimes are thought suitable to prevent them.

The really frightening thing about this golden oldie remake, however, is that non-victimized civilians no longer deserve protection: “in COIN, all civilian protection is instrumental and relevant to the sides’ competition for legitimacy. In a MARO, protection of civilians victimized by perpetrators is the core objective of the mission” (25). This is the enemy criminal law doctrine mentioned earlier. In Hollywood it is cheaper these days to use computer animation than to shoot hundreds of extras.

UNASUR and the Crises in Bolivia, Honduras, and Ecuador

To their credit, supporters of military intervention argue that we cannot simply stand by and do nothing while atrocity crimes are being committed. But again, this is binary thinking. I wish now to consider a case study which shows that other options exist.

During the Cold War era, Latin America was ravaged by military dictatorships supported directly or indirectly by the US State Department. Since then, countries in the region have embarked on a process of political empowerment and regional reorganization. One of the institutions to emerge from this process is the Union of South American Nations (UNASUR), which is made up of twelve Latin American nations. Strangely, UNASUR is never mentioned in the MARO report, which refers to only one regional institution: the African Union.

Nevertheless, since the UNASUR Constitutive Treaty was signed on May 23, 2008, UNASUR has helped three countries in the region that have suffered attempted coups: Bolivia (2008), Honduras (2009), and Ecuador (2010). In each case there was a major crisis with the strong potential to trigger atrocity crimes.

The Bolivian crisis commenced in September 2008 with the massacre of poor *campesinos* by right-wing militias acting on the orders of the governor of Pando, the country’s northernmost province. The US Embassy in Bolivia not only failed to condemn the attempted coup—technically, a civic coup as the armed forces were not involved—but seemed to actively support it. However, a swift diplomatic response by UNASUR prevented the coup from spreading.

Officials from several Latin American countries traveled to Bolivia to show support for Evo Morales and persuade his democratically elected government to ignore calls for revenge from the Bolivian indigenous movement. Instead, a commission of inquiry was set up to look into the Pando massacre and advise on appropriate sentencing. The situation in Bolivia remains tense and is monitored each month. However, there have been no new crimes or attempts to overthrow the government.

The Honduran crisis started when President Manuel Zelaya was ousted by a military coup in June 2009. Zelaya was expelled from Honduras, but he returned and took refuge in the Brazilian embassy, where he was granted political asylum. The response from UNASUR and OAS (the Organization of American States) members was immediate: they refused to recognize the military government and instead called for the deposed president to be reinstated and for a democratic commission to investigate crimes committed by the rebels.

The new Obama administration initially agreed to the UNASUR and OAS initiative but later recognized the government that emerged from a rigged election called by the rebels in November 2009. Unfortunately, Honduras is one of the poorest countries in Latin America and, unlike Bolivia and Ecuador, it depends heavily on trade with the United States instead of trade with UNASUR members. So, Manuel Zelaya

never returned to power and the killing of journalists and political activists has continued under the “elected” government.

Finally, the Ecuadorean crisis began in September 2010 when riot police kidnapped and threatened to kill President Rafael Correa. On the same day, presidents of UNASUR countries met in Buenos Aires, declared the coup illegal, and sent their foreign ministers to Quito to defend the deposed president with the threat of sanctions if necessary. Arguably, the coup was just a well-planned mutiny since no leaders came forward to proclaim a new government. However, UNASUR’s rapid condemnation almost certainly played an important role in persuading Ecuador’s armed forces to intervene and free Correa, restoring institutional stability to the country.

To Thy Own Self Be True

Of course, this is not the only form of intervention possible and once atrocities are being committed, diplomatic efforts and verbal condemnations may not be enough to stop them. Stronger interventions, including the use of military force, might be necessary. However, because of the enormous risks involved in peacekeeping missions, including the possibility that the conflict will escalate, the decision to intervene militarily should never be made by just one nation, not even the United States. Only regional organizations have the legitimacy and authority to make such decisions.

If we accept this principle, then some of the techniques suggested in the report might actually work as long as there are thorough checks to prevent the sort of human rights abuses and collateral damage we have seen in Iraq. However, we should remember that some conflicts have been raging for centuries and that a peaceful solution to a conflict has a greater chance of being a lasting one. Quick and easy answers may satisfy our moral outrage, but in the long run they lead to greater suffering.

Let us also remember that we, as scholars, have a responsibility not to deny or distort the concepts that have developed over decades of fighting for the victims of gross and systematic violations of human rights. To borrow a line from the American actor and humorist, Will Rogers, “There’s only one thing that can kill the movies, and that’s education.”

Welcome to reality.

Notes

1. Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Basic Books, 2002).
2. Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard Kennedy School / Carr Centre for Human Rights Policy, 2010), 11. Subsequent references appear parenthetically in the text.
3. Nigel Morris, “WMD Claims Were Lies Says Former Envoy,” *The Independent*, 12 July 2010, <http://www.independent.co.uk/news/uk/politics/wmd-claims-were-lies-says-former-envoy-2024868.html>.
4. Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: Harper and Row, 1974).
5. Jerry M. Burger, “Replicating Milgram: Would People Still Obey Today?,” *American Psychologist* 64, no. 1 (2009): 1–11.

Critical Reflections on *MARO*: The View from Argentina

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Introduction

The following commentary aims to analyze the main characteristics of intervention described in *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* and to also provide a legal and historical context in which to address that work. In other words, we believe that in order for the inner value of *MARO* to be assessed, the handbook should be contextualized with the history of American intervention and several aspects of international law.

First, it is important to provide the context in which this article was produced. On the one hand, we promote interdisciplinary work, especially work on law and history, since it enriches perspectives, contributions, and opinions. On the other hand, because we are from Argentina we might offer a different perspective on intervention operations in general and on MAROs in particular. That is to say, living in and being part of a developing region give us the opportunity to offer different opinions on intervention practices. It is also necessary to make it clear that because our professional training is not of a military nature we are not able to provide an in-depth analysis of the action plan described in *MARO*, particularly regarding the operative aspects that were formulated by military strategy experts. These limitations, however, do not push us away from our objective; rather, they bring us closer to it. This commentary does not intend to provide instructions on how to conduct a military operation in cases of massive crimes; rather, it intends to investigate whether a MARO constitutes an ethical and moral option and whether it is the best practical way to avoid, prevent, and control crimes against humanity (such as genocides, massacres, and war crimes). Although *MARO* intends to describe the military actions to be taken in cases of massive crimes, there is a lack of introspective and self-reflexive analysis of American interventions in the handbook along with a unilateral view, created by US military forces, of the operating methods in these situations. Both of these aspects compel us to combine a historical perspective with a legal one in our consideration of *MARO*.

Taking into account the observations made above, we divided this commentary into three sections and a final conclusion. In the following section we provide a short analysis of different American military interventions, focusing on the way they unfold in the intervention regions. The second section deals with intervention and considers the legal contributions and change in paradigm after the dissolution of the Soviet Union. The last section concentrates on the concept of a MARO, providing

a critical analysis of the contents of the book in question, especially of the role of international organizations and local agencies. Apart from reconsidering action plans and interventions in cases of mass crimes against civil society for future discussions, we discuss the controversy that surrounds this issue.

A Short History of American Interventions

The United States is the country that has intervened most often in the affairs of other states in the world. Those interventions were responses, in general terms, to interests related to external policies and/or economic interests over the affected nation.

The purpose of this section is to place *MARO* into a historical context. By doing so, we may find that *MARO* has hidden intentions under its pragmatic proposal to provide instructions on “how” to militarily intervene in cases of massive crimes against a civil society.

We can go back in history to the year 1916 as the starting point of this issue. Beginning in this year, American military forces occupied the Dominican Republic for eight years because it got into arrears with a loan. The formal declaration stated:

Dominican Republic is in a state of military occupations ... and remains submitted to the military government and to the exercise of the military Law applicable to such occupation. This military occupation has not the purpose of destroying Dominican Republic sovereignty, but on the contrary, is intended to help the country to recover the internal order condition, what will be helpful to fulfill provisions stated on the named Convention, and also to comply with all obligations that may correspond as member of Nations Family.... I ask all Dominican citizens ... to cooperate with US Forces in occupation.¹

After the Second World War, the United States intervened directly in more than eighty countries (this figure includes cases of joint and unilateral interventions). Most of these interventions were linked to the Cold War against USSR Communism. As examples we can mention interventions like the Chinese Civil War (1945–1949), interventions in Italy (1947–1948), Greece (1947–1949; 1964–1974), Philippines, Korea, Iran (together with England in 1953), Guatemala (1953–1990), Vietnam (1950–1973), Cambodia (1955–1973), Congo/Zaire (1960–1965), Indonesia (1965), Nicaragua (1978–1979), Granada (1979–1984), El Salvador (1980–1992), Haiti (1987–1994). Notably, we are not taking into consideration indirect interventions that, just to give an example, provided support (i.e., military intelligence) to several leaders that governed in Latin America during different military dictatorships.

Looking back to the history of interventions, especially in the areas of Latin America, Africa, and the Middle East, should call the attention of *MARO*'s authors to the nature of intervention and its historical effects. It can be stated that the current situation is different from that in the time of the Cold War, but the traumatic effects of interventions do not disappear with time and can be used against American forces. In other words, as professionals trained in Argentina, we wonder why it is that the *MARO* project would have better results in preventing, controlling, and stabilizing countries where massive crimes against civil society are committed and if such would indeed be the case. The answer is open to the (dis)trust that the United States inspires in peripheral countries. *MARO* does not take into account historical characteristics of each country, and even if the project centers its efforts on the analysis of the nation in which the intervention is to occur and even if assistance to the transition government is part of its stabilizing practice (55–58),

it nevertheless subsumes the role that the intervened nation adopts into its own operating power.

Legal Aspects of Intervention

The Difference between “Humanitarian Intervention” and “Humanitarian Action”

Within the framework of Public International Law there exists a substantial distinction between the concept of “humanitarian intervention” and that of “humanitarian action.” Even if we can distinguish between two fundamental approaches within this topic, such as International Law of Human Rights and International Humanitarian Law, both seem to come together when dealing with issues related to intervention. What is important to underline is that “intervention” is in general a broader concept than the concept of humanitarian military intervention since the latter refers strictly to direct and exclusive armed action. Meanwhile, when we talk about humanitarian action in a strictly judicial sense, we refer to the actions considered by International Humanitarian Law as assistance law that can guide organizations like the International Red Cross. On the other hand, a clear example of humanitarian military intervention is the case of NATO’s intervention in Kosovo.

Humanitarian military intervention and humanitarian action are similar in that they are both used as *ultima ratio*, that is to say, when there are no other ways of solving the consequences of a conflict.

It is important to highlight the internal contradiction between the use of forces and the humanitarian motive. The exercise of military force can never constitute a humanitarian act, even when it uses humanitarian discourse to justify its repressive action.

Thus, from a juridical point of view as well as that of the conceptual principles of Public International Law, a humanitarian intervention may constitute an exception to the three most consolidated principles of international law: (1) state sovereignty; (2) the principle that one state should not intervene in the internal issues of other states; and (3) the prohibition of the use of armed forces.²

These three principles constitute the basic pillar of international relations and they are stated in the United Nations Charter. The Charter does not refer explicitly to humanitarian intervention, but in regards to the use of force the Charter provides the Security Council with the option to adopt two types of measures, which are outlined in Chapter VII, particularly in Articles 41 and 42 of the Charter.³ Article 41 specifies the measures that can be applied without armed forces (such as the complete or partial interruption of communications, economic activities, or diplomatic relationships), and Article 42 describes the measures that can be used involving the participation of armed forces and states (such as demonstrations, blockades, and military operations such as those in Somalia, the former Yugoslavia, and so forth).

After the dissolution of the Soviet Union and the development of a globalized world, the idea of humanitarian military intervention, including in some cases unilateral military intervention, was put into practice in several cases such as Somalia (1992–1995), Bosnia and Herzegovina (1992–1995), Rwanda (1994), Sierra Leone (1997–1999), Kosovo (1996–1999), Liberia (1999–2003), and the Congo (1998–present).

Taking into consideration the elements stated above raises questions about the effect of intervention on state sovereignty.

The Responsibility to Protect (R2P) and the MARO Project versus State Sovereignty

The increasing importance of humanitarian military intervention and the potential risk of this principle becoming an international practice that may threaten state sovereignty are publicly debated.

The type of interventions mentioned above occurred within the dissolution of the Soviet Union and the deepening neoliberal policies of the capitalist system and its political consequences, especially these consequences as they relate to the principle of state sovereignty at all levels.

Discussions about intervention in cases of humanitarian crises may find their starting point in the famous phrase of a former United Nations General Secretary, Koffi Annan: "... if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity?"⁴

After the debate generated by this issue, Canada was the head office of the International Commission on Intervention and State Sovereignty (ICISS) where two main basic principles were defined in order to justify the doctrine of Responsibility to Project (R2P)⁵: first, state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself, and second, when a population is suffering serious 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.

Even though the MARO project states that it does not defend military intervention and that its action field is confined to cases of extreme need, like cases of genocides and mass killings, the R2P doctrine is the basis of its ideological support.

The document outlined by ICISS represents a "before and after" in the conception of state sovereignty and military intervention as it tries to create a new vocabulary by which to define antique practices and justify the change of paradigm towards a global world which would include a project such as *MARO* as an operative tool but restricted to extreme cases.

R2P and the MARO project are perfect expressions of global strategies of unilateral action for military intervention. Proof of this became evident, for the first time, when NATO bombed Serbia's position in Kosovo after approving the New Strategic Concept in April 1999.

The New Strategic Concept redefined NATO's future objectives, methodology, and scope of action. The main way in which NATO was transformed was in its move from defensive objectives to the assumption of the essential mission of defending security and democratic values within and outside its boundaries, a mission that includes a struggle against genocide, terrorism, and the elimination of weapons of mass destruction. Further, tensions existing between the development of R2P and principles of state sovereignty can be understood under the New Strategic Concept which allowed NATO to retain its right to act without the formal authorization of the United Nations Security Council provided that its actions respect the Organic Charter or the Council Resolutions. In this way, NATO obtained *its own unilateral humanitarian intervention right* disregarding all emerging principles of the United Nations Charter which stipulated that regional organizations should not apply any coercive measure without the consent of the Security Council.

All of the changes mentioned occurred after the end of the Cold War as the United States emerged as a dominant world power. As an example, we can recall that it acted above the United Nations in the case of the “preventative attack” of Iraq.

As a conclusion, we can observe that the role played by the United Nations became of secondary importance in the world despite the end of the Cold War and the dissolution of the absolute principle of state sovereignty.

In relation to this last point, the concept of national sovereignty raises another issue. Although various states guarantee that they will observe the principles of international law and human rights protection, most states are increasingly inclined toward the consolidation of a globalized system in which transnational economic power operates by means of supranational organizations like the World Trade Organization, World Bank, and International Monetary Fund. The classic concept of nation-state as it was understood at the moment when the United Nations Charter was approved in 1946 is no longer valid.

The authority of the United Nations is fundamental in order to avoid the consolidation of a power axis capable of intervening unilaterally in sovereign states either under the doctrine of R2P or within a MARO framework. However, the United Nations Security Council is under the domain of the same powers that retain unilateral intervention capability, a paradox that presents a situation with little space of action. It is time to rebuild and strengthen the United Nations in order to allow for a plurality of voices and especially to allow the voices of those weak states that face the potential risk of genocide and massive violations of human rights to be heard.

Acting outside of the framework of international law can contribute to the discredit of legal entities; eventually, subjects of international law may be deprived of judicial protection and, instead, the unilateral decisions of powerful states can come to dominate the international arena.

Shoot MARO Heart: The Utility of Unilateral Intervention Practice⁶

MARO is presented as a potential military doctrine for the use of American armed forces in cases of massive human rights violations. What the handbook’s authors consider its key virtue is actually a fallacy: *MARO* does not question whether an intervention should take place, but only “how” to intervene.⁷ Certainly, in situations of extreme violence over a civil society in which the rate of massive killings multiplies at a rapid pace, and especially in cases when states’ governments are involved as perpetrators of violence, wondering whether to intervene or not to intervene can be a useless question, as cases such as those of Rwanda, Darfur, and Kosovo evidenced. However, it is also dangerous to assume that it is necessary to intervene unilaterally in regions that historically and culturally differ from the American egocentric thinking and/or consider American military action as an imperialistic advance over the self-determination of nations. Like many other American humanitarian organizations, they ask for military intervention in regions in which massive crimes occur (13). Other humanitarian NGOs, however, disagree with the American army assuming for itself the role of democracy’s spokesperson.

The fundamental questions in order to determine if a MARO is legally accepted by nations and societies are, first, questions about who should intervene. Once this is established, we can then wonder how to intervene. The unilateral intervention of the United States and its allies, such as NATO, cannot be considered as a humanitarian practice but as a hegemonic expansion over states with less democratic stability.

Again, we can go over the analysis of the discord between MARO discourse and the real interest of American interventions in the world. Following this question, a MARO organization chart (58) proposes that the United States becomes the potential figure of a Military Allied Committee. The real hierarchical relationship between international and local allies is confined to coordination spaces.

It is perhaps unnecessary to specify that we are skeptical of the MARO project. However, in regards to intervention, both the role of the United States and that of the nations involved directly or indirectly in crimes against humanity or genocide need to be considered.

We believe that it is necessary to stay away from hypocritical speeches that talk about nations' need of Democracy and Freedom to operate with legitimacy in order to guarantee the protection of inhabitants within their borders and to provide diversity of thinking and actions outside of their boundaries by means of the United Nations.

We think it is necessary to direct attention to new intervention locations. In other words, intervention is not only necessary in areas that are destroyed by genocides and in suffering countries; rather, intervention is also necessary where the material tools used to perform mass killings and genocides (weapons, soldiers) are being manufactured, even if intervening involves dealing with a world-wide, multi-million-dollar business. In conclusion, it is time to start considering how many and what types of intervention are necessary. It is time to understand that massacres in a distant place may have responsible actors in the industries of the central countries.

Notes

1. Harry S. Knapp, *American Proclamation of Intervention*, 29 November 1916, quoted in "La justicia durante la intervención norteamericana" [Justice during the American Intervention], trans. Federico Gaitan Hairabedian and Alexis Papazian, http://suprema.gov.do/PDF_2/publicaciones/libros/historia_poder_judicial/Capitulo_XII.pdf.
2. Luis A. Podestá Costa and José María Ruda. *Derecho Internacional Público* [Public International Law] (Buenos Aires: Tipográfica Editora Argentina, 2000).
3. Article 41 of the Charter states: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." Article 42 continues, "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," *Charter of the United Nations*, art. 41–42, <http://www.un.org/en/documents/charter/chapter7.shtml>.
4. At the United Nations General Assembly, Secretary-General Kofi Annan asked, "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity?" Quoted in Gareth Evans and Mohamed Sahnoun, Co-Chairs, *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty*, (Ottawa, ON: International Development Research Centre, December 2001), vii.
5. The ICISS report states, "Our mandate was generally to build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty;

more specifically, it was to try to develop a global political consensus on how to move from polemics—and often paralysis—towards action within the international system, particularly through the United Nations.” Evans and Sahnoun, *The Responsibility to Protect*, vii.

6. By “unilateral actions,” we mean those not taken within the nations represented at an international level by United Nations.
7. Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard Kennedy School / Carr Centre for Human Rights Policy, 2010), 5, 6, 12, 14, 52, 54. Subsequent references appear parenthetically in the text.

MARO as the Partial Operationalization of R2P

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Introduction

The authors of *MARO: Mass Atrocity Response Operations; A Military Planning Handbook*, Sarah Sewall, Dwight Raymond, and Sally Chin, emphasize more than once in their proposed manual that while MARO is not currently US military doctrine “it should be.” Clearly favoring the idea that the US military should be prepared to carry out missions other than traditional warfare and counter-terrorism, *MARO*’s authors give us a reasonably solid first crack at how military force might be profitably used to deter and stop genocide and other atrocities. Although the authors contend, correctly, that the MARO project is different from many elements of the Responsibility to Protect (R2P) doctrine, the rationale for and content of the handbook are in fact grounded firmly in R2P’s overarching principle of protecting populations at risk of serious harm. It is more accurate to say that *MARO*, while not the operationalization of all of the R2P doctrine, is the operationalization of one specific aspect of R2P: the responsibility to react through military intervention.

While the step from principle to planning is an important and worthwhile exercise, we should not assume that this step will necessarily lead to effective intervention when the world is confronted with mass atrocities in the future. Instead, *MARO* simply offers a preliminary blueprint for how the United States and other would-be coalition forces could carry out different kinds of humanitarian missions to stop or deter atrocity crimes should they be asked to do so by their political masters. And the latter, of course, is the rub. Without the political will to live up to their international responsibility to protect, the United States and other governments will not assign to their armed forces the mission of saving lives in distant places, thus leaving the prospects for effective intervention and prevention as uncertain as ever. In the most optimistic but unlikely scenario, the adoption of the MARO project or something like it into US military doctrine might serve to embolden political leaders to sanction humanitarian military missions. With a plan in the drawer, so to speak, political leaders might feel more confident that they can use military force to protect vulnerable populations since they would have a set of options for how to use that force effectively available to them from the start. Having this capability may in turn reduce the fear of failure or of being drawn into a humanitarian quagmire.

Whether or not MARO will become US military doctrine or serve to deter and stop atrocities, the handbook is worthy of serious consideration. The present commentary will begin by briefly suggesting that *MARO* is the operationalization of some of the principles underpinning military intervention formulated in the R2P doctrine and then discuss the degree to which Sewall, Raymond, and Chin have succeeded in this task. On the positive side, they have produced a nuanced document that takes into consideration many of the complexities of mass atrocity crises includ-

ing the differing and at times competing roles of the various actors involved in such crises and their possible resolution, the complexity of different kinds of humanitarian military operations, the possibility of reversals, and the likelihood that MAROs will not always be perceived in the same way in the United States, in the area of operations, and internationally. Given the clear-eyed view with which the authors have considered much of what would be required for humanitarian military missions, the weakness of the proposed handbook is essentially a failure to extend that critical capacity to a few key omissions and assumptions. These include the historical lack of enthusiasm for US military cooperation with the United Nations and other forces and peacekeeping or peace enforcement operations in general, a lack of adequate consideration for exactly how coalition forces might work together, insufficient concern over the ability to collect accurate intelligence and appropriately analyze that intelligence, and a perhaps unwarranted assumption that the US military, powerful though it may be, will always be successful on the battlefield.

MARO and R2P

In establishing the need for mass atrocity response planning and operations, the authors argue that MARO is closely related to but qualitatively different from R2P in a few key respects: *MARO*'s focus on the use of military force after the killing has begun rather than a constellation of diplomatic, economic, and other approaches referred to in R2P doctrine; an emphasis on preparing the US military specifically for MAROs rather than advocating, as the R2P does, that international military force should be deployed to counter atrocity crimes; and an "agnostic" view of the politics of how the US military would come to engage in a MARO rather than R2P's requirement that the use of military force be sanctioned by the United Nations Security Council.¹ In short, *MARO* concentrates, as the authors tell us, on "how" to use military force, rather than on "whether."

Despite the evident differences between *MARO* and R2P, the expressed need for MARO planning by the US or other military forces seems to be at the very least indirectly influenced by the central principles of R2P. In defining the international community's responsibility to protect, the International Commission on International and State Sovereignty (ICISS) argued that while the responsibility to protect a given population lies "first and foremost" with the state which controls that population, there is a "residual responsibility" shared by all states in the international system.² This residual responsibility, the ICISS continues, is triggered "when a particular state is clearly either unwilling or unable to fulfill its responsibility to protect or is itself the actual perpetrator of crimes or atrocities, or where people living outside a particular state are directly threatened by actions taking place there." Further, "the substance of the responsibility to protect is the provision of life-supporting protection and assistance to populations at risk." The responsibility to protect is said to be composed of three separate sub responsibilities: to react, prevent, and rebuild. The forward to *MARO* begins by noting that the "MARO project seeks to enable the United States and the international community to stop genocide and mass atrocity" and that it is based on the "insight that the failure to act in the face of mass killings of civilians is not simply a function of political will or legal authority" but also a "lack of thinking about how military force might respond" (5). Although no reference is made in this passage directly to R2P's constituent responsibilities, we can see oblique references to the responsibility to react in the suggestion that MARO planning would enable the United States and others to stop genocide and that lack of such planning has led to the failure to act in the past. Sewall, Raymond, and Chin

continue by suggesting that not only does planning for MAROs allow for more effective military responses, but the ability to use military force effectively to stop atrocities may “help strengthen deterrence of would be perpetrators” (i.e., the responsibility to prevent [5]). In a later section in which the authors outline different kinds of MARO missions, the most interventionist scenario ends with proposals for the restoration of security and proper local governance (i.e., the responsibility to rebuild [70–87]).

Similarly, although *MARO* does not overtly refer to the six principles governing military intervention set out in R2P (right authority, just cause, right intention, last resort, proportional means, and reasonable prospect),³ there are hints that MAROs should be designed to conform to at least some of these principles. For example, that the purpose of a MARO is to stop mass atrocities once the killing has begun or is imminent suggests just cause to safeguard or save populations that are either at risk or already the targets of mass atrocities. The insistence that MAROs are distinct from other kinds of military operations because they are strictly for the purpose of assisting targeted populations sounds a lot like right intention, despite the very real possibility that perpetrators of atrocity crimes and some elements of the international community will see MAROs, particularly if conducted by the US military, as illegitimate violations of another state’s sovereignty.

Finally, even though *MARO*’s authors claim that MAROs do not involve non-military methods of preventing and stopping mass atrocities, the handbook nonetheless devotes a section to Flexible Deterrent Options (FDOs). The concentration is, appropriately, on a sliding scale of military FDOs from heightening the alert status of designated units to increasing surveillance activity and repositioning military assets in the region, and to establishing no-fly zones, for example (67–68). But there is an acknowledgment that military commanders will need to be mindful of how military FDOs will affect and be affected by non-military diplomatic, informational, and economic FDOs pursued by civilian leaders and departments and the possibility that military FDOs will be used to support non-military FDOs (69). Although not explicit, the notion that non-military FDOs will likely precede military intervention or may require the support of the military in order to, for example, gather intelligence or position forces to make diplomatic threats of the use of force credible seems to suggest a tacit acknowledgement that any MARO will follow R2P’s injunction that the use of military force be a last resort. In short, this and the above examples would seem to suggest that although proposed MARO planning does not follow the letter of all of R2P doctrine, it certainly follows the spirit of central aspects of it.

MARO’s Strength: Acknowledging Complexity

The great strength of the handbook is the authors’ refusal to take the easy route and suggest one simplistic plan for circumstances that are anything but simple in the real world. Instead, the handbook acknowledges throughout that mass atrocity situations, and by extension MARO operations, are highly complex. The handbook, for example, refers at various points to the different kinds of actors involved directly or indirectly in mass atrocity situations and possible MAROs: perpetrators who may be state or non-state actors, victims, interveners such as external military forces as well as UN peacekeepers or regular and irregular forces from neighboring countries, and “other actors” such as uninvolved populations in the country, neighboring populations or leaders, regional organizations (e.g., AU, NATO), UN agencies or political missions, international and local non-governmental organizations (NGOs), and the media—all of these can be categorized as bystanders, “negative influences,” or

“positive influences” depending on their actions (44–49). Although one can argue that regional organizations, UN missions, and NGOs can just as easily be conceptualized as interveners, albeit of a non-military variety, *MARO* nonetheless acknowledges the sheer variety of potential actors involved and, more importantly, it does not assume a static role for these actors. The authors note, for example, that as atrocities and MAROs evolve, victims may become perpetrators, local or regional bystanders—be they civilian or military—may also become perpetrators, and perpetrators may not be deterred by initial non-military or military FDOs and instead calculate that they must move quickly to strike down their targets before it is too late.

Similarly, the handbook recognizes that all of these actors have their own specific, often competing, interests that can shift over time. Importantly, the authors note that competing interests are not only a characteristic of the relationship between adversaries, such as perpetrators and interveners, but also of relationships between those who are on the “same side,” as in the case of intervening military forces and NGOs as the latter usually seek to maintain distance from the former while sharing the goal of assisting the victims. Further, *MARO* also identifies the ways in which actors perceive their own actions as well as the ways in which their actions are perceived by other local actors and members of the international community as variable and often at odds with each other. Sewall, Raymond, and Chin repeatedly caution, for instance, that although the US military and the United States in general may perceive a MARO to be strictly for humanitarian purposes, the use of military force against the perpetrators of atrocity crimes will be seen as adversarial by the perpetrators themselves and possibly as imperialistic by regional and international observers. While the authors do not suggest concrete ways of dealing with such perceptual disconnects, it is crucial that the United States and other coalition forces are aware of the possible problem of differing, often negative perceptions, in order to anticipate how their actions will be received by various audiences and how this reception may affect MARO missions.

The authors also acknowledge complexity by formulating not one but several different MARO scenarios, all of which are identified as possible responses to different kinds of mass atrocity situations and/or force levels available for such operations. Scenarios range from relatively minimal interventions that involve using military assets such as ships, aircraft, and long range surveillance mostly from outside of the country to those that involve the setting up of safe zones in order to safeguard target populations that are geographically concentrated, major operations in which the country is saturated with intervening forces in several locations when the target group is dispersed, and to operations that aim for the complete military defeat of the perpetrators. The problems cited above of competing and changing roles, interpretations, and perceptions are written into each scenario. The relative advantages and disadvantages, the latter of which frequently hinge on what could possibly go wrong, are also addressed, albeit in a rather brief fashion.

MARO’s Weaknesses: Forgetting Complexity

Given the evident ability of the authors of *MARO* to consider how convoluted mass atrocity situations and MAROs are likely to be, it is surprising that some of the most vexing problems that have led the United States and other states to reject MARO-like military interventions in the past are missing from the proposed plan. Admittedly, not all of the missing complexities are of a directly military nature, but they are highly relevant to the process of conceptualizing possible MARO missions

since these missing complexities will directly shape political commitments to MAROs, the availability of resources, and the willingness of the US military to take on and the ability to succeed at such missions.

The first missing element of complexity is a more detailed and explicit recognition that, on the one hand, the US government and military have been reluctant to work closely with the United Nations and forces operating under UN command and, on the other hand, that US forces are unlikely to conduct a MARO unilaterally. Although the US military has operated alongside the United Nations and other coalition forces for humanitarian purposes in the past, especially NATO, *MARO's* authors correctly note the reluctance of American forces to engage in multilateral operations. The authors use this reluctance as a justification for proposing a manual that would be used by the US armed forces regardless of whether a MARO operation is sanctioned by the United Nations Security Council and/or is carried out alongside UN or other international forces. But if the past is any predictor of the future, there is little evidence that the United States will be willing to conduct such a mission alone in response to a mass atrocity situation. Since the end of the Cold War, MARO-like humanitarian military interventions have been multinational coalition operations, usually under some sort of UN mandate. Bosnia, Kosovo, and Somalia for better or worse are all examples. As such, *MARO* should have spent or, to put it more constructively, future iterations of the handbook should spend, much more time setting out exactly how US forces will work alongside international forces.

A second and closely related forgotten complexity is the issue of military culture. The US military sees itself as an institution tasked with protecting and projecting American military power by preparing for traditional warfare and, since the September 2001 attacks, counter-terrorism operations. For *MARO* to have any currency inside the US military, a parallel process of changing military culture to accept MARO missions as a legitimate use of personnel, military assets, planning, and training will be necessary. Without this kind of shift in military culture starting from senior commanders and spreading down the ranks, MAROs will likely be seen as second class operations unworthy of the world's most powerful military and, as a result, American armed forces will fail to properly prepare for them. Further, resistance to MAROs may lead senior commanders to advocate against such missions at the political level. It is of course a hallmark of civil-military relations in all democracies that civilian leaders decide when, where, and why to deploy military forces, but it would be naïve to think that civilian leaders do not on occasion face objections from senior military commanders to missions that they would rather not carry out or objections in favor of missions that senior commanders would rather pursue. One way of gaining acceptance of MARO missions and ensuring that the military can successfully carry out MAROs might be to add a section on training. This could include the nuts and bolts of instructing officers and NCOs on what is expected of them during MARO missions as well as an emphasis on the importance of these kinds of missions. Concerning the latter the manual could underline the moral worth of humanitarian missions to stop atrocities while also making a case for the practical ways in which MARO missions enhance American and international peace and security. The recently released Will to Intervene Project, developed by the Montreal Institute of Genocide and Human Rights Studies (MIGS), could serve as a template for the realpolitik reasons for legitimizing MARO missions.

Third, *MARO* seems to assume that intelligence gathering and analysis will be a relatively straightforward process. The authors rightfully integrate the need for effective intelligence gathering and analysis into MARO planning and missions,

specifically the role intelligence plays in discerning the intentions and concrete plans of actual or would-be perpetrators. The handbook fails, however, to address the very real possibility of not obtaining timely and accurate intelligence in some circumstances or the possibility that the US military and the Pentagon may misinterpret the intelligence collected. If genocide or another atrocity breaks out in parts of the world where the United States and other major powers have little strategic interest, the capacity to directly collect timely and accurate intelligence will be diminished from the start. In such circumstances intelligence may have to come from other second-hand sources and, as a result, it may be less reliable intelligence or intelligence that is unintentionally or deliberately misleading. Although local and international media reports may be an alternative source of information, the domestic media can become a weapon in the hands of abusive states (which in itself may, of course, turn out to be a highly accurate source of perpetrator intentions) while the international media at times approach news stories from particular regions of the world with pre-existing and often inaccurate narratives in mind (e.g., that Africans habitually engage in “tribal violence”).

Regardless of where the intelligence comes from or how accurate it is, there is no guarantee that civilian and military agencies tasked with analyzing intelligence will be able to correctly assess the true nature of an atrocity situation. One need only think of the inability of most Western states to comprehend until it was too late that the killings in Rwanda were not spasms of tribal violence or the collateral effects of the civil war or that Iraq’s Saddam Hussein regime did not in fact have weapons of mass destruction. Sewall, Raymond, and Chin tell us that MARO planning must be based in part on a clear understanding not only of perpetrator planning and intentions but also of the historical, economic, political, and strategic context within which atrocities are perpetrated. This makes imminent sense, but generating this level of understanding under what at times may be very pressing time constraints is likely to be a weighty and vexing task. Scholars have spent years trying to figure out the dynamics underpinning mass atrocity situations with varying degrees of success and agreement. To be able to meet the challenge of effective intelligence analysis, relevant civilian and military agencies will need to acquire considerable analytical expertise in genocide studies and other atrocity crimes.

Finally, there is the perhaps overly optimistic unspoken assumption that the US military, once committed to some sort of combat operations as part of a MARO, will succeed on the battlefield. The US army is the largest one in the world and it has gained, complements of extended engagements in Iraq and Afghanistan, some serious recent combat experience. These two theaters of war show that although the American military has little difficulty prevailing in traditional set-piece combat operations, it has faced problems despite its overwhelming capabilities in irregular and counterinsurgency settings. It is these latter kinds of operations that will likely characterize most MARO missions. *MARO*’s authors do, to be fair, acknowledge in different MARO scenarios the possibility of set-backs and reversals, but this possibility is attributed to other actors and not to the US military itself. A frank acknowledgement of the possibility of failure on the battlefield is crucial for understanding what might go wrong with the application of force itself, how to avoid such problems, or at least how to compensate for problems or make successful mid-course corrections.

In sum, the proposed handbook is a good first step on the road to figuring out how military force, if it is needed, can be used effectively to stop the perpetration of atrocity crimes against vulnerable populations. Grounded in the R2P principle of the responsibility to react, *MARO* has tried to confront much of the complexities that

surround atrocity situations and possible military responses to them. To move the conversation forward we need to confront the equally complex problems of finding ways in which the US and coalition forces, such as the United Nations or NATO, would work together on the ground in MARO missions; the ways in which to get American and other national militaries to take MARO missions seriously; the ways in which to collect and analyze accurate and timely intelligence; and the ways in which to anticipate from an operational point of view, what might go wrong on the battlefield and how to fix it. Sewall, Raymond, and Chin should be commended for their initiative, creativity, and evident hard work in conceptualizing *MARO*. The conversation they have started should be continued inside and outside military circles and is of the highest importance if the major states in the international system ever hope to live up to their responsibility to protect those who need protection.

Notes

1. Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard Kennedy School / Carr Centre for Human Rights Policy, 2010), 12–13. Subsequent references appear parenthetically in the text.
2. Gareth Evans and Mohamed Sahnoun, Co-Chairs, *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty*, (Ottawa, ON: International Development Research Centre, December 2001), 17.
3. *Ibid.*, 32–37.

Mass Atrocity Response Operations: Doctrine in Search of Strategy

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Most literature produced in the past two decades on the prospects of intervention to prevent genocide can be summed up by a cliché: “Where there’s a will, there’s a way.”¹ In that context, a vital if imperfect corrective is provided by *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (henceforth, *MARO*), produced jointly by Harvard University and the US Army. Contrary to the naïve optimism of many past analyses, this report starts with the fact that, without feasible options, effective humanitarian military intervention is unlikely, if not impossible.

As *MARO* makes clear from the outset, “the failure to act in the face of mass killings of civilians is not simply a function of political will or legal authority; the failure also reflects a lack of thinking about *how* military forces might respond.”² Accordingly, the report details precisely how such forces could intervene, in hopes that they will be better prepared and more likely to act in future crises. The report’s guiding ethos could thus be summed up by reversing the cliché: “Where there’s a way, there’s a will.”

By focusing on practical matters, rather than wishful thinking, *MARO* is a vast improvement over the 2008 report of the Genocide Prevention Task Force, chaired by Madeleine Albright and William Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers*.³ Unlike that previous report, *MARO* lays out an impressive spectrum of realistic military options, ranging from deterrent threats to full-blown military occupation, which could prevent or mitigate genocide (20; 65–87). The new report also includes the dry doctrinal language that would be necessary for a huge bureaucracy like the US military to implement such a policy.

MARO builds upon three important lessons from the past (17–18). First, intervention creates a strategic interaction between at least three players—the two (or more) parties involved in the conflict plus the interveners—so its precise consequences are unpredictable (25–26). Second, intervention is almost never neutral. Even if interveners provide aid impartially—that is, to all sides based exclusively on need—they inevitably will alter the balance of power in a conflict.⁴ Third, widespread killing and expulsion can be, and often are, perpetrated remarkably quickly, so if intervention builds only gradually—as the domestic politics of the intervening states typically necessitate—it will likely fail to prevent such atrocities (29).⁵

The report then addresses stubborn military realities (18). For example, in airborne interventions especially, there is an unavoidable trade-off between the speed of deployment and the weight of armor and equipment used to protect intervening forces. In other words, it takes longer to deploy well-protected forces. Yet, quicker interventions can save more lives. As a result, there is also a painful trade-off between how many potential victims will be protected and how many interveners

will be killed or wounded in the process. Hypothetically, a lighter intervening force—that is, one without armored vehicles, helicopters, and artillery—might deploy three times as fast and save 10,000 more lives, but at the cost of 50 more intervener casualties. Would such a trade-off be worthwhile? Who should decide? *MARO* does not answer such questions or even explore them in detail, but deserves credit for acknowledging them rather than pretending, as have many previous analyses, that all such challenges can be overcome by political will.

MARO also astutely recommends advance planning for specific military interventions. Very few countries actually are at risk of genocidal violence, and experts are generally able to identify them.⁶ If military planning teams were provided several months to research past patterns of violence and current political trends in these states, they would be able to pinpoint the most likely perpetrators and targets of atrocities, the locations and means of entry for interveners, the potential staging bases in neighboring states, and the best strategies to stanch violence. Such advance planning would make intervention much faster and more effective when and if deployment orders ever came, potentially saving tens or even hundreds of thousands more lives in a case such as the 1994 Rwandan Genocide.

Full-blown intervention is not the only type that can prevent atrocities, as the report accurately observes, because smaller-scale deterrent operations also can decisively affect outcomes (65–69). An excellent example, not cited in *MARO*, took place in Liberia in 2003. The mere deployment of US Marines off the coast—accompanied by military over-flights, deft diplomacy, a regional peacekeeping contingent, and a small evacuation force—successfully persuaded President Charles Taylor to leave office, thereby ending a savage civil war and alleviating a humanitarian emergency for tens of thousands of displaced civilians.⁷

Despite these many attributes, *MARO* is marred by two shortcomings. First, it focuses mainly on military *operations* to the relative neglect of political *strategies* and consequences. Second, it often relies on a simplistic, idealized conflict scenario, giving rise to intervention proposals that could backfire in more realistic and complex settings. Although *MARO* refers in passing to “second-order” (40; 52; 68) and “third-order” (27; 40) effects of military intervention,⁸ it largely ignores the implications of such “system effects,” which, as Robert Jervis has noted, can radically alter policy prescriptions.⁹ The report explicitly avoids complex policy questions about intervention, stating that “The *MARO* Project itself is concerned with answering the ‘how,’ not the ‘whether’” (13). Unfortunately, since military intervention can unintentionally increase the likelihood of atrocities, the “how” of intervention is inextricably linked to debates about “whether” such action is advisable.

Strategy versus Operations

The Prussian military officer Carl von Clausewitz famously noted that war is “a continuation of political intercourse carried on with other means.”¹⁰ While this dictum is well known, its policy implications are less widely understood. Clausewitz was criticizing the tendency—still prevalent today—of war planning to focus more on military operations than on the achievement of underlying political objectives. Essentially, he warned against winning the battle while losing the war. Or, as he summed it up, military “means can never be considered in isolation from their purpose.”¹¹

Modern scholars and practitioners of military arts have institutionalized this lesson via an analytical prism comprising three levels of analysis that represent progressively wider scope: tactics, operations, and strategy. Tactics refer to the ways

in which force is utilized locally to achieve small-scale military objectives. Operations refer to the ways in which tactics are utilized on a wider scale to achieve broader military objectives. Strategy refers to the ways in which military operations are utilized to achieve political objectives.

MARO, as its title indicates, focuses on military operations. This is necessary, but not sufficient. Since the advent of widespread humanitarian military intervention in the 1990s, such operations have frequently backfired strategically, by increasing civilian suffering, contrary to their political objective. From a Clausewitzian perspective, interveners often win the battle but lose the war. For example, in 1999, NATO bombing accomplished its military objective by compelling the retreat of Yugoslav forces from Kosovo. But it failed strategically by unintentionally amplifying the killing and expulsion of ethnic Albanian civilians—five-fold, at minimum—and then enabling the revenge killing and expulsion of ethnic Serb civilians.¹² This outcome was precisely opposite to NATO's stated humanitarian objective of protecting civilians.

The only way to avert such perverse outcomes is to design military operations with an eye to strategy based on realistic scenarios that draw upon accurate descriptions of past interventions. Unfortunately, here too *MARO* sometimes falls short.

White and Black Hats

The greatest flaw of *MARO* is that it assumes that most atrocities are committed in the context of one-way violence by a state against its civilians. The report thus views intervention as having the straightforward effect of stopping the bad guys and protecting the good guys, with assistance from non-governmental and multilateral organizations.¹³ As it summarizes, "The four categories [of actors] include: perpetrators, victims, interveners, and a more nebulous group of 'others'" (44).

In reality, as scholars have long documented but only recently emphasized, most atrocities by states are committed in response to rebel challenges, including armed secession. States typically target civilians who are suspected of supporting, harboring, or secretly being rebels. From 1943 to 1987, Harff and Gurr identified 44 episodes of "genocide and politicicide," state-sponsored campaigns lasting at least six months that deliberately killed thousands of noncombatants.¹⁴ In 30 of those 44 cases (68%), as I observed in a 2005 analysis, rebels provoked the state's retaliation against civilians.¹⁵ In a separate study, Helen Fein identified 19 cases of genocide from 1945 to 1988. She similarly concluded that "one could classify at least 11 cases [58%] as retributive genocide in which the perpetrators retaliated to a real or perceived threat by the victim to the structure of domination."¹⁶ In a more recent quantitative analysis, Benjamin Valentino, Paul Huth, and Dylan Balch-Lindsay likewise find that atrocities are best explained as a state strategy to "drain the sea" of rebels.¹⁷

Because of these complex dynamics, international efforts to protect at-risk civilians, as called for by the emerging norm of the Responsibility to Protect, can perversely backfire by exacerbating violence. This is so because intervention to defend targeted civilians, whether through military or diplomatic action, often has the effect of also protecting and assisting rebels. This emboldens the rebels to escalate their attacks against the state, provoking still greater atrocities. In some cases, rebels even deliberately provoke state retaliation against civilians to attract international intervention. Over the last two decades, this moral-hazard dynamic has exacerbated atrocities in three of the worst cases: Bosnia, Kosovo, and Darfur.¹⁸

A pre-publication draft of *MARO* failed almost entirely to contemplate this dynamic. Only one sentence in an appendix noted that international deterrent operations “may inspire opposition groups to increase any activities that may have been contributing to the situation and prompt a harsh governmental response.” Following comments from me (and perhaps others), *MARO* moved that sentence into the main text and added that opposition groups may try to “manipulate an intervention by external parties” (68). The final report also warns that “rebel groups may conduct mass atrocities to intimidate populations, undermine the government’s legitimacy, or provoke the government into a disproportionate response” (45). These are important correctives. But *MARO* still fails to address the implications for strategy, because it focuses nearly exclusively on military operations.¹⁹ As a result, the report prescribes military action that could mitigate some atrocities but might exacerbate others, thereby potentially increasing the total violence against civilians, constituting strategic failure.

The report’s simple scenario of good versus bad guys also distorts lessons from the past. In Rwanda, for example, *MARO* explains the victimization of both of the country’s main ethnic groups as follows: “Rwandan [Hutu] *genocidaires* killed moderate Hutu in addition to Tutsi” (39). This ignores long-standing evidence that the invading Tutsi rebels, known as the Rwandan Patriotic Front, themselves killed tens of thousands of Rwandan Hutu civilians before, during, and after the genocide, thereby helping provoke and fuel the massacres by Hutu extremists.²⁰ Ironically, the report cites only the Hutu for using media “to attempt to control, or decisively shape, the information environment” (55). In actuality, worldwide media reported Hutu crimes within weeks but failed to report Tutsi crimes for nearly 15 years because the propaganda of the rebels successfully blamed the Hutu for all atrocities and impeded UN investigations. *MARO*, in this instance, falls victim to precisely the kind of information operations that it warns against.

The history of rebel provocation also calls into question the report’s policy prescriptions. For example, *MARO* insists repeatedly that increased international “witness” and “transparency” of atrocities, through better surveillance and reporting, would deter perpetrators (35–36). That is possible. But the literature on moral hazard reveals that sub-state actors sometimes rebel precisely because they expect media reports of the state’s retaliation to compel intervention on their behalf. If so, greater reporting of state atrocities would actually increase the incentive for rebel provocations. It remains unclear, therefore, whether heightened “witness” of atrocities would increase or decrease such violence.

Finally, *MARO*’s prescriptions ignore a broad body of literature illustrating how even purely humanitarian aid, such as food, water, sanitation, shelter, and medical care, may exacerbate conflict.²¹ For example, militants often intermingle with civilians in refugee camps, so the aid may sustain the rebels and inhibit their reintegration into society, thereby prolonging fighting. Combatants sometimes intercept aid and resell it or charge a tax for its safe delivery, helping to fund war. In some cases, factions even fight each other to control delivery of aid, creating an extra incentive for violence. Humanitarian aid also may damage the local economy by under-pricing nearby merchants and producers, and it can delegitimize local political authorities by providing better services than the government. In addition, aid organizations often hire away the best-skilled local residents to serve as translators, drivers, or office staff, draining the human capital necessary for entrepreneurship and good governance. Unless such historical lessons are incorporated into military doctrine, future interventions are likely to repeat the mistakes of the past.

Military Doctrine Is Not Enough

The noble objective of reducing mass atrocities requires a multi-pronged strategy. First, the international community should pursue preventive rather than pyromaniac diplomacy. As noted above, states are most likely to perpetrate atrocities when confronted with violent domestic threats to their rule. Thus, diplomacy should emphasize consensual mediation, and carrots rather than sticks, to facilitate negotiated outcomes. By contrast, coercing a state to hand over power or territory to a domestic challenger is extremely dangerous because it heightens the risk that the state will resort to atrocities to retain control.²² Diplomats should avoid such muscular mediation unless they also take steps to avert the likely backlash—for example, by providing soft landings for senior officials of the departing regime, or by pre-deploying a robust peacekeeping force.²³

Second, the United States and its allies should adopt criteria for intervention that minimize moral hazard.²⁴ Most importantly, they should refrain from helping rebels on humanitarian grounds unless state retaliation is grossly disproportionate, in order to provide both sides with an incentive to reduce violence. Interveners should also deliver humanitarian aid in ways that minimize its benefit to rebels, by guarding the supply routes and camps where assistance is provided to threatened populations.

Third, the United States should structure and base its military forces in ways that facilitate rapid reaction, because speed saves lives. Several “ultra-light” brigades should be designed and equipped so that they can deploy and operate without significant armor or heavy weapons in relatively permissive threat environments. To further reduce deployment time, some units or at least their equipment should be pre-positioned at bases in Africa, where mass atrocities are most likely to occur.

Finally, as *MARO* proposes, the United States and other like-minded states should adopt military doctrine to stop atrocities. Yet, even here, caution is required. Such routinization of intervention by itself could do more harm than good by further emboldening rebels to provoke state retaliation in expectation of the benefits from the humanitarian response. Only if properly embedded in a comprehensive strategy—including enlightened diplomacy, strict intervention criteria, and well-designed forces—would *MARO*'s proposed doctrine contribute unambiguously to the protection of at-risk civilians and thereby help implement the emerging norm of the Responsibility to Protect.

Notes

1. This simplistic approach is epitomized in Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002). By way of contrast, a few previous works have focused on the practical challenges of humanitarian military intervention. See, for example, Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington, DC: Brookings Institution, 2001); Clifford H. Bernath and David C. Gompert, “The Power to Protect: Using New Military Capabilities to Stop Mass Killings,” *Refugees International*, July 2003, <http://www.reliefweb.int/library/documents/2003/ri-gen-31jul.pdf>; Taylor B. Seybolt, *Humanitarian Military Intervention: The Conditions for Success and Failure* (Oxford: Oxford University Press, 2007); Douglas C. Peifer, *Stopping Mass Killings in Africa: Genocide, Airpower, and Intervention* (Montgomery, AL: Air University Press, 2008). In addition, several graduate student papers from my courses on humanitarian intervention have been published, including, Benedikt F. Franke, “The Use of Sustained Coercive Air Power in Humanitarian Interventions,” *Journal of Humanitarian Assistance* (Summer 2004), <http://www.jha.ac/articles/a170.pdf>; Leslie Hough, “A Study of Peacekeeping, Peace Enforcement and

- Private Military Companies in Sierra Leone,” *African Security Review* 16, no. 4 (2007): 8–21; Costantino Pischedda, “A Plan for Military Intervention in Darfur,” *African Security Review* 16, no. 4 (2007): 80–96.
2. Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard Kennedy School / Carr Centre for Human Rights Policy, 2010), 5. Subsequent references appear parenthetically in the text.
 3. For a critique of that initiative, see Alan J. Kuperman, “Wishful Thinking Will Not Stop Genocide: Suggestions for a More Realistic Strategy,” *Genocide Studies and Prevention* 4, no. 2 (2009): 191–99.
 4. This point was originally highlighted in Richard K. Betts, “The Delusion of Impartial Intervention,” *Foreign Affairs*, 73, no. 6 (1994): 20–33. For further discussion, see Alan J. Kuperman, “Humanitarian Intervention,” in *Human Rights: Politics and Practice*, ed. Michael Goodhart (Oxford: Oxford University Press, 2009), 336–37.
 5. For examples of such rapid violence, see Alan J. Kuperman, “Rethinking the Responsibility to Protect,” *Whitehead Journal of Diplomacy and International Relations* 10, no. 1 (2009): 35.
 6. Several such watch-lists are accessible from the *Genocide Prevention Advisory Network*, <http://www.gpanet.org/content/global-risks>.
 7. Alan J. Kuperman, “A Small Intervention: Lessons from Liberia 2003,” in *Naval Peacekeeping and Humanitarian Operations: Stability from the Sea*, ed. Jim Wirtz and Jeff Larsen (Abingdon: Routledge, 2009), 153–169.
 8. *MARO* states, “Choosing from among competing courses of action should also be informed by analysis of the likely effect of intervention upon the calculations and actors of other parties, and the third-order effects of their adjustments upon each other” (27). Unfortunately, the report does not heed that advice.
 9. Robert Jervis, *System Effects: Complexity in Political and Social Life* (Princeton, NJ: Princeton University Press, 1998).
 10. Carl von Clausewitz, *On War*, trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), 87.
 11. *Ibid.*
 12. Alan J. Kuperman, “Averting the Third Kosovo War,” *The American Interest*, 3, no. 3 (2008): 52–58.
 13. *MARO* briefly mentions the possibility that sub-state groups may be armed and involved in “mutual violence” (23; 44; 46), but fails to explore the implications.
 14. Barbara Harff and Ted Robert Gurr, “Toward an Empirical Theory of Genocides and Politicides,” *International Studies Quarterly* 32 (1988): 359–71.
 15. Alan J. Kuperman, “Suicidal Rebellions and the Moral Hazard of Humanitarian Intervention,” *Ethnopolitics*, 4, no. 2 (2005): 150–51.
 16. Helen Fein, “Genocide: A Sociological Perspective,” *Current Sociology* 38, no. 1 (1990): 1–126.
 17. Benjamin Valentino, Paul Huth, and Dylan Balch-Lindsay, “‘Draining the Sea’: Mass Killing and Guerrilla Warfare,” *International Organization* 58, no. 2 (2004): 375–407.
 18. Alan J. Kuperman, “The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans,” *International Studies Quarterly* 52, no. 1 (2008): 49–80. Alan J. Kuperman, “Darfur: Strategic Victimhood Strikes Again?” *Genocide Studies and Prevention* 4, no. 3 (2009): 281–303.
 19. *MARO*’s sole mention of strategy is in the book’s first sentence (5).
 20. See, for example, Raymond Bonner, “U.N. Stops Returning Rwandan Refugees,” *New York Times*, 28 September 1994; Andre Picard, “Discreet but Deadly,” *Globe and Mail*, 25 May 1996; Filip Reyntjens, “Estimation du nombre de personnes Tuées au Rwanda en 1994,” in *L’Afrique des Grands Lacs: Annuaire 1996–1997*, by Stefaan Marysse and Filip Reyntjens (Paris: L’Harmattan, 1997), 179–86; James K. Gasana, *Rwanda: du parti-état à l’état-garnison* (Harmattan, 2002), 185; United Nations, “Report of the

- Mapping Exercise Documenting the Most Serious Violations of Human Rights and International Humanitarian Law Committed within the Territory of the Democratic Republic of the Congo between March 1993 and June 2003,” August 2010; Alan J. Kuperman, “The Puzzle of Rwanda’s Genocide: Why Kill Civilians While Losing to Rebels?” (conference paper, Annual Meeting of the American Political Science Association, Washington, DC, 5 September 2010).
21. See, for example, Mary Anderson, *Do No Harm: How Aid Can Support Peace—Or War*, (Boulder, CO: Lynne Reinner, 1999); John Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa* (Boulder, CO: Lynne Reinner, 1996); Alexander de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Bloomington, IN: Indiana University Press, 1998); Fiona Terry, *Condemned to Repeat: The Paradox of Humanitarian Action* (Ithaca, NY: Cornell University Press, 2002).
 22. Alan J. Kuperman, “The Other Lesson of Rwanda: Mediators Sometimes Do More Damage than Good,” *SAIS Review* 16, no. 1 (1996): 221–40.
 23. Alan J. Kuperman, “Ripeness Revisited: The Perils of Muscular Mediation,” in *Conflict Management and Africa: Negotiation, Mediation, and Politics*, ed. Terrence Lyons and Gilbert Khadiagala (Abingdon: Routledge, 2008): 9–21.
 24. Alan J. Kuperman, “Mitigating the Moral Hazard of Humanitarian Intervention: Lessons from Economics,” *Global Governance* 14, no. 2 (2008): 219–40.

Comments on the *Mass Atrocity Response Operations (MARO) Handbook*

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The *MARO Handbook* provides realistic scenarios and well-developed possible courses of action, which would enable strategists, policy makers and planners to prepare for an intervention operation to stop genocide and other mass atrocities. The handbook stipulates three defining characteristics of genocide and mass atrocities and eight operational and political implications. It offers well-founded advice and discusses the impossibility for an intervening force to remain impartial when mass atrocities are being committed. Also, unlike most peace and stability operations, MAROs must protect civilian victims from the perpetrators of mass atrocities and have to deter or defeat the perpetrators, in a similar way to other forces (usually guerrilla movements).

One purpose of the handbook was to map out operational responses to genocide and mass atrocities that can be implemented by the US military. The assumption was that compiling the handbook would produce a guide that could readily be pulled off the shelf by officials in the US National Security Council (NSC) and the Department of Defense (DoD) and put into practice. In addition, it was assumed that having such a plan available would make it easier for the US President and Secretary of Defense to react to genocide and mass atrocities by deploying the US military with the certainty that a well-developed operational plan could be implemented. Enlisting Sarah Sewall, one of the authors of the US Army/US Marine Corps counterinsurgency manual, helped elevate the credibility of the MARO project as well as the probability that the handbook would be taken seriously in the corridors of power. The handbook has been presented to US government agencies, including the military, and to international organizations and non-governmental organizations.

In spite of its intentions, it is questionable whether or not *MARO* would be something that the NSC and DoD would adopt. The DoD may be the master of the planning, doctrine, and training involved in deployment, but it is reluctant to become involved in new doctrinal commitments, especially given its existing ones involving counterinsurgency and peace and stability operations in Afghanistan and Iraq. Unless there is a new initiative from the US President or another compelling genocidal crisis, it is unlikely that the MARO project and handbook will be adopted as part of DoD doctrine regardless of the US Army Institute of Peacekeeping and Stability Operations Institute's efforts to persuade the DoD otherwise.

It can be argued that doctrine and operational plans that are sufficiently adequate to guide the deployment and operation of US forces to stop genocide and mass atrocities already exist. Even so, the United States has not deployed ground forces in a humanitarian intervention since 1993 in Somalia. After the 1994 genocide in Rwanda, both the Bill Clinton and George W. Bush administrations ordered the NSC to devise contingency plans to respond to crises that can degenerate into

genocide or mass atrocities. For instance, in 2001, after President Bush pledged that there would be no genocide “on my watch,” he ordered the NSC to put together a contingency plan for Burundi as the country was moving through a very difficult phase in the peace process and it appeared that genocide would recur. While the contingency plan for Burundi was probably not as detailed as the *MARO Handbook*, the Burundi plan was put together with knowledge of the particular circumstances on the ground—something which *MARO* does not provide. In addition, it can be argued that the DoD already has response operations to genocide and mass atrocities covered with FM 3–24 (Army/Marine Corps Manual for Counter-insurgency); Joint Publication 3–07.3 (Peace Operations); and FM 3–07 (Army Manual for Stability Operations).¹ Intervention to stop genocide and mass atrocities involves peace enforcement and counterinsurgency (covered in FM 3–24 and JP 3–07.3) and the protection of civilian populations is outlined in JP 3–07.3 and FM 3–07. The US military is already training on the basis of this doctrine and applying it in Iraq and Afghanistan. The United States has also developed rapid reaction capability which would enable its armed forces to intervene in mass atrocities.

In addition, guides already exist regarding the deployment of US forces from the continental United States to the distant locations in which genocide might take place. For example, in *The Limits of Humanitarian Intervention*, Alan Kuperman² provided a detailed account of the airlift requirements for three different types of intervention—heavy, medium, and light—to stop genocide in Rwanda. The heavy and medium interventions would involve the deployment of the 82nd Airborne Division, massive use of the US air mobility fleet, and a major logistics and refuelling operation. The three scenarios underline the fact that US humanitarian intervention to stop genocide and mass atrocities would require a costly global effort, which may cause decision makers to think twice about ordering such a venture.

The fact remains that political will is the biggest obstacle to a US response to incidents of genocide and mass atrocities, the *MARO Handbook* and other manuals notwithstanding. In actuality, the United States politically has gravitated in the opposite direction from ordering US forces to intervene on the ground. After reacting to mass famine and widespread killing in Somalia, the United States withdrew its forces from Somalia after the “Black Hawk Down” incident of October 1993. The Congress and President decided that preventing Somalia from once again degenerating into the type of chaos that led to the famine and killings in the first place was not worth the cost of the deaths of eighteen service personnel. This decision was codified in May 1994, when the NSC issued Presidential Decision Directive 25, which restricted US participation in humanitarian intervention and peace and stability operations to situations in which the US interest was at stake. The Clinton administration’s active campaign against any type of intervention to stop the 1994 Rwandan Genocide was another sign of the United States’ aversion to the anticipated high costs in blood and treasure involved in military deployment. In Bosnia, the Bush and Clinton administrations allowed mass atrocities to continue for three years without sending in ground forces to stop it, fearing another Vietnam-type quagmire. Only after the Srebrenica massacre did the Clinton administration authorize the escalation of air strikes against Bosnian Serb forces. Ground forces were deployed only after the Dayton Accords finalized a ceasefire. Similarly, in Kosovo from 1998 to 1999, the United States did not react to mass atrocities by sending in ground troops. Instead, the United States used air strikes against Serbia and reacted to mass atrocities by deploying humanitarian relief units to Albania.

In response to the Rwandan Genocide, the Clinton administration proposed the African Crisis Response Force (ACRF) as the most logical way for the United States to help direct African militaries on the ground to stop mass atrocities. However, the initiative was judged to be too hegemonic and interventionist for African states to adopt. Therefore, the Clinton administration retreated and came back with a watered-down proposal—the African Crisis Response Initiative—that would train potential peacekeepers and do nothing to stop genocide or mass atrocities.

While President Bush promised that there would be no genocide on his watch and authorized a contingency plan for Burundi, he allowed genocide to grind on and on in Darfur, beginning in 2003, without responding. Even after Secretary of State Colin Powell had testified in 2004 that genocide was occurring in Darfur and after both houses of Congress had resolved that genocide was happening, the Bush administration did not act other than to support a weak African Union (AU) peacekeeping mission that did nothing to stop mass killings, displacement, rapes, and other atrocities. Barack Obama campaigned on a platform that included a no-fly zone to stop the Sudanese military from carrying out sustained campaigns involving mass atrocities in Darfur. He made no promises about placing US boots on the ground. When he came to office, there was no further mention of a no-fly zone. Presently, there is no indication that President Obama will deploy US forces to stop atrocities in Sudan or anywhere else.

If the United States will not intervene to stop genocide and mass atrocities, then who will? In Africa, the African Union is supposed to provide leadership in stopping genocide and mass atrocities. In 2003 the AU Peace and Security Council and Defense Chiefs, led by South Africa, authorized the creation of the African Standby Force (ASF), which included stopping genocide and mass atrocities as one of the six main tasks that had to be addressed by 2010. Some of the brigades of the ASF have already been created and developed rapid reaction forces that can be quickly deployed to stop genocide. Therefore, the ASF is in the process of developing the capability and the timeliness required to intervene and stop genocide. The United States could assist in providing training based upon the *MARO Handbook*. However, most African states would still be unwilling to intervene in the internal affairs of a fellow member of the African Union.

Given the reluctance of most African leaders to violate the sovereignty of a fellow leader's state, it would probably fall to a coalition of the willing, whose states would make the decision to assemble forces, downplay the significance of sovereignty, and intervene in the internal affairs of a "fraternal" state in order to stop genocide or mass atrocities. Rwanda is one state that has experienced genocide, expressed a willingness to deploy the Rwandan Defense Force to stop genocide and other mass atrocities, and deployed over 3,000 troops to Darfur for five years. However, Rwandan forces have committed mass atrocities in retribution for the 1994 genocide and may not be expected to act in the best interests of the international community. In any event, *MARO* might be useful to a coalition of the willing. Given the lack of political will to adopt and implement the *MARO* project, the United States and other states could offer the ASF and willing states, such as Rwanda, training and joint exercises based on *MARO*.

Another party that works to put an end to genocide is the International Criminal Court (ICC). The ICC's indictment of President Omar al-Bashir of Sudan and other mass atrocity perpetrators has created a deterrent for other leaders who might be tempted to use genocide and other mass atrocities to wipe out an insurgency or an ethnic group to advance their own interests. In concert with pressure from the

ICC, the campaign at the United Nations for the adoption of the Responsibility to Protect principle provides another mechanism for pressuring leaders to not resort to genocide or mass atrocities to solve their problems. Leaders will be held responsible for their actions and stand a better chance of being deterred.

An alternative to persuading states that may be willing to intervene or influencing the United States is to aid guerrilla groups that are attempting to overthrow the regime that has decided to carry out genocide. The United States provided military assistance to the Bosnian government in 1995 and to the Kosovo Liberation Army in 1999 in the fight to end ethnic cleansing. Aid to the Rwandan Patriotic Front might have enabled it to push through to the capital, Kigali, and other parts of Rwanda in a more rapid time frame and stop the genocide. Similarly, aid to the Sudanese Liberation Army (SLA) and the Justice and Equality Movement (JEM) might have brought an end to the Sudanese military and *janjaweed* militia's genocide in Darfur in 2004. However, the volatility of guerrilla movements and their tendency to violate human rights make it difficult for the United States and other actors to work too closely with them on a regular basis.

In a September 30, 2010 op-ed in *The New York Times*, "Chronicle of a Genocide Foretold," Nicholas Kristof mapped out the path to genocide/mass atrocities in which Sudanese forces would invade Southern Sudan in the wake of the January 2011 referendum and carry out mass atrocities as they did in Darfur. In a perfect world, the Obama administration would deploy the US military, armed with the MARO guide, to stop Sudanese forces and protect Southern Sudanese civilians. However, US interest in Southern Sudan is not enough for the US government to generate sufficient political will to intervene. Instead, in order to prevent this scenario from coming to pass, the United States stepped up its diplomatic campaign in both North and South Sudan. Sustained US aid to the government of South Sudan (GOSS) to stop the northern Sudanese military from committing mass atrocities may be the most effective way to do stop genocide. Another scenario would have the rapid reaction force of the East African Brigade of the African Standby Force, led by a Rwandan special forces battalion and backed by the United States, deploying to stop genocide in Southern Sudan.

In conclusion, *MARO* could be useful but not for the purpose for which it was intended. It is unlikely that the handbook will become part of US military doctrine and training. However, if the handbook is distributed more widely to willing states, organizations, and institutions in areas where the threat of genocide or mass atrocities exists, it might have the effect of preparing willing states and organizations to intervene.

Notes

1. David H. Petraeus and James F. Amos, *Counterinsurgency*, FM 3–24 (Washington, DC: Combined Arms Center, 2006), http://usacac.army.mil/cac2/coin/repository/FM_3-24.pdf (accessed 6 October 2010); *Peace Operations*, Joint Publication 3–07.3 (Washington, DC: The Pentagon, 2007), <http://www.fas.org/irp/doddir/dod/jp3-07-3.pdf> (accessed 25 October 2010); William B. Caldwell, *Stability Operations*, FM 3–07 (Washington, DC: Combined Arms Center, 2008) <http://usacac.army.mil/cac2/repository/FM307/FM3-07.pdf> (accessed 25 October 2010).
2. Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington, DC: Brookings Institute, 2001).
3. Nicholas D. Kristof, "Chronicle of a Genocide Foretold," *The New York Times*, 29 September 2010, <http://www.nytimes.com/2010/09/30/opinion/30kristof.html> (accessed 30 September 2010).

Reflections on the Mass Atrocity Response Operations Project

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As we become evermore aware of the costs and consequences of genocide and various other human rights abuses, the recognition of the need for more effective prevention and intervention strategies also becomes evermore clear. All too often when outbreaks of violence have occurred, the international community has appeared powerless to prevent it and absolutely ineffective when taking steps to stop the violence and the killing. Perhaps the worst contemporary example of this impotence comes from the Democratic Republic of the Congo. Rooted in the destabilizing effects of the 1994 genocide in neighboring Rwanda, the Eastern Congo has been the setting for mass rapes, massacres, and other atrocities since 1995 as various factions and groups have struggled for power and/or resources or have capitalized on the chaos and brutality. Some estimates suggest that more than 5 million people have been killed since the outbreak of hostilities in the mid-1990s.¹ This has been the reality there, even though the Congo is the site of one of the longest-standing and largest United Nations peacekeeping missions in existence. Begun in 1999, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC, renamed MONUSCO in April 2010) has gone from a contingent of about 5,000 troops and 500 military observers to over 20,000 troops, 700 military observers, 1,000 police personnel, and several thousand assorted other civilian personnel in early 2010.² Despite this significant international presence, the violence has continued to the present day. In fact, some of the more recent mass rapes and massacres have occurred in close proximity to contingents of the UN peacekeeping forces, which have been unwilling or unable to intervene in these atrocities.³ Keep in mind that these are not always hit-and-run attacks that occur too quickly for a peacekeeping response. In some cases, the assaults lasted for days. Clearly, MONUSCO has not been very effective in preventing the victimization of innocents. Unfortunately, this has often been more the norm than the exception in locations across the globe. The United Nations and the International Community have usually been unable to prevent and unsuccessful in intervening to stop atrocities.

Because of this apparent lack of prophylactic ability, we have seen the creation of a number of reports, such as the Report of the International Commission on Intervention and State Sovereignty, better known as Responsibility to Protect or R2P⁴ and the Albright-Cohen Report, *Preventing Genocide*.⁵ The purpose of these documents has been to chart a path forward so that the all too frequent mistakes of the past will not be repeated. Both have been produced with a tremendous amount of fanfare and high expectations for their implementation, although their impact to date has been negligible and their long-term prospects unclear. Nevertheless, these well-intentioned projects have been important first steps in conceptualizing and

institutionalizing strategies to prevent genocide and related forms of human rights violations and will hopefully help create and spur further action. To this list, we can now add *MARO: Mass Atrocity Response Operations; A Military Planning Handbook*, which seeks to outline how military interventions to save civilian lives should take place. Comprehensive and thorough, *MARO* is intended to provide a framework to assist the military in visualizing the relevant issues and assessing the specific difficulties inherent in military interventions to prevent atrocities. The handbook is also intended to guide the planning and implementation of such a response. This is certainly no abstract theoretical exercise since it utilizes the insights and experiences of a good number of active duty and retired military personnel. *MARO*, in short, is grounded in the expertise derived from real world operations and exercises. Therein lies the greatest strength of this project but also, however, what I perceive to be a significant weakness.

The first issue that I have with this handbook concerns some fundamental assumptions that are made by the architects of this plan and has nothing to do with its content. For me, this first issue has more to do with the way we approach or frame the topic rather than the actual strategies suggested or the ways in which they should be implemented. Essentially, this handbook provides a planning guide for military intervention. While I absolutely understand that military intervention is sometimes necessary and that operational plans are crucial for any military intending to act effectively in order to put an end to atrocities, I question our constant willingness to privilege military options over other strategies of intervention. This handbook continues that focus. If this were simply another internal military operations guide or field manual—one of the many that presumably exist—that would be one thing, but the widespread dissemination of this handbook and its attendant publicity suggest otherwise. Essentially, *MARO* explicitly asserts its purpose as such:

[*MARO*] seeks to enable the United States and the international community to stop genocide and mass atrocity as part of a broader integrated strategy by explaining key relevant military concepts and planning considerations. The MARO Project is based on the insight that the failure to act in the face of mass killings of civilians is not simply a function of political will or legal authority; the failure also reflects a lack of thinking about *how* military forces might respond.⁶

This ambitious goal suggests that the *MARO Handbook* is intended to be or envisions itself as an important component of US strategy when dealing with human rights abuses. In some ways, *MARO* is analogous to FM 3–24, the US Army’s field manual for conducting counterinsurgency operations, which was arguably not intended solely for a military audience.⁷ Its widespread release for download and the fact that it was printed as a book suggest that the public and political audience were important constituencies whose support of the COIN (i.e., counterinsurgency) doctrine it outlines was necessary. At that time, public support for the war in Iraq was in deep decline and the marketing of the strategies outlined in FM 3–24, often referred to as “the troop surge” or simply “the surge,” helped garner enough popular and political support for it to be implemented.⁸ The presentation of this document suggests a comparable vision and/or approach.

This focus on military intervention is somewhat problematic since it helps to frame and shape the nature of the discourse about options and policies in ways that reflect an increasing orientation towards military solutions for international problems. I do understand that the primary author of the handbook, Sarah Sewall, developed

this initiative after having spent time in the Pentagon, that her experience there has been fundamental in shaping the nature of this project, and that the numerous military participants in this project were invaluable in creating a realistic document; yet, it seems to me that, as a society, we already emphasize military options and responses over diplomatic, legal, humanitarian, economic, and informational ones. In his recent critique of our national security mindset, Andrew Bacevich points out that since the Second World War our statecraft has “emphasized activism over example, hard power over soft, and coercion (often styled ‘negotiating from a position of strength’) over suasion.”⁹ This focus, however, comes at a cost. We tend to perceive non-military options as too slow or too ineffective and often discount them in favor of armed intervention strategies. We want quick solutions to difficult issues and military options often appear to provide that. Yet we live in an increasingly interconnected world in which international economic and social relations have a power and relevancy all too frequently ignored by political and military strategists who continue to perceive the world through old paradigms. This handbook, while filling a gap in the military’s preparedness for humanitarian intervention, also serves to perpetuate a mentality in which force remains a pre-eminent tool of intervention. That is not to suggest that military interventions are already the most common international tool. Far from it. But the frequency with which the United States has engaged in military actions around the globe has increased to the extent that this country exists, to borrow Bacevich’s term, in a “condition approximating perpetual war.”¹⁰ If recent history is any guide, the United States is increasingly relying upon its military forces to project American power abroad and to intervene in a variety of settings for numerous causes. From Lebanon, Grenada, Kosovo, Bosnia, and Somalia to Yemen, Haiti, Liberia, Columbia, the Philippines, Iraq, and Afghanistan, it seems that the United States frequently relies on military intervention for a variety of causes.

To be fair, *MARO* does explicitly assert that “Military FDO’s will be more effective when combined with diplomatic, informational, and economic actions” (69). Yet the diplomatic measures, informational deterrent options, and economic deterrent options discussed in this handbook are conceived as ways to prove support for military operations, not the other way around. This is an extremely important point since it suggests that the military options should enjoy supremacy over other non-force based options. Is this appropriate? Should force and military intervention be the default options for US strategy, even when other tools are available? Or should military intervention be the fallback when other strategies fail? Given the hazards and enormous costs of military intervention, economically but especially in terms of human life and suffering, should we really be suggesting, either overtly or through implication, that military intervention to curtail human rights abuses be our favored approach? Although many non-military options, such as diplomacy and sanctions for example, may take time to implement and come to fruition, it is equally true that these alternatives can be quite effective and that a greater reliance on these kinds of alternatives also demands a more proactive approach to dealing with atrocity situations than we have often adopted. A great deal of work has been done in recent years on developing effective tools for identifying precursors and warning signs for genocidal atrocities and many NGO’s have become quite effective in calling attention to developing situations in countries around the world.¹¹ These alternatives, however, are typically not given the same weight as military solutions even though they have the potential to prevent atrocities before violence ever breaks out. Military intervention, on the other hand, is by definition reactive rather than proactive. The

killing has already begun. Diplomatic, economic, informational, and other such means dictate through necessity an earlier and more preventative approach. Additionally, military interventions are absolutely fraught with a multitude of dangers that can include an escalation of the conflict and the killing of civilians. The NATO intervention in Kosovo, for example, initially served to accelerate the pace at which the Serbs were targeting and killing Kosovar Albanians. When Slobodan Milošević, the president of Serbia, began attacking Albanian separatists in Kosovo in 1998, the international community began applying pressure for him to cease to no avail. Tired of the delaying tactics used by Russia and China in the United Nations Security Council, the United States and its NATO allies began a bombing campaign against Serb forces in Kosovo and in Serbia itself that, apart from its questionable legality, initially created more refugees and internally displaced persons and increased the intensity and scale of the killings by Serb forces.¹² Clearly, this was not the intended outcome of this military intervention and, while it was ultimately successful, it took over two months to achieve an end to the hostilities and, as noted above, increased the numbers of civilian victims. American political leaders and NATO officials, anxious to prove the relevance of NATO in a post-Cold War world, had not envisioned the extent of Serbia's resolve and its willingness to endure sustained air attacks. In fact, the top military commander of NATO, General Wesley Clark, had initially expected the mere threat of force to bring an end to the violence in Kosovo.¹³ This kind of difficulty is compounded in atrocity situations, which are notoriously difficult and unpredictable. Atrocities tend to happen during times of other conflicts such as civil wars or low intensity or insurgency wars. In these conflict zones, combatant groups are sometimes indistinguishable from civilian populations or groups from both sides of a conflict engage in war crimes and atrocities. In this confusing and dangerous context, the possibility of civilian casualties, or "collateral damage" as they are sometimes euphemistically called, becomes very real and serves to negate the gains from military intervention for humanitarian reasons. As *MARO* acknowledges in the section titled "Moral Dilemmas," "In a MARO, the difference between doing right and wrong will be strategically crystalline and tactically elusive. Moral dilemmas will proliferate" (38). Clearly, military intervention is not necessarily an easily implemented panacea and while the handbook acknowledges this in the section titled "Escalatory Dynamics," I am not sure that the underlying implications of this reality are fully addressed.

Military interventions truly must be a tool of last resort. This particular critique does not dispute or challenge the essential strengths of the *MARO Handbook*; rather it questions the underlying assumptions implicit within its development and dissemination. My criticism is really about the frames of reference or the starting points we use in order to understand and resolve a problem. *MARO*, unfortunately, replicates our over-reliance on military solutions to international human rights violations. My argument, therefore, does not truly address the validity of the specific suggestions contained in the handbook, but instead argues that we, as a society and as individuals and groups interested in making the world a safer place for civilians, need to emphasize more proactive and non-military approaches to resolving conflicts and trouble spots before they ever erupt into atrocities.

My second major critique is closely connected with the first and also concerns the narrow focus of the handbook. Essentially, the project treats military intervention as a purely military issue without much regard for the political or social aspects of any intervention or, as the authors put it, their purpose is to, "answer the 'how,' not the 'whether'" (13). Yet to ignore the political dimensions of intervention, even military

interventions, is to suggest that they occur in a vacuum. While *MARO* does not completely ignore the political realities of intervention, it does appear to suggest that they are only ancillary to the organization and philosophy of this handbook. The political sphere should be integral in the planning and development of such a handbook. All too often military operations have been hampered and negatively affected by a divergence and lack of cohesion between military goals and political ones. I wonder if it would not have ultimately been more productive to have included political actors in the creation process of *MARO* in order to integrate effective strategies designed for better coordination and communication between the military leaders responsible for humanitarian missions and the administration and political leadership who must contend with popular opinion, international pressure, and various other governmental and diplomatic concerns. While it is suggested that the *MARO Handbook* provides an operationalization of the R2P document, this does not substitute for the need to develop and embed mechanisms to address the political realities of intervention within the *MARO* project. Additionally, R2P addresses three main areas of responsibility that include the prevention of atrocities, reacting to mass atrocities, and rebuilding after mass atrocities; *MARO*, therefore, only addresses one of the three main goals of R2P.

Military operations are always constrained, shaped, altered, and retasked according to the variable winds of the political situation and the more that a project such as *MARO* can integrate clear guidelines and procedures for working with and within political structures, the more effective such a project will ultimately prove. To suggest that the political sphere is ancillary or irrelevant to the military is to ignore certain realities. A good case in point is the American intervention in Somalia in 1992. Initially tasked with saving lives, Operation Restore Hope was created with the intent to use American troops to create a more secure environment in which humanitarian aid could alleviate the suffering of the Somali people by bringing in food and other vital supplies to the starving population.¹⁴ While President Bush overtly initiated this mission in response to humanitarian concerns, some have suggested that it was also implemented partially to divert attention away from the then ongoing situation in Bosnia and/or in response to being a lame-duck president in need of a grand gesture. Regardless of the relative merits of these arguments, there does seem to be a political role in the decision to send in troops. In response to pressure from UN headquarters, American troops were nominally placed under UN control. When the mission subsequently changed, with the prevalence of American troops in combat operations and within the UN command structure in Somalia, it was widely viewed as an American operation. The “mission creep,” as it became known, led to the poorly informed decision to capture one of Somalia’s leading warlords with disastrous results. Importantly, the widely viewed videos of the bodies of slain American soldiers subsequently being dragged behind vehicles in Mogadishu led to the American public’s widespread loss of confidence in the mission, influencing then President Clinton to order the American contingent to head home. At every stage of the process, political realities and pressures influenced the use of military forces and this is unlikely to ever change. Suggesting that an important next step involves “harmonizing interagency roles” (102) and involving actors from government and NGOs does not seem particularly helpful given that the terms of the discourse have already been established.

Lastly, *MARO* appears to be remarkably unilateral in its orientation. In Part III, “Future Research Areas and Ways Forward,” *MARO*’s authors assert that “for a variety of reasons, the *MARO* Project’s efforts have been initially US-centric” (102).

This is problematic since it appears that, at least at this initial stage, the handbook perpetuates a unilateral approach to the idea of military intervention that is extremely troubling in this day and age. Regardless of the intention, American actions have all too often been perceived extremely negatively at home, within the affected region or nation, and internationally. Any single nation that engages in unilateral action, especially if it often uses military intervention as a strategy, runs the risk of having its motives discounted or assumed. Consider the recent case of the 2003 invasion of Iraq. Even though a small coalition of forces had been mustered in support of the action, many around the world condemned the action as American unilateralism at its worst. While American political and military leaders presented the action as a part of the “war on terror” and as a means of overthrowing a dictator and spreading democracy, many within the international community, within Iraq, and even within the United States saw it more as about a mission for oil and power than anything else. This perception certainly helped to mobilize popular opinion against the war in Iraq, and especially the American military presence there, and ultimately helped fuel the nationalism and religious factionalism that turned Iraq into a mass graveyard during the insurrection. That is not to suggest that multilateral actions are easy to organize and implement. On the contrary, they are difficult, highly politicized processes that require a great deal of consensus and much negotiation. Nevertheless, multilateral military interventions are inherently more legitimate as they do not automatically invoke the same kinds of negative reactions within the nation that is being invaded by troops and within the international community. In other words, the more nations that send troops to end atrocity crimes, the harder it is to portray the intervention as illegitimate. As Martha Finnemore reminds us, “To be legitimate in contemporary politics, humanitarian intervention must be multilateral.”¹⁵

Notes

1. International Rescue Committee conducted a number of mortality surveys between 2000 and 2007. See *International Rescue Committee*, accessed 5 October 2010, <http://www.rescue.org/special-reports/congo-forgotten-crisis>.
2. *MONUC: United Nations Organization Mission in the Democratic Republic of the Congo*, accessed 14 October 2010, <http://www.un.org/en/peacekeeping/missions/monuc/facts.shtml>.
3. See, for example, Jeffrey Gettleman, “Mass Rapes in Congo Reveals U.N. Weakness,” *The New York Times* 3 October 2010, <http://www.nytimes.com/2010/10/04/world/africa/04congo.html> (accessed 6 October 2010).
4. Gareth Evans and Mohamed Sahnoun, Co-chairs, *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty*, (Ottawa, ON: International Development Research Centre, December 2001).
5. Madeleine K. Albright and William S. Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington, DC: Genocide Prevention Task Force, 2008).
6. Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard Kennedy School / Carr Centre for Human Rights Policy, 2010), 13. Subsequent references appear parenthetically in the text.
7. David H. Petraeus and James F. Amos, *Counterinsurgency*, FM 3–24 (Washington, DC: Combined Arms Center, 2006), http://usacac.army.mil/cac2/coin/repository/FM_3-24.pdf (accessed 6 October 2010).
8. See, for example, Andrew J. Bacevich, *Washington Rules: America’s Path to Permanent War* (New York: Metropolitan Books, 2010).

9. Ibid., 13.
10. Ibid., 16.
11. See, for example, David A. Hamburg, *Preventing Genocide: Practical Steps toward Early Detection and Effective Action* (Boulder, CO: Paradigm Publishers, 2008).
12. Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, DC: Brookings Institute, 2008).
13. Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York: Public Affairs, 2002).
14. L. M. Martin, "Somalia: Humanitarian Success and Political/Military Failure," *Global Security*, 1995, accessed 11 November 2010, <http://www.globalsecurity.org/military/library/report/1995/MLM.htm>.
15. Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca, NY: Cornell University Press, 2003), 78.

Utopian Goals, Unasked Questions: Reflections on a Proposed Military Planning Handbook for Response to Mass Atrocities against Civilians

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The proposed handbook, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook*, offers many valuable suggestions about how the military can be prepared for intervention in situations of mass atrocity against civilians. The chief flaw of the document is that it places the military at the center and banishes the political, diplomatic, humanitarian, and reconstructive elements of intervention to the periphery of its focus. As a result, it sets up utopian goals for the military to rebuild devastated societies, fails to ask crucial questions about coordination and decision making in the political and military hierarchies, largely ignores international relations and their possible impact on intervention, creates structures that are excessively complicated, and by emphasizing structure (formal organization) it tends to ignore the vital element of process (the process by which decisions are made and implemented). The authors of the report view genocide and mass atrocity against civilians almost exclusively from the lens of the military. This approach is severely flawed for a variety of reasons, the main ones being that genocide and atrocity do not exist in a military vacuum and that many of the tasks that the handbook assigns to the military are beyond its competence.

The military focus is announced in the first paragraph of the report: lack of thinking about how to use the military to intervene in the face of mass atrocities against civilians has contributed significantly to the failure to act in the past.¹ The problem has not been simply a failure of political will, but of military doctrine and planning with respect to humanitarian intervention. The handbook that is offered by the MARO Project “can help shift the policy debate from ‘whether’ to ‘how’ to intervene to stop widespread violence against civilians” (7). The authors’ hope is that it can “catalyze,” that is act as an agent to precipitate and speed up, action during mass atrocities (15).

Also in the opening pages, there are already some of the unasked questions that characterize the report. Is it the case that the failure to intervene has been the result of a lack of military doctrine, a calculation of national interest, or sheer indifference? Is the report’s bias toward intervention shared by those in the military who would have to face what the report itself describes as an operation characterized by complexity, contingency, and a high potential for unanticipated consequences? Further, would the military leaders welcome the many tasks that the report assigns to them in the aftermath of the fighting, such as the tasks of nation-building and economical restoration, or view these as outside of the military’s call of duty? And crucially, no criteria are provided to determine when intervention would be

warranted and the handbook does not offer any discussion of the various factors that must be considered before embarking on such a path: ethical and political issues, reactions from other countries, the probability of success, possible conflicts with other goals, and the duration of the intervention. None of these questions are intended as arguments against interventions, but they are questions that must be considered.

The unasked question that runs throughout the report is that of competence. The military is expected to gather enormous amounts of intelligence on every aspect of a MARO situation: political, economic, social, possible international reactions to intervention, and so forth. Do they have the competence to do so? And is it even the case that so much information must be collected and analyzed in order for a successful intervention to stop the atrocities? There appears to be a built-in tendency in the report to attempt to cover every possible base but to also leave important questions unasked. The result is a complexity that obscures what is vital to the success of the mission and the introduction of much that is irrelevant to the project at hand. Consider in this light what the authors have to say about the economic information that MARO planners must have:

The analysis should include key considerations with respect to agriculture, manufacturing, trade, gross domestic product, natural resources, income distribution, poverty, unemployment, corruption, black marketing, narcotics trafficking, human trafficking, and humanitarian assistance needs. (49)

Perhaps all of this information could be useful, and certainly information on humanitarian assistance needs is necessary, but the planners need to focus more on the mission at hand, distinguishing between information that is essential and that which is not. Even so, the question of who is competent to collect and analyze the information remains.

The report views the many issues of intervention mainly as an exercise in military preparedness and execution. It recognizes, however, that the matter of intervention is vastly complicated and that coordination with many groups must ensue. This theme surfaces from time to time in the handbook, but it is always on the periphery, and what is actually to be done about coordination is vague in most instances. At the same time, there is the re-appearance of the unnecessary complexity to which this report is prone even as it pushes everyone but the military to the sidelines.

The problem of intervention is obviously related to politics, domestic concerns, international relations, international organizations such as the United Nations, and NGOs (non-governmental organizations), as well as the military forces that might carry out the intervention. With regard to the latter, it can involve one country, several countries, or a broad array of forces; above all, it is a question of authorization, but such authorization has not generally been granted under international law. The humanitarian gunslingers (who have not been disinterested, shall we say) have pretty much had their way. India went into East Pakistan in 1971 without authorization, but stopped the slaughter in what is now known as Bangladesh; the Vietnamese invaded Cambodia and brought an end to the Khmer Rouge killing of its own people; the United States intervened in Kosovo with NATO's authorization but without the support of the UN Security Council.

The authors of the report recognize the need for coordination and the many problems associated with it (and they focus on the US military and political institutions rather than take a broad look at complicating factors, such as the fact that other

countries exist and have interests and points of view as well). But their response is to sponsor a structural solution and, in so doing, to increase the complexity that stands in the way of both an understanding of the issues and action where it is required. The kind of coordination they describe is absolutely impossible: bureaucrats from a multitude of agencies, and perhaps also those from other countries and international organizations, would be bumping into each other. Because this particular statement about the parties that would be involved extends for about two pages, I will only cite a portion of it, but it can speak, as it were, for itself:

Currently within the US government, the Department of State Office of the Coordinator for Reconstruction and Stabilization (S/CRS) is the primary point of contact for interagency (“whole of government”) training, assessments, plans, and associated planning processes that pertain to MARO. S/CRS coordinates with other agencies, particularly other offices in the Department of State, USAID, and the National Security Council (NSC), which chairs Interagency Policy Committees (IPCs) that are responsible for coordinating national security policy. During a crisis, the Interagency Management System (IMS) may be activated including the formation of a Country Reconstruction and Stabilization Group (CRSG) which is chaired by the appropriate Regional Assistant Secretary of State, the S/CRS Co-ordinator, and the appropriate NSC Senior Director. Other IMS structures include the Integration Planning Cell (IPC), the Advance Civilian Team (ACT), and, potentially, Field Advance Civilian Teams (FACTs). For any government effort, joint military training, exercises, and similar types of habitual engagement among civilian and military actors help to build common operating assumptions and procedural familiarity. (84–85)

This line of thought continues for another page and brings in even more groups and the need for coordination, but the point, I think, has been made. The approach of the MARO Project is bureaucratic, structural, and impossibly complicated. It also utterly ignores process in favor of structure. Further, there are surely divisions within the ranks of some groups or governmental units within the many groups that are mentioned and there may also be conflicts between the many different units and organizations that the quotation outlines. The question is not just what structures there are, though this is important, but about the process within and between such organizations. It is this question that is totally ignored by the MARO report.

There are unasked questions as well as utopian expectations in the report, despite the fact that it provides some notes of caution. The report is realistic in recognizing that difficulties could occur on the ground during intervention, that there could be shifting forces within the group(s) of perpetrators, and that neighboring countries could aid and abet those engaged in the killings. It does not, however, address how the home country would perceive mounting casualties or whether it would even understand the reasons for the intervention. And if the duration of the intervention—whether conducted by the United States, on which the report focuses, or another nation—extended would support for the intervention decline significantly? If so, what impact would the loss of that support have on the existing intervention and/or on future interventions?

Having recognized the dangers of intervention, *MARO*'s author-group, from Harvard and the US Army, goes on to create all kinds of utopian expectations and make excessive demands on the US military, which would be involved in humanitarian interventions to stop the slaughter of civilians wherever they might occur. In this 2010 report there is no mention that the United States is already involved in two wars.

The US military is capable of conducting a military intervention to prevent mass deaths of civilians at the hands of their own government or of other perpetrators.

But the question that always arises is “what about the aftermath?”; what will happen after the killing ends? It is here that *MARO* becomes utopian in the extreme, reaching not only far beyond the military’s capability to repair the scourge of genocide, but really reaching beyond anyone’s capability to do so. The deaths, devastation of the landscape and of cultural monuments, the destruction of the economy and of the justice system, and the need to reconstruct the society and the state to prevent such atrocities in the future are quite complex issues.

MARO sets up very expansive goals, and just how they are to be met is unclear. The handbook places huge burdens on the military to carry them out in ways that the military has little experience of doing. Of course, there are also calls for working with civilian groups; nevertheless, the initial requirement is that a transitional military force will be the governing authority. The document discusses the many complications that can arise at this point and the responsibilities that will be involved in confronting them. Another issue that arises has to do with the duration of the operation: Is this a short-term commitment or will it perhaps continue for years?

MARO demands a utopia from the American military, forgetting that Washington is and always has been reluctant to intervene to stop genocide. The demands made in the report indicate a misplaced allocation of responsibility onto the military and assign untenable responsibilities to it in the aftermath of genocide. Further, the expectations that are made of the military do not constitute the only issue present in the report. For the scope of the present commentary, I will consider only one example of such demands, but it is indicative of the tenor of the whole report:

Governance and Rule of Law.

Support establishment of effective institutions and laws, and the rule of law.

Identify and apprehend perpetrators.

Locate and safeguard witnesses, documents, and other evidence.

Support peaceful redress of grievances.

Monitor vulnerable groups and prevent human rights abuses; implement effective warning mechanisms.

Protect key political and societal leaders.

Establish Transitional Military Government, if needed.

Transition authority to others, as appropriate.

Support legitimate and effective governance.

Dissuade corruption. (107)

In the end, I think that the *MARO* group has done a service to us all, but much of it constitutes in warning us about the simplistic, bureaucratic, and structural thinking that went into the report. My feeling is that, having produced the report from the perspective of the military, they now need to re-produce it from the perspectives of genocide scholars, foreign scholars, and even from the Washington establishment, which, I think, will not like this report.

Note

- 1 Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations; A Military Planning Handbook* (Cambridge, MA: Harvard Kennedy School / Carr Centre for Human Rights Policy, 2010), 7. Subsequent references appear parenthetically in the text.

A Case Study in Underachievement: The International Courts and Genocide in Bosnia-Herzegovina

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Two international courts—the UN's International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Court of Justice (ICJ)—have established that genocide occurred in Srebrenica in Bosnia in 1995. Germany's courts have concluded that genocide occurred in both Northern and Eastern Bosnia in 1992, and an appeal against a conviction for genocide on this basis was dismissed by a third international court—the European Court of Human Rights (ECHR). Yet, there has been minimal international punishment of genocide in Bosnia. Serbia was convicted by the ICJ only of a failure to prevent and punish genocide. Only one middle-ranking individual has been convicted of a genocide-related charge by the ICTY; three others of similar or lower rank have been convicted but are appealing the convictions. Only six individuals from Serbia or Montenegro were ever indicted by the ICTY for war crimes in Bosnia and no one has yet been convicted. Of the two most notorious Bosnian Serb genocide suspects—Ratko Mladić and Radovan Karadžić—the first has not yet been arrested while the second was arrested only in July 2008 and has not yet been convicted. International awareness that systematic mass murder occurred in Bosnia and the courts' conclusive verdict that at least some of this involved genocide have translated into minimal punishment of the perpetrators. This paper explores the reasons why international justice has underachieved in regards to the mass murder in Bosnia by examining the structural weaknesses, political pressures, and errors of judgment that have hampered the international courts.

Key words: Bosnia, Serbia, genocide, international justice, war crimes

The systematic mass murder that occurred in Bosnia in the first half of the 1990s has perhaps entered into the international consciousness more than any other case of systematic mass murder since the Holocaust. The Bosnian War has been described as the most publicized war in history. Partly as a result of this, the mass murder in Bosnia has received an unprecedented level of attention in the international courts. In 1993, the UN Security Council established the International Criminal Tribunal for the former Yugoslavia (ICTY) to prosecute individual war criminals. The ICTY has indicted over 150 political and military figures from the former Yugoslavia. So far, the ICTY has successfully prosecuted one individual for genocide—the Bosnian Serb officer Radislav Krstić. He was convicted on 2 August 2001, but on 19 April 2004 his conviction was reduced on appeal to the lesser charge of aiding and abetting genocide. A second Bosnian Serb officer, Vidoje Blagojević, was convicted of genocide on 17 January 2005 but subsequently acquitted on appeal on 9 May 2007 of all genocide-related charges. Finally, on 10 June 2010, two more officers, Vujadin

Popović and Ljubiša Beara, were convicted of genocide while a third, Drago Nikolić, was convicted of aiding and abetting genocide; all three appealed their convictions on 8 September 2010, and the final outcome remains uncertain at the time of writing.

In the same year that the ICTY was established, Bosnia filed charges with the International Court of Justice (ICJ), accusing Serbia of genocide. The ICJ delivered its verdict in 2007, acquitting Serbia of genocide, but nevertheless finding Serbia guilty of failing to prevent the genocide at Srebrenica and of failing to punish genocide by sheltering war criminals indicted by the ICTY. Also, in 1997, a German court, the Higher Regional Court of Düsseldorf, convicted Nikola Jorgić, a Bosnian Serb, for committing genocide in the Northern Bosnian region of Doboj in 1992. Jorgić challenged his conviction, and brought his case all the way to the European Court of Human Rights (ECHR), to which he appealed on the grounds that the definition of genocide used to convict him in Germany was not in accordance with the international legal definition of the crime. The ECHR rejected his appeal and confirmed the legality of Jorgić's conviction, noting that "the German courts' interpretation has not only been supported by a number of scholars at the relevant time of the commission of the crime" but that "the UN General Assembly agreed with the wider interpretation adopted by the German courts in the present case," and that "[c]onsequently, the applicant's acts, which he committed in the course of the ethnic cleansing in the Doboj region with intent to destroy the group of Muslims as a social unit, could reasonably be regarded as falling within the ambit of the offence of genocide."¹

Thus, three different international courts—the ICTY, the ICJ, and the ECHR—have reached verdicts that support the view that genocide occurred in Bosnia. There is, however, some disagreement between the courts. The ICJ resolved that genocide in Bosnia occurred only in the Srebrenica massacre of 1995. The judges specifically stated that genocide did not occur at other times or places in Bosnia.² The ECHR, by contrast, upheld the decision of the German courts that crimes consistent with the international legal definition of genocide did indeed occur outside of Srebrenica—in Northern Bosnia in 1992. Another German court, the Bavarian Appeals Chamber, concluded in the hearing on 23 May 1997 of the appeal of another Serb suspect, Novislav Džajić, that genocide occurred also in the Foča region of East Bosnia in 1992. The ICTY prosecutors tried unsuccessfully to prosecute Bosnian Serb perpetrators for genocide in areas other than Srebrenica. Momčilo Krajišnik, a member of the presidency of Bosnia's Serb Republic—Republika Srpska—was the highest-ranking Bosnian Serb official to be acquitted of genocide. But unlike in the case of the ICJ, the judges at the ICTY did not say genocide had not occurred, but rather that it had not been proven beyond all reasonable doubt.³ Ongoing proceedings at the ICTY, in particular against Radovan Karadžić, may yet uphold the prosecution's contention that genocide occurred in Bosnia outside of Srebrenica, though this remains to be seen. Nevertheless, despite these differences, three different international courts agree that genocide occurred in Bosnia or that crimes occurred in Bosnia that can legitimately be defined as genocide.

The paradox is that there has been minimal punishment of this genocide, which has essentially been limited to the punishment of a handful of low- and middle-ranking individual Serb perpetrators; the highest-ranking suspects thus far convicted of genocide-related charges have been Radislav Krstić, a major-general and deputy commander of the Drina Corps of the Army of the Serb Republic (i.e., the Bosnian Serb army) and Ljubiša Beara, a colonel and Chief of Security of the General Staff of the Army of the Serb Republic. Serbia was convicted of nothing worse than a

failure to prevent and punish genocide. Bosnia's claim for damages against Serbia was dismissed by the ICJ. Only one individual—a lowly deputy corps commander—has been convicted of a genocide-related charge by an international court (while Jorgić was a still more lowly figure, a local paramilitary leader, convicted by a national court). Two other low-ranking Serbs, Maksim Sokolović and Đurađ Kušlić, were also convicted of genocide-related offences by German courts. The conviction of Popović and Beara for genocide and of Nikolić for aiding and abetting genocide by the ICTY remains to be upheld or overturned by the appeals chamber.

The War Crimes Chamber of Bosnia-Herzegovina, a hybrid tribunal in which the national judges play the leading role and international judges a supporting role,⁴ has a jurisdiction that is limited to “lower- and intermediate-rank accused,” but has been readier to hand down genocide convictions; it found seven low-ranking Serbs guilty of genocide on 29 July 2008, one of whom was subsequently acquitted on appeal. Three other low-ranking Serbs were subsequently convicted of genocide by this court, and a fourth has pleaded guilty to genocide before it. All these cases related to genocide in Srebrenica. Prosecutors at the War Crimes Chamber have not been willing to prosecute suspects for genocide outside of Srebrenica.

Only six people from Serbia or Montenegro were ever even indicted by the ICTY for any kind of war crime in Bosnia. Most of the principal organizers of war crimes in Croatia and Bosnia were never indicted. Of the six indicted, one was killed before being arrested, one died during trial, and procedures against the other four are ongoing. So at the present time, not one single official, soldier, or politician from Serbia has yet been convicted by the ICTY for war crimes in Bosnia, let alone for genocide. Yet it was the regime of Slobodan Milošević in Serbia and the Yugoslav army controlled by Serbia that established the Bosnian Serb army and organized the mass killing in Bosnia—a fact not disputed by the ICJ in its acquittal of Serbia for genocide. Finally, up to the present day, of the two most notorious war-crimes indictees apart from Milošević, namely the Bosnian Serb leaders Ratko Mladić and Radovan Karadžić, the first has still not been arrested while the second was arrested only in July 2008 and has not yet been convicted at the time of writing. So the overwhelming international awareness that systematic mass murder took place in Bosnia and the conclusive verdict of the courts that at least some of this involved genocide have translated into very little in the way of convicting or punishing the perpetrators for the crime of genocide and into relatively little in the way of convicting or punishing the most senior perpetrators even for lesser offences. This paper aims to explore why it is that international justice has failed in the case of Bosnia.

Rejecting Conspiracy Theories

We can begin by rejecting the easy explanation that international justice failed because the “great powers” wanted it to fail and the international courts are simply the tools of great-power policy. A lot of the discourse about the war in the former Yugoslavia has revolved around theories of Western imperialist conspiracies, and interested parties have posited a number of these conspiracies, most of them supposedly directed against the Serbs. There was, according to various accounts, an imperialist conspiracy to break up Yugoslavia; an imperialist conspiracy to demonize the Serbs by exaggerating their atrocities; an imperialist conspiracy to provoke the war between NATO and Serbia over Kosovo; and so on and so forth.⁵ One of the most imaginative of these supposed conspiracies was the Jewish American conspiracy to appease the Muslim world at the expense of the Serbs to compensate for

American support for Israel.⁶ On the other side, to a lesser extent, there has been talk of imperialist conspiracies directed against the Muslims.⁷

All conspiracy theories should be rejected in principle because they are not rooted in serious evidence or analysis. This does not mean that serious criticisms should not be made of Western policy. But the most powerful critiques of this kind are made on the basis of empirical evidence. A prime example is Brendan Simms's damning study of British policy toward Bosnia in the first half of the 1990s.⁸ One of the fiercest critiques of the failure of international justice has been made by Florence Hartmann, the former spokeswoman for Carla del Ponte, chief prosecutor at the ICTY. Hartmann's book *Peace and Punishment* catalogues many of the failures of the ICTY.⁹ But although there are many things that are positive about Hartmann's book, its principal weakness is that it attempts to portray many of the staff at the ICTY, in particular British and Americans, as motivated by the policies of the Western, in particular British and American, governments which, according to Hartmann, are above all concerned with trying to cover up Western complicity in the Srebrenica massacre and Serbian crimes in general. Having myself worked at the Office of the Prosecutor of the ICTY, I find the idea that most or many staff members were motivated by their governments' policies simply implausible. This applies equally to accusations that the ICTY was "NATO's court," or a political instrument of the great powers.¹⁰

The ICTY was an institution in its own right, and its actions were determined by its relationship with other institutions and by its own internal structure. There were different bodies and individuals within the ICTY, and there were different currents of opinion. To imply that some of these currents simply reflected the policies of their governments, while others did not, is not credible. This paper will adopt a different approach, and examine the institutional, procedural and conceptual weaknesses and mistakes which have characterised the work of the international courts with regard to Bosnia. We shall begin with the ICTY, because the decisions of the ICTY themselves impacted upon those of the ICJ.

The ICTY's Structural Weaknesses vis-à-vis the Outside World

The ICTY was structurally flawed in two respects: in its relationship to the outside world and in its internal organization. It was established in 1993 on a shoestring budget, without even the goodwill of most members of the UN Security Council other than the United States. For example, Britain for years failed to donate any money to the ICTY's budget. The ICTY began as an apparently insignificant institution that appeared destined to go after only the small fish. The first person prosecuted was Dušan Tadić, a concentration camp guard who happened to be recognized by one of his former victims in Germany where he was arrested. Although the two most senior Bosnian Serb figures, the political leader Radovan Karadžić and the military leader Ratko Mladić, were both indicted in 1995, the international forces made little or no effort to arrest them in the years immediately following the signing of the peace agreement.

Hartmann argues that the failure to arrest Karadžić and Mladić was deliberate, as these two could have incriminated Western politicians over the events at Srebrenica.¹¹ Former ICTY Deputy Chief Prosecutor Graham Blewitt confirmed in an interview following his departure from the Tribunal in 2004 that there was indeed a lack of Western will to arrest the two.¹² The lack of will was probably related, among other things, to an American fear of possible casualties that might have occurred during an attempt at arrest. Following his arrest in July 2008 and

delivery to the ICTY, Karadžić attempted to claim immunity from prosecution on the grounds that Richard Holbrooke, the United States's Balkan envoy who brokered the Dayton Peace Accords in 1995, had promised him such immunity on condition that he retire from public life. The ICTY rejected Karadžić's claim to immunity and Holbrooke denied that any such deal had been made.¹³ Nevertheless, US history professor Charles Ingrao has confirmed, on the basis of US State Department sources, that Holbrooke did indeed promise Karadžić immunity from arrest, though not from prosecution, in return for withdrawal from politics.¹⁴ The ICTY, from the start, therefore suffered from the fact that it had to rely on an unenthusiastic international community to deliver the indictees to it. Furthermore, the ICTY prosecutors had no means of collecting evidence except with the consent of the former Yugoslav states. Both Serbia and, initially, Croatia were essentially hostile to the ICTY, and when they were not forthcoming with the documentary evidence, the ICTY prosecutors had to rely upon the international community to apply the necessary pressure. This, too, was not always forthcoming or sufficient.

In the period after the fall of Milošević in 2000, Chief Prosecutor Carla del Ponte made several trips to Belgrade to seek the cooperation of the new Serbian regime. But this led her into negotiations with Serbian leaders, which arguably resulted in the increasing politicization of the ICTY. Indeed, del Ponte's recently published memoirs reveal that international diplomacy—in the form of negotiations with former-Yugoslav, Western and international officials, in which she was forced to engage in a complex game of threatening and cajoling, demanding and conceding—wholly dominated her work as chief prosecutor, at least as she presents it.¹⁵ This representation of events has been upheld by Victor Peskin's study of the international diplomacy of the ICTY and its sister tribunal, the International Criminal Tribunal for Rwanda.¹⁶ In order to prove to her Serbian interlocutors that the ICTY was not anti-Serb, del Ponte came under pressure to indict more non-Serbs. We do not know if her policy on indictments was influenced by this pressure. But we do know that of the 125 individuals indicted by the ICTY for war crimes in Bosnia, 89 of them or 71% were Serb soldiers, politicians, or officials (including at least two non-Serbs who held positions in Serb or Serb-controlled bodies), while 36 or 29% were Croats and Muslims.¹⁷ Given that at least 86% of the killing of civilians during the Bosnian war was the work of Serb forces, this amounts to a substantial overrepresentation of non-Serbs among the indictees—non-Serbs carried out one seventh of the killing of civilians but made up two sevenths of indictees.¹⁸ Serbia and the Bosnian Serb Republic—Republika Srpska—were the least cooperative with the former Yugoslav entities with regard to the ICTY and this resistance may have paid dividends, with the ICTY prosecutors backing off.

Deficiencies in the ICTY's Internal Organization

The National Quota

The ICTY has been caught between Serbian and Bosnian Serb obstructionism on the one hand and inadequate support from the international community on the other. But its failures also stem from its own internal organization. The internal organization of the ICTY's Office of the Prosecutor is not open to the public, but as I worked there myself, I can provide some inside information. Hartmann and del Ponte have also provided some insights in their books, as have Blewitt and Geoffrey Nice (former chief prosecutor in the Milošević trial) in interviews. I was working at the Office of the Prosecutor in 2001, when the ICTY seemed to be at the height of its success. It was in this period that Milošević arrived at the Hague. At that time, the Office of the

Prosecutor had eleven investigative teams. Of these, seven teams were devoted to Serb war crimes and four to non-Serb war crimes.

As noted above, at least 86% of the killing of civilians in the Bosnian war was the work of Serb or Serb-controlled forces. There are no comparably precise figures for civilians killed by Serb vis-à-vis non-Serb forces in the Croatian and Kosovo wars. Total Croatian war losses between 1991 and 1995 have been most scientifically estimated at 22,192; non-Serbs made up 15,970, or 72% of the total; of these, 45% were civilians, while of the 6,222 Serbs killed or missing, the proportion of civilians is unknown.¹⁹ Total Kosovo Albanian war losses have been estimated at 10,356 for the period between March and June 1999 according to one scientific study and at 12,000 for the period between February 1998 and June 1999 according to another.²⁰ There are no accurate figures to confirm how many of these were civilians—something especially difficult to calculate, given that “Albanian military casualties” in Kosovo would refer to losses sustained by an irregular, guerrilla army. Nor are there any accurate figures for Serb losses at the hands of the Kosovo Liberation Army. But by any reckoning, Serb forces were responsible for well over 80% of civilian casualties in all of the former Yugoslav wars combined.

However, at the time that I was working at the ICTY, seven out of the eleven investigative teams (64%) at the Office of the Prosecutor were devoted to investigating Serb crimes and four (36%) to investigating Croat, Muslim, and Albanian crimes. This means that Serb indictees were underrepresented in relation to their share of the war crimes—less than two thirds of the investigative teams were devoted to the side in the war that was responsible for over four fifths of total civilian fatalities. Such an organizational structure appears to have been set up in order to guarantee a particular distribution of indictees between the nationalities, as each investigative team would work to achieve a certain number of “kills.” Indeed, the distribution of indictments between Serbs and non-Serbs broadly corresponds to the distribution of the investigative teams: of 159 total indictments, 108 or 68% were of Serbs (i.e., of soldiers, officials, and politicians of Serb or Serb-controlled bodies) and 51 or 32% were of non-Serbs (i.e., of soldiers, officials, and politicians of Croatia, the Bosnian government, Albanian or Macedonian bodies). The motive may have been to refute accusations of “anti-Serb bias” and to convince the international public that the prosecution was even handed.

There were some peculiarities that arose as a result. The top Yugoslav army commanders, who commanded the Yugoslav and Serb forces against Croatia in 1991–1992, were not indicted. Only middle-ranking officers were indicted for the single worst war crime of the Croatian war, at the Vukovar Hospital, while two other relatively junior officers and two somewhat more senior but not top-ranking ones were indicted over the JNA (Yugoslav People’s Army) attack on Dubrovnik. By contrast, the most senior Croatian commander in the period between 1992 and 1995, Chief of Staff Janko Bobetko, was indicted for a crime occurring when Croatia attempted to recapture some territory in 1993 at the Medak Pocket. The top commander of the Croatian Interior Ministry forces, Mladen Markač, was indicted for crimes carried out during Operation Storm in 1995. Overall, more senior Croatian commanders were indicted over Operation Storm than was the case for Yugoslav commanders indicted over the war against Croatia.

Similarly, the top Yugoslav army commanders who commanded Yugoslav and Serb forces during the assault on Bosnia in 1992 were not indicted. Only Momčilo Perišić, the Yugoslav Army commander from 1993 onward, after the direct Serbian aggression had already ended, was indicted. By contrast, the two most senior

Bosnian Army commanders during the war, Sefer Halilović and Rasim Delić, were both indicted. So in terms of top commanders, Serbia was treated more leniently than either Croatia or Bosnia, in regards to the war crimes committed in those countries. This had nothing to do with lack of evidence. On the basis of the principle of command responsibility, the prosecutors only had to prove that the top Yugoslav commanders had formal command over the lower-ranking officers they had already indicted—such as the Vukovar Three, for example—and they would have had a case. The prosecutors simply chose not to make these indictments.

Overemphasis on Bosnians

There was, furthermore, an additional distortion, which was that the indictments of both Serbs and Croats disproportionately targeted Bosnian Serbs and Bosnian Croats. Thus, over three quarters of all Serb indictees were Bosnian Serbs, and over three quarters of all Croat indictees were Bosnian Croats. This can be explained in a number of ways. One possibility is that the policy of targeting Bosnians was related to low expectations; that is, the prosecutors avoided targeting Serbs from Serbia because they did not believe they would ever be arrested and so they felt that it would be a waste of time. Hartmann claims that until Milošević actually arrived at the Hague, even senior prosecutors did not believe that he ever would.²¹ This appears possible to me. When I was working at the Tribunal, I remember that staff would discuss among themselves whether Milošević or Karadžić would arrive first; we just did not know. Indeed, when Bosnian Serb Presidency member Biljana Plavšić, one of the most senior figures to be tried, arrived promptly at the Tribunal after being indicted in January 2001, her arrival was something of a surprise and the case against her had not been properly prepared. She was allowed to make a plea bargain for a sentence of only eleven years, she was not required to testify against others, and the genocide charge against her was dropped.

The ICTY began life as a Tribunal that targeted the little fish, and even as it gained strength and confidence, it was not able to change its structural character and behave like a Tribunal that targeted the big fish. Thus, the ICTY has prosecuted numerous camp guards and middle-ranking officers, but has avoided indicting most of the principal organizers of the war in Bosnia. A second explanation is that the members of the Office of the Prosecutor who decided whom to indict did not include any actual experts on the war in the former Yugoslavia. There were academic specialists on the war, such as myself, who were working at the Tribunal, but we were researchers, not decision makers. This is a point that Hartmann stressed to me when we discussed this subject; the lawyers and police personnel who took the key decisions on indictments simply may not have understood the mechanisms of the conflict all that well.²² They may really have believed that the conflict was a civil war for which Serbia was not directly responsible.

Failure to Pursue the “Joint Criminal Enterprise”

We shall return later to the question of whether what happened in Bosnia outside of Srebrenica was genocide or whether it was simply systematic mass murder. Leaving that question temporarily aside, the evidence is nevertheless conclusive that what happened in Bosnia was a centrally planned and directed programme of mass killings that originated with the Milošević regime in Belgrade. All Bosnian Serb forces were both *de jure* and *de facto* under the command of the JNA right up until 19 May 1992. The JNA was under the control of the republics of Serbia and Montenegro. Mladić, the Bosnian Serb commander, was appointed to his position by the Yugoslav

military command.²³ The largest phase of mass killings occurred during the spring and summer of 1992. This means that it was the regime in Belgrade that was directly responsible for the largest phase of mass killings.

Indeed, the text of the indictment of Milošević for war crimes in Bosnia claimed that he was part of the Joint Criminal Enterprise, the purpose of which was defined as “the forcible and permanent removal of the majority of non-Serbs, principally Bosnian Muslims and Bosnian Croats, from large areas of the Republic of Bosnia and Herzegovina.”²⁴ The Joint Criminal Enterprise included the leaders of Serbia, Montenegro, the Yugoslav army, the Bosnian Serbs, and the Croatian Serb rebels, with Milošević accused of exercising effective control or substantial influence over all of them.²⁵ The indictment thus affirmed a central direction and an overall plan to the programme of ethnic cleansing and mass murder. However, the prosecutors did not follow this up. Of the seven other members of the Joint Criminal Enterprise from Serbia and Montenegro who were mentioned in the indictment and were still alive, only three were ever indicted and none of them has yet been convicted.

The Obsession with Milošević

This brings us to the final reason for the ICTY’s failure: the prosecutors’ obsession with Milošević as an individual. When I was working at the Tribunal, I was attached to the investigative team (Team 5) that was responsible for drafting the indictment of Milošević for war crimes in Bosnia. My team originally drafted a joint indictment of several members of the Joint Criminal Enterprise, including all the other members from Serbia and Montenegro. However, del Ponte rejected this joint indictment and insisted on indicting only Milošević. At the time, the rumor was that for egotistical reasons she wanted to have something like a personal duel with Milošević, as the most famous indictee, and did not want other indictees complicating the picture. Recently, Hartmann wrote to me to suggest a different reason for Milošević being indicted alone. She argues that the prosecutors wanted rapidly to indict him for Bosnia and for Croatia, as Milošević had just arrived at the Hague, and the case against other senior figures from Serbia and Montenegro simply was not ready.²⁶

Be that as it may, the decision was a mistake. In a recent interview, Nice himself recognized this. The decision meant that the trial came to an end when Milošević died. Had several indictees been tried together, the trial could have continued without him.²⁷ Milošević, as the former president of Serbia and of the Federal Republic of Yugoslavia and as the genuine architect of the war, was certainly an important figure to prosecute. Had he been convicted and sentenced, justice might arguably have been at least partially satisfied. But this overemphasis on the internationally infamous figure of Milošević proved counterproductive when he died before being convicted.

Even if he had survived, the prosecution’s excessive focus on Milošević created enormous problems for its case. From November 2001, the prosecution sought and eventually achieved the merging of Milošević’s separate indictments for war crimes in Croatia, Bosnia, and Kosovo into what Gideon Boas has described as “one gargantuan indictment,” motivated by del Ponte’s expressed belief that such a joinder “would finally make it possible to know the truth as to the real responsibilities of the accused Milošević.”²⁸ Yet as Boas had shown, the prosecution’s attempt to have Milošević tried for a very large number of charges over a very wide crime base not only made its case quantitatively difficult to manage, but resulted in confusion at the conceptual level that undermined its effort.²⁹

Deficiencies in the ICJ

Restricted Definition of Genocide

The ICJ was much older than the ICTY and it is a permanent, not an ad hoc, body. Nevertheless, part of the reason why Bosnia lost its case against Serbia has its roots in the political origins of the 1948 UN Convention for the Prevention and Punishment of the Crime of Genocide. Rafael Lemkin, the man who coined the term “genocide” and who was responsible for its insertion into international law, had originally favored a broader definition of genocide to the one that was ultimately adopted. According to the Convention:

Genocide means 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 members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group 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.³⁰

As Mark Levene has written, Lemkin wanted to include forced exile and population displacement—i.e., ethnic cleansing—and the deliberate destruction of a cultural heritage in the list of genocidal acts, but these were vetoed by some of the UN member states that were involved in the drafting process.³¹ Since Bosnia proved that both ethnic cleansing and systematic cultural destruction had occurred in its case against Serbia, there is no doubt that had Lemkin’s original, broader definition of genocide been adopted, Bosnia would have won its case.

The Censoring of the Supreme Defence Council Minutes

A second political factor that negatively influenced Bosnia’s chances was the result of decisions taken by the judges at both the ICTY and the ICJ. Serbia was required to submit to the ICTY judges in the Milošević case the minutes of the Supreme Defence Council of the Federal Republic of Yugoslavia—the body made up of the presidents of Serbia, Montenegro, and Yugoslavia (i.e., of Milošević and two of his allies). This body initially had command over all Bosnian Serb forces, up until 19 May 1992, and subsequently remained in command of the Yugoslav Army up to and after the time of the Srebrenica massacre, during which time it collaborated with the Bosnian Serb forces. The judges at the ICTY, however, allowed Serbia to withhold certain passages from this set of documents in the version seen by the public and by the ICJ.³² Bosnia could not, therefore, use these crucial documents for its case against Serbia. Bosnia requested the ICJ to subpoena Serbia to hand over the uncensored minutes of the Supreme Defence Council, but the judges refused, claiming that there was already sufficient evidence in the public domain. Serbia’s unwillingness to allow the uncensored minutes of the Supreme Defence Council to be made public arose precisely out of its fear that they would prejudice its case at the ICJ. Phon van den Biesen, a member of the Bosnian team, has gone on record to say that the full documents would probably have demonstrated that the Bosnian Serb forces were under Serbia’s control during the Srebrenica massacre.³³

Bosnia’s case against Serbia was a civil case, meaning that if Bosnia had won, Serbia would have been liable to pay damages to Bosnia. Nevertheless, Bosnia was

required to prove genocide beyond all reasonable doubt, without having any means of obtaining confidential documents—no subpoena and no police force. So, on the one hand, the ICJ expected the Bosnian legal team to prove beyond all reasonable doubt that Serbia was guilty, as if this were a criminal case, but on the other hand, it refused to make Serbia hand over key items of evidence and forced Bosnia to rely on the evidence it had available to it—a policy that would be more appropriate to a civil case.³⁴

Genocidal Intent

The ICJ judges nevertheless accepted that Serb forces in 1992 were guilty of systematic massive killings and massive mistreatment of the Bosnian Muslims that bore all the characteristics of genocide, except that genocidal intent had not been proven. A pattern of killing across Bosnia was shown but was not considered proof of genocide; ethnic cleansing and cultural destruction were likewise not considered proof of genocide. Still, the Bosnian legal team succeeded in proving to the judges' satisfaction that genocide had occurred at Srebrenica in 1995.³⁵ And this peculiarity, that genocide was proven to have occurred in one place and at one time in Bosnia but not in any other place or at any other time, raises to some interesting paradoxes.

The Bosnian Serb armed forces were created by the regime in Belgrade and remained under its formal control up until 19 May 1992. Bosnian Serb commander Mladić was handpicked by Belgrade for the post. Bosnian Serb forces under Belgrade's control were found guilty of systematic mass killings and mistreatment of Bosnian Muslims across Bosnia, but these systematic mass killings nevertheless fell short of genocide in the eyes of the judges. However, after this Bosnian Serb commander and these Bosnian Serb armed forces had become formally independent of Belgrade, they went on to commit genocide at Srebrenica. It is important to recall, at this point, the principle of command responsibility. Since Radislav Krstić was successfully convicted of aiding and abetting genocide, Mladić, as his commanding officer, could straightforwardly have been prosecuted for the same crime—unless he could show that he had taken steps to prevent what Krstić was doing or to punish him afterwards, which he evidently did not. Furthermore, Mladić's direction of the events at Srebrenica was very public and prominent.³⁶ So according to the ICJ's reasoning, Mladić acquired a genocidal intent at some point after he gained his independence from Belgrade. His forces continued to be armed and supplied from Belgrade, his officers' salaries continued to be paid by Belgrade, and the regular Yugoslav Army continued to provide his forces with logistical support. But, according to the ICJ, by the time of Srebrenica there was apparently a split between Belgrade, which aimed to carry out the systematic massive killings, torture, rape, and ethnic cleansing of Muslims but without genocidal intent, and Mladić's Bosnian Serbs, who aimed to massacre the Muslims of Srebrenica, *with* genocidal intent.

The ICJ's conviction of Serbia for failing to prevent genocide rested on its argument that Belgrade should have been aware of the risk that Mladić would not simply carry out massive killings, torture, and ethnic cleansing at Srebrenica, but that he had acquired a genocidal intent. The ICJ did not say that Belgrade should have been aware of this newly acquired genocidal intent on the basis of any documentary evidence or any past behavior. The ICJ said that Belgrade should have been aware of the risk of genocide purely on the basis of the supposed degree of popular hatred on the part of local Serbs toward local Muslims in the region around Srebrenica and on the indications given by Mladić and by international observers that some sort of massacre was going to happen. The judges ruled:

The Federal Republic of Yugoslavia leadership, and President Milošević above all, were fully aware of the climate of deep-seated hatred which reigned between the Bosnian Serbs and the Muslims in the Srebrenica region. As the Court has noted in paragraph 423 above, it has not been shown that the decision to eliminate physically the whole of the adult male population of the Muslim community of Srebrenica was brought to the attention of the Belgrade authorities. Nevertheless, given all the international concern about what looked likely to happen at Srebrenica, given Milošević's own observations to Mladić, which made it clear that the dangers were known and that these dangers seemed to be of an order that could suggest intent to commit genocide, unless brought under control, it must have been clear that there was a serious risk of genocide at Srebrenica. Yet the Respondent has not shown that it took any initiative to prevent what happened, or any action on its part to avert the atrocities which were committed.³⁷

So the judges are saying that it was the hatred that was the root cause of the genocide, and that Belgrade should have been aware of the hatred and of the risk that it might cause genocide at Srebrenica.

This is plainly nonsensical. Even if one were to accept the highly dubious proposition that it was the local Serb hatred of Muslims that gave rise to a genocidal intent, there is absolutely no way of showing that Serbs at Srebrenica hated Muslims more than Bosnian Serbs elsewhere hated Muslims. In other parts of Bosnia, there were mass killings, incredible acts of cruelty and torture, and the mass rape and humiliation of women. There is no reason why such things should be evidence of a lesser degree of hatred than that shown by the Serbs of Srebrenica. If anything, the Srebrenica massacre indicates more cold-bloodedness than some other Bosnian Serb war crimes. Furthermore, the systematic massacre of 8,000 people does not occur spontaneously, but requires a lot of planning and logistical support. It is difficult to see how Mladić, who presided over this process and who was not even from Srebrenica, could have imbibed enough of this local hatred to have been moved to organize such a massacre. And it is doubly difficult to see how Belgrade could have been aware that Mladić's Bosnian Serbs hated the Srebrenica Muslims more than they hated the Muslims they had murdered, tortured, and raped in other parts of Bosnia. This indicates that the ICJ's decision to acquit Serbia of genocide and other genocide-related charges but to find it guilty of failing to prevent genocide at Srebrenica is a form of practical compromise rather than a decision based on strict legal principles.

Great Serbia as Alibi

There follows the question of precisely what was the intention of Serbia's leadership when it presided over the mass killings in 1992, if it was not genocide. According to the judges:

The Applicant's [i.e. Bosnia's] argument does not come to terms with the fact that an essential motive of much of the Bosnian Serb leadership—to create a larger Serb State, by a war of conquest if necessary—did not necessarily require the destruction of the Bosnian Muslims and other communities, but their expulsion.³⁸

This appears to be a case of honing the definition of genocide down so far that it disappears altogether. The same logic could be used to argue that even the Nazi Holocaust, or at least large parts of it, was not genocide. The equivalent would be,

... an essential motive of much of the Nazi leadership—to create a larger German State, by a war of conquest if necessary—did not necessarily require the destruction of the Jews and other communities, but their expulsion.

Indeed, the Nazis initially tried to solve the Jewish problem, as they saw it, through forced emigration. The emigration of Jews from the Reich was not banned until October 1941, by which time the mass execution of Jewish men, women, and children was already well underway. The ICJ's logic would seem to imply that the Jews murdered by the Nazis, at least up until October 1941, were not genocide victims.

By acquitting Serbia of genocide on the grounds that its motive was merely to create an ethnically pure, enlarged state through mass killings and ethnic cleansing, the ICJ has made mass killings and ethnic cleansing into an alibi for those committing genocide. Indeed, by arguing that genocide ceases to be genocide when the killers have additional or higher motives for their killings, such as creating a larger state, the ICJ judges have opened up whole new vistas for the acquittal of states and individuals accused of genocide. If the creation of a larger state through killings and expulsions is not genocide, because the goal is the larger state rather than the killing as an end in itself, what then is genocide? Was the Nazi mass murder of Jewish hostages in reprisal for guerrilla actions in occupied Eastern Europe genocide? Was the working to death of Jewish slave laborers to produce armaments for the Wehrmacht genocide? Or the killing of Jews in Dr. Mengele's scientific experiments? After all, in all of these cases, the killings were for the purpose of goals that could technically have been achieved without them. If you want to be sufficiently pedantic, then you can make genocide disappear altogether. And this is effectively what the ICJ judges did.

Indeed, some of the judges themselves did not accept the acquittal. Two of the fifteen judges, including the ICJ's vice president, felt that Serbia was guilty of genocide. Four of the fifteen judges felt that Serbia was guilty of the lesser charge of complicity in genocide. In the words of Vice President al-Khasawneh:

The Court further notes that the motive of creating a Greater Serbia "did not necessarily require the destruction of the Bosnian Muslims and other communities, but their expulsion." The Court essentially ignores the facts and substitutes its own assessment of how the Bosnian Serbs could have hypothetically best achieved their macabre Strategic Goals. . . . Coupled with population transfers, what other inference is there to draw from the overwhelming evidence of massive killings systematically targeting the Bosnian Muslims than genocidal intent? If the only objective was to move the Muslim population, and the Court is willing to assume that the Bosnian Serbs did only that which is strictly necessary in order to achieve this objective, then what to make of the mass murder? If the Court cannot ignore that population transfer was one way of achieving the Strategic Goals, then why should it ignore that, in fact, the Bosnian Serbs used this method as one of many—including massive killings of members of the protected group.³⁹

Summing up, al-Khasawneh said,

The Court has absolved Serbia from responsibility for genocide in Bosnia and Herzegovina—save for responsibility for failure to prevent genocide in Srebrenica. It achieved this extraordinary result in the face of vast and compelling evidence to the contrary.⁴⁰

I am not going to speculate on the motives of the judges. But it does appear that to acquit Serbia of genocide, while finding the Bosnian Serbs guilty of genocide at Srebrenica, is more in the nature of a compromise than a genuinely principled verdict.

This may reflect a structural flaw in the ICJ as an instrument of justice. If the judges that make up the panel in a particular case come from different nations, then there may be pressure on them to uphold their particular national viewpoint when they deal with a case. So a verdict will reflect, to some extent, a compromise between different national viewpoints rather than a genuinely objective legal decision. Thus, for example, in each of the nine decisions of the ICJ panel of judges in the case of Bosnia vs. Serbia, the ad hoc judges appointed by Bosnia and Serbia each voted in favor of their respective states in every instance, while the judge from Serbia's ally Russia voted in Serbia's favor seven times out of the nine.⁴¹ Five out of the fifteen judges believed that the ICJ did not even have any jurisdiction to try Serbia for genocide in the first place, an issue which makes the final verdict seem even more like a compromise representing the middle ground.⁴²

Do the People of the Former Yugoslavia Feel that Justice Has Been Served?

For these reasons and others, there is a widespread perception among many experts and commentators on the former Yugoslavia and the international courts that justice has not been served. The next question is how the working of the international courts is perceived among the former Yugoslav peoples. The work of the ICTY has been justified by its supporters as a necessary part of the process of reconciliation among the nations of the former Yugoslavia. The argument is that it is necessary to show that particular individuals are responsible for the war crimes, and to punish them legally and publicly, in order to absolve the nations as a whole of blame. There is, however, no evidence that this strategy has produced the desired effect. According to a recent study conducted by an international team of scholars led by Vojin Dimitrijević and Julie Mertus, "The hope that it [the ICTY] might promote reconciliation between the peoples of the region does not appear to have been realised."⁴³ The scholars reached this verdict on the basis of an extensive study of opinion polls carried out in the former Yugoslavia.

This conclusion appears valid. The reasons why ordinary people in Serbia, Croatia, Bosnia, and Kosovo tend to feel that justice has not been done are, on the one hand, a tendency to see the indictment of their own war criminals as evidence of bias against their own nations and, on the other hand, a disappointment in the failure of the Tribunal to indict or convict certain notorious individuals. Such a sense of injustice is, of course, encouraged by nationalists among the former Yugoslavs and often by the governments themselves. Thus, for example, the indictment of prominent Croats and Serbs by the Tribunal has widely been presented as evidence of anti-Croat or anti-Serb bias. Conversely, the sense of hostile bias has been strengthened by prominent acquittals. Among Serbs, the effective acquittal of the Bosnian Army commander in Srebrenica, Naser Orić, for crimes carried out against Serb civilians at Bratunac is frequently cited as evidence of the Tribunal's anti-Serb bias.⁴⁴ Among Croats, the acquittal of one member of the Vukovar Three and the initial sentencing of a second member to only a short prison term are likewise widely viewed as evidence of anti-Croat bias, and have even provoked a complaint from the Croatian parliament itself.⁴⁵ Finally, Muslims are widely dissatisfied by the failure to arrest Mladić. Their sense of injustice, of course, increased by the ICJ's acquittal of Serbia for genocide. But the ICJ's affirmation that genocide occurred at Srebrenica was immediately rejected by Bosnian Serb Prime Minister Milorad Dodik, who claimed that the Srebrenica massacre "was not a genocide, although it was a terrible

crime.”⁴⁶ In Serbia, the ICJ’s ruling is widely viewed as a vindication of Serbia’s role in the war. The fact that the ICJ presented Serbia as guilty of systematic massive killings of Bosnian Muslims has generally been overlooked.

This failure of the international courts to achieve general acceptance and legitimacy in the eyes of the former Yugoslav peoples is not entirely their fault. As far as the ICTY is concerned, for it to have overcome all accusations of bias it would have had to operate on a much larger scale, to have indicted and sentenced much larger numbers of war criminals, and to have countered the bad impression created by the failure to indict certain notorious individuals and by the failure to convict some of those who were indicted. More importantly, however, the actions of the international courts, and particularly of the ICTY, were unlikely to promote reconciliation given the low level of public consciousness among different parties about their own sides’ responsibility for the bloodshed and the unwillingness of the governments to raise this consciousness, by making, for example, public statements of responsibility or campaigns in the media. For example, because of the widespread belief in Serbia that Serbs were the least guilty for the war and that the international community is biased against them, and with nationalist politicians such as former Prime Minister Vojislav Koštunica unwilling to challenge this perception, any indictment or conviction of Serbs for war crimes is readily perceived as evidence of this alleged anti-Serb bias. The irony is that, as shown here, Serbia and Serb war criminals have been treated extremely leniently. Yet the ICTY is nevertheless widely perceived as anti-Serb by the Serbian public.

Liberating Bosnia of War Criminals

There are some partial qualifications that can be made to this largely negative evaluation of the record of the international courts. Firstly, the ICTY has at least succeeded in ridding Bosnia of some of the worst war criminals, who might otherwise have seriously obstructed the reform and reconstruction of the country that has occurred since Dayton. In this respect, it does not matter so much that Mladić has not been arrested or that Karadžić evaded arrest for thirteen years because they were at least driven underground and removed from the political scene. Among the Bosnian Croats, for example, Mladen Naletilić and Ivica Rajić have been convicted and sentenced. Had this not occurred, these two former warlords would in all likelihood have become criminal chiefs in post-war Bosnia, and would have terrorized local Muslims and moderate Croat politicians and corrupted or intimidated state officials. The fact that a vastly disproportionate number of Bosnian Serbs and Bosnian Croats have been indicted—as opposed to Serbs from Serbia and Croats from Croatia—has worked to the advantage of democracy and reform in Bosnia. Even simply removing those with blood on their hands from power counts for something. Nevertheless, if today’s Bosnian political leaders are less murderous and overtly criminal, this does not mean that they are less nationalistic or more favorable to the spirit of reconciliation. The repeated threats by the current Bosnian Serb president and former prime minister, Milorad Dodik, to secede from Bosnia; his attendance at the nationalist anti-Western rally in Belgrade on 21 February 2008; his extension of a warm welcome to Bosnian Serb convicted war criminal Biljana Plavšić following her early release from prison in October 2009; and his claim that the Srebrenica massacre was not genocide and involved only 3,500 Muslim victims⁴⁷ are evidence of this.

The second partial achievement of the ICTY is that forced the more moderate elements in Serbian and Croatian politics to confront the hard-line nationalists

and to challenge the nationalist taboos. This has undoubtedly catalyzed the development of a more healthy pluralism and post-nationalist governing ethos in Croatia, although less so in Serbia. Overall, therefore, the international courts have made a positive contribution to regional progress. But if one ignores pragmatic political factors and evaluates the international courts simply by the extent to which they have delivered justice, then they must be judged to have greatly underachieved.

Notes

1. *Jorgić v. Germany*, European Court of Human Rights, fifth section, application no. 74613/01 (12 July 2007), 29.
2. *Bosnia and Herzegovina v. Serbia and Montenegro: Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide*, Judgement (26 February 2007), *International Court of Justice*, <http://www.icj-cij.org/docket/files/91/13685.pdf> (accessed 24 January 2011), 87–134.
3. *Prosecutor v. Momčilo Krajišnik, Judgement (27 September 2006)*, *International Criminal Tribunal for the Former Yugoslavia*, <http://www.icty.org/x/cases/krajisnik/tjug/en/krajjud060927e.pdf> (accessed 3 December 2010) 392.
4. Bogdan Ivanišević, *The War Crimes Chamber in Bosnia and Herzegovina: From Hybrid to Domestic Court* (New York: International Center for Transitional Justice, 2008).
5. Examples of works in this genre are Susan Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, DC: The Brookings Institute, 1994); Diana Johnstone, *Fools' Crusade: Yugoslavia, NATO and Western Delusions* (London: Pluto Press, 2002); Michael Parenti, *To Kill a Nation: The Attack on Yugoslavia* (London: Verso, 2001); Kate Hudson, *Breaking the South Slav Dream: The Rise and Fall of Yugoslavia* (London: Pluto Press, 2003).
6. Thomas Fleming, "The Crime of the Serbs: US Foreign Policy in the Balkan War," (speech, Symposium on the Balkan War, Chicago, 1 September 1995), <http://www.srpska-mreza.com/nwo/TFleming-95.html> (accessed 5 April 2008).
7. On the Islamist perception that the Western powers were behind the Serb campaign in Bosnia, see, for example, Evan F. Kohlmann, *Al Qaida's Jihad in Europe: The Afghan-Bosnian Network* (Oxford: Berg, 2004), 73.
8. Brendan Simms, *Unfinest Hour: Britain and the Destruction of Bosnia* (London: Allen Lane, 2001).
9. Florence Hartmann, *Paix et châtimeur: Les guerres secrètes de la politique et de la justice internationales*, (Paris: Flammarion, 2007).
10. Johnstone, *Fools' Crusade*, 91–109, 118–123; Parenti, *To Kill a Nation*, 127–28; Hudson, *Breaking the South Slav Dream*, 162–64. These unserious books are not, it should be made clear, on par with Hartmann's important and well-informed, if sometimes problematic, book.
11. Hartmann, *Paix et châtimeur*, 165–246.
12. Cees Banning and Petra de Koning, "Karadžić Still Free because of Politics," *NRC-Handelsblad*, 20 June 2004, trans. *International Justice Watch* (4 April 2005), <http://listserv.buffalo.edu/cgi-bin/wa?A2ind0504&L=JUSTWATCH-L&P=R7141> (accessed 9 April 2008).
13. *Prosecutor v. Radovan Karadžić: Decision on the Accused's Holbrooke Agreement Motion*, Judgment (8 July 2009), *International Criminal Tribunal for the Former Yugoslavia*, <http://www.icty.org/x/cases/karadzic/tdec/en/090708.pdf> (accessed 20 July 2009).
14. Nidžara Ahmetašević, "Pentagon behind Karadžić Immunity Deal," *BalkanInsight*, 6 August 2008, <http://old.balkaninsight.com/en/main/investigations/12277/?tpl=297> (accessed 20 July 2009); Matjaž Klemenčič, "The International Community and the FRY/Belligerents, 1989–1997," in *Confronting the Yugoslav Controversies: A Scholars' Initiative*, ed. Charles Ingrao and Thomas A. Emmert (West Lafayette, IN: Purdue University Press, 2009), 187.

15. Carla del Ponte and Chuck Sudetic, *Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity* (New York: Other Press, 2008).
16. Victor Peskin, *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation* (Cambridge, UK: Cambridge University Press, 2008).
17. Author's calculation based on examination of the indictments on the ICTY website, www.icty.org/action/cases/4, 10 April 2008.
18. Author's calculation based on data presented in the study conducted by Mirsad Tokača's Research and Documentation Centre, Sarajevo, "Human Losses in Bosnia-Herzegovina, 1991–1995: Research Results and Project Evaluation," <http://www.idc.org.ba/>. See also Marko Attila Hoare, What Do the Figures for the Bosnian War-Dead Tell Us?, *Greater Surbiton* blog, 4 January 2008, <http://greatersurbiton.wordpress.com/2008/01/04/what-do-the-figures-for-the-bosnian-war-dead-tell-us/> (accessed 10 April 2008).
19. Dražen Živić and Nenad Pokos, *Demografski gubitci tijekom Domovinskog rata kao odrednica depopulacije Hrvatske (1991–2000)* [Demographic losses during the Patriotic War as a determinant of the depopulation of Croatia (1991–2000)] (Zagreb: Institut društvenih znanosti Ivo Pilar, 2004), 737–38.
20. Patrick Ball et al., *Killings and Refugee Flow in Kosovo, March—June 1999: A Report to the International Criminal Tribunal for the Former Yugoslavia* (New York: American Association for the Advancement of Science, 2002), 5–6; Paul B. Spiegel and Peter Salama, "War and Mortality in Kosovo, 1998–99: An Epidemiological Testimony," *The Lancet* 355, no. 9222 (June 2000): 2204–9.
21. Hartmann, *Paix et châtement*, 81–82.
22. Florence Hartmann to Marko Attila Hoare, e-mail, 13 January 2008, in the author's possession.
23. See Norman Cigar and Paul Williams, *Indictment in the Hague: The Milošević Regime and the Crimes of the Balkan Wars* (New York: New York University Press, 2002); Marko Attila Hoare, *How Bosnia Armed* (London: Saqi Books, 2004), 31–42, 70–71; Hannes Tretter et al., *Ethnic-Cleansing Operations in the Northeast Bosnian city of Zvornik from April through June 1992*, report (Vienna: Ludwig Boltzmann Institute of Human Rights 1994; 1998).
24. Prosecutor of the Tribunal v. Slobodan Milošević, Amended Indictment (21 April 2004), *International Criminal Tribunal for the Former Yugoslavia*, http://www.icty.org/x/cases/slobodan_milosevic/ind/en/mil-ai040421-e.htm (accessed 24 January 2011).
25. *Ibid.*
26. Florence Hartmann to Marko Attila Hoare, e-mail, 12 January 2008, in the author's possession.
27. Merdijana Sadović, "Nice Assesses ICTY Prosecution Record," *Institute for War and Peace Reporting*, 24 January 2008, <http://iwpr.net/report-news/nice-assesses-icty-prosecution-record> (accessed 24 January 2011).
28. Gideon Boas, *The Milošević Trial: Lessons for the Conduct of Complex International Criminal Proceedings* (Cambridge, UK: Cambridge University Press, 2007), 1, 112.
29. *Ibid.*, 115–30.
30. "Convention on the Prevention and Punishment of the Crime of Genocide," *Office of the United Nations High Commissioner for Human Rights*, accessed 24 January 2011, <http://www2.ohchr.org/english/law/genocide.htm>.
31. Mark Levene, *Genocide in the Age of the Nation State: The Meaning of Genocide*, vol. 1, (London, I. B. Tauris, 2005), 45.
32. Slobodan Kostić, "How Belgrade Escaped Genocide Charge," *Institute for War and Peace Reporting*, 2 May 2008, <http://iwpr.net/report-news/how-belgrade-escaped-genocide-charge> (accessed 24 January 2011).
33. Marlise Simons, "Serbia's Darkest Pages Hidden from Genocide Court," *International Herald Tribune*, 8 April 2007.
34. See Ruth Wedgwood, "Bad Day for International Justice," *International Herald Tribune*, 8 March 2007.

35. *Bosnia and Herzegovina v. Serbia and Montenegro.*
36. See, for example, David Rohde, *Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre since World War II* (New York: Farrar, Strauss and Giroux, 1997), 167–80; Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (London: Penguin, 1996), 28–45.
37. *Ibid.*, 157–58.
38. *Ibid.*, 133.
39. *Ibid.*, “Appendix: Dissenting Opinion of Vice-President Al-Khasawneh,” 11–12.
40. *Ibid.*, 17.
41. *Ibid.*, 168–70.
42. See Wedgwood, “Bad Day for International Justice.”
43. Vojin Dimitrijević, Julie Mertus, et al., “The Hague Tribunal (ICTY),” *Scholars' Initiative*, accessed 10 April 2008, http://www.salzburgseminar.org/ihjr/si/si/Team_10_Full_Text_Report.pdf, 86.
44. For example, see “No Justice for Serbs,” *De[construct]*, 3 July 2006, <http://de-construct.net/?p=151>, (accessed 10 April 2006); “Hague Tribunal Confirms its Anti-Serb Bias,” *Serbo Journal* blog, 30 September 2006, <http://serbo.blogspot.com/2006/09/hague-tribunal-confirms-its-anti-serb.html> (accessed 10 April 2006).
45. Goran Jungvirth, “Vukovar Judgement Slammed,” *Balkan Investigative Reporting Network*, 4 October 2007.
46. Dejan Anastasijeivjć, “Defining Genocide down in Bosnia,” *Time*, 27 February 2007.
47. “Srebrenica Was Not Genocide: Bosnian Serb Leader,” *France 24 International News 24 / 7*, 27 April 2010, <http://www.france24.com/en/20100427-srebrenica-was-not-genocide-bosnian-serb-leader> (accessed 3 December 2010).

Notice of Errata

The article by Marko Attila Hoare, “A Case Study in Underachievement: The International Courts and Genocide in Bosnia-Herzegovina,” *GSP* 6, 1 (April 2011): 81–97, was published with the following errors:

On p. 81, for “Only one middle-ranking individual has been convicted of a genocide-related charge by the ICTY” read “Only one middle-ranking individual has been definitely convicted of a genocide-related charge by the ICTY”; for “So far, the ICTY has successfully prosecuted one individual for genocide” read “So far, the ICTY has definitely successfully prosecuted one individual for genocide”.

On p. 83, for “Only one individual—a lowly deputy corps commander—has been convicted of a genocide-related charge by an international court” read “Only one individual—a lowly deputy corps commander—has definitely been convicted of a genocide-related charge by a fully international court”.

On p. 93, for “Among Croats, the acquittal of one member of the Vukovar Three and the initial sentencing of a second member to only a short prison term are likewise widely viewed as evidence of anti-Croat bias, and have even provoked a complaint from the Croatian parliament itself” read “Among Croats, the acquittal of one member of the Vukovar Three and the initial sentencing of a second member to only a short prison term were likewise widely viewed as evidence of anti-Croat bias, and even provoked a complaint from the Croatian parliament itself”.

An updated version of the article containing these corrections is now available at *GSP Online* (doi:10.3138/gsp.6.1.81). *GSP* and our publisher regret these errors, which are the sole responsibility of the publisher.

Research Note: American Initiatives for the Relief of Greek Refugees, 1922–1923

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In September 1922, after more than three years of war in Asia Minor, the Greek army was defeated by the Nationalist Turkish powers led by Mustafa Kemal. The atrocities from the part of the Turkish armed forces against the Christian populations of Asia Minor that followed the retreat of the Greek Army resulted in the death of hundreds of thousands of people as well as the destruction of many Christian properties. Moreover, hundreds of thousands of Greeks from Asia Minor, Pontus, and Eastern Thrace were forced to flee to Greece in order to protect themselves from Kemal's advancing Nationalist army. This article focuses on the various initiatives undertaken by the United States government and American charitable organizations, mainly the American Red Cross and Near East Relief, in order to relieve the victims of the Asia Minor Disaster. In this context, it is underlined that the United States showed the most tangible interest in that direction and that the American assistance during the first year after the Disaster helped save the lives of literally thousands of refugees.

Key words: Greek refugees, Asia Minor Disaster, American Red Cross, Near East Relief, the United States

Introduction

In September 1922, after more than three years of war in Asia Minor, the Greek army was defeated by the Nationalist Turkish powers led by Mustafa Kemal. The atrocities from the part of the Turkish armed forces against the Christian populations of Asia Minor that followed the retreat of the Greek Army resulted in the death of hundreds of thousands of people¹ as well as the destruction of much Christian property. Moreover, hundreds of thousands of Greeks from Asia Minor, Pontus, and Eastern Thrace were forced to leave their birthplaces and fled to Greece to find a safe shelter in order to protect themselves from the advancing Nationalist army of Mustafa Kemal.²

This article focuses on the various initiatives undertaken by the United States government and American charitable organizations, mainly the American Red Cross and Near East Relief, in order to relieve the victims of the Asia Minor Disaster. In this context, it will be underlined that the United States showed the most tangible interest in that direction and that the American assistance during the first year after the Disaster helped save the lives of literally thousands of refugees. This of course is not a detailed account of the splendid help given by American institutions to Greek refugees from September 1922 until the summer of the following year; it can be seen however as a first frame that gives an overall impression of the subject which is yet to be further and more deeply investigated.

The Refugee Problem and Early American Initiatives to Confront It

The massive exodus of the Greek population created a huge refugee problem with which Greece was unable to deal all by itself. More than a million people poured into Greece,³ most of whom had no practical means of sustenance while at the same time they faced several fatal epidemics. The problem became even worse as a result of the fact that, since much of the able-bodied male Greek population of Anatolia between the productive ages of 18 and 45 were killed or taken prisoners, the refugees from Asia Minor and Pontus consisted principally of women, children, and old men,⁴ which meant that many refugee families lacked their natural protectors and were in even greater difficulty to make a living on their own. The urgent need to relieve the refugees, which indeed exceeded the capability of the Greek government, meant that the contribution of the international community was absolutely essential. Thus, in October 1922, the former Prime Minister and a leading political figure of Greece, Eleftherios Venizelos, made a public appeal, asking for the active assistance of the whole world; however, given the fact Europe was recovering from World War I, Venizelos pointed out that any substantial assistance would have to come from the United States.⁵

Venizelos's appeal to the United States was based on the fact that the American authorities had already—from the first days of September 1922—shown tangible interest in the tragic fate of the Greek refugees from Anatolia. As early as September 6 the United States High Commissioner at Constantinople, Admiral Mark Lambert Bristol, in close collaboration with representatives of American relief and benevolent institutions in Constantinople, had organized a disaster relief committee for Smyrna,⁶ the biggest city on the west coast of Asia Minor where thousands of refugees from the Anatolian interior had already poured. At the same time, the American Red Cross and the Near East Relief, the most prominent American charitable institutions operating in the region, had, as a first practical measure, made available \$25,000 for the assistance of refugees.⁷

As the situation worsened from day to day, on September 8 the Greek government made an urgent appeal to the American Chargé d'Affaires at Athens, Jefferson Caffery, asking for the immediate assistance of the US government to help save the hundreds of thousands of refugees that were assembled in Asia Minor ports. Greece appeared willing to receive these refugees, but as Greek vessels were employed in evacuating the retreating Greek troops from Asia Minor, there were no available means to bring the refugees to Greece. As a result, Athens asked Washington to provide ships for the safe transportation of the refugees as well as food and tents for their relief when they would arrive in Greece.⁸ The fact that on September 9 the Turkish Army took control of Smyrna meant that the issue had to be solved without any further delay.⁹

The problem of food shortage had been immediately understood by the members of the representatives of US humanitarian organizations, such as the American Red Cross and the Near East Relief, which were engaged with the relief of refugees at Smyrna. In fact, the institutions of this kind were in practice the only institutions working on the spot for the relief of refugees.¹⁰ In this context, Admiral Bristol was pointing out "the extreme gravity of the condition of refugees at Smyrna and elsewhere," about 300,000 of whom were entirely destitute—there was practically no hope that they would be able to return to their homes as their personal safety could not be secured; moreover, the situation was predicted to become even worse owing to the approach of winter.¹¹

The gravity of the problem made the representatives of the American Red Cross and the Near East Relief hesitant as to whether private charity alone would be adequate for the relief of the hundreds of thousands of Greek refugees. According to these two organizations, all money available would be used up within two or three weeks and the situation would still be as pressing at the end of that time “unless this breathing spell were used to put into action some comprehensive scheme to reduce and ultimately solve the problem.” Thus, the American Red Cross and the Near East Relief pointed out that government action by the Western Allies was absolutely essential.¹² Admiral Bristol was also entirely in accord with the view that private charity alone was quite unequal to the situation. Moreover, he suggested that American relief activities should be restricted to Anatolia in giving aid to refugees who were awaiting evacuation, and that “the task of evacuating these refugees and providing for them at their ultimate destinations should be urged upon Greek and Allied Governments”.¹³

However, as the rest of the Allied governments (namely those of Great Britain, France, and Italy) were reluctant to take any practical measure for the assistance of the refugees, the US government decided to act by itself. By September 20 neither the Italian nor the British High Commissioners at Constantinople had received any instructions from their respective governments and as a result no action for the assistance of the refugees had been taken.¹⁴ According to press reports, the only relief work being carried out in Smyrna was conducted by the American Red Cross, the Near East Relief, and United States Navy Destroyers in the region and the only foreign forces ashore were American sailors.¹⁵ Furthermore, Admiral Bristol instructed the dispatch of yet another destroyer at Smyrna to assist with the evacuation of the refugees whose lives were in great danger:

Without waiting for the allies to act and in view of the unexpected evacuation of refugees to the interior from Smyrna, we will take all possible steps to meet the present emergency and the latter facts induced me to give orders to use the limited number of destroyers I have available to assist in the evacuation.¹⁶

The situation for the refugees continued to deteriorate rapidly. Those who were still trying to find a means to leave Asia Minor and find shelter in Greece were facing the immediate danger of dying either because of the massacres by the Kemalist forces or because of hunger and diseases. Things were not much better for the refugees who had managed to escape the slaughter as they were almost equally exposed to the danger of hunger and diseases. Caffery from Athens reported that the Greek government was in fact unable to undertake the extremely difficult task of housing and feeding the refugees. As money and food were badly needed, Caffery recommended that American relief organizations should urgently send assistance to Greece.¹⁷

Caffery's appeal was in accordance with the initiatives of his government. In a telegram sent on September 21 to Admiral Bristol, the Under Secretary of State, William Phillips, described in detail the steps which had been taken by the United States to prepare for extended relief work. Among these were the following: President Warren G. Harding had asked Congress to appropriate \$200,000 for the relief and possible repatriation of destitute American citizens living in Asia Minor; in addition to the \$25,000 already advanced, the American Red Cross had informally indicated willingness to make a further advance for a possible total of \$100,000; the Near East Relief had addressed a general appeal throughout the United States for an emergency fund and in addition to funds resulting from this appeal it was estimated that it would be able to make advances for a possible total of \$200,000;

finally, the Young Men's Christian Association (YMCA) had advanced \$10,000 and there was a possibility of further advances.¹⁸

For his part, Admiral Bristol suggested that the only practical means that the Greek government could use to undertake the enormous task of refugee relief was by immediately demobilizing the Greek army. This would mean that the Greek government could handle all the relief work in Greece and that American relief organizations would not be drawn into operations in Greece that would involve large expenditures of money and more or less permanent activities. In the meantime, Admiral Bristol, in close coordination with members of various American charitable organizations, had taken certain measures to facilitate the safe evacuation and relief of refugees in Smyrna, Moudania, Bursa, and Rodosto.¹⁹

The gravity and the urgency of the situation were so overwhelming that the need for immediate action was essential. Thus, despite the fact that the US government agreed with Admiral Bristol that the responsibility for the evacuation and the relief of Greek refugees rested primarily with Greece and the Allied governments, the Greek Red Cross had already made a direct appeal for help to the American Red Cross and the Near East Relief was contemplating a possible extension of its work to Greece.²⁰ At the same time, the Disaster Relief Committee in Smyrna, which in fact represented all of the American relief organizations in the wider region, was issuing no less than 20,000 rations of food per day in Smyrna, US destroyers were helping with the evacuation of Greeks from the city, and flour was sent to various places (such as Smyrna, Rodosto, and Mytilene) where many refugees were located. Moreover, contributions from different associations collected by the Disaster Relief Committee amounted to \$85,000.²¹

Private Charity in Action

By the end of September 1922, through the instrumentality of various American relief associations, funds and supplies summing approximately \$300,000 had been made available for the relief of Greek refugees. Meanwhile, American emergency relief units continued to work on the ground, mainly in places where huge numbers of refugees had poured in on their way to Greece, such as Smyrna, Moudania, Bursa, and Rodosto, and US war vessels continued to help in the difficult task of the evacuation of refugees.²² Nevertheless, no matter how great American help was, there were still many things to be done so that the lives of hundreds of thousands of refugees could be saved. Thus, in his statement issued on 9 October 1922 regarding relief work in the Near East, President Harding announced that due to an emergency appeal the American Red Cross and the Near East Relief would jointly continue their relief efforts and that a special fund under the name Near East Emergency Fund would be created and collect donations from every part of the United States.²³ The American Red Cross was to be in charge of the operations in Greece while the Near East Relief would concentrate its activities in Turkey where thousands of Greeks, among whom there were many orphans, were still trying to find a safe way to Greece.

In fact, the American Red Cross was immediately prepared to send a mission to Athens to assist in the administration of relief measures to the numerous Greek refugees, provided that (1) this mission would be approved by the Greek authorities and (2) these authorities would be prepared to offer full protection for personnel and provide storage and transportation facilities for the necessary supplies.²⁴ This was an offer that Athens could not refuse. Thus, the Greek government was delighted to express its deep gratitude to the American Red Cross for its generous offer and

promised to provide all the desired facilities²⁵ to help with the relief work. In fact, the situation in Greece was so critical and the means available to the Greek authorities for the relief of refugees were so insufficient that, when the first representatives of the American Red Cross arrived in Athens, the Greek government was actually considering handing over to the American Red Cross the entire charge of the Ministry of Public Assistance.²⁶ Of course, the American Red Cross was in no position to undertake such a responsibility; however, the help provided by this as well as other American charitable organizations was so significant that in January 1923 the newly crowned King of the Greeks George II expressed his personal thanks to President Harding for America's generous assistance.²⁷

Indeed, the Relief Commission of the American Red Cross established in Greece since October 1922 did marvelous work as far as the relief of Greek refugees was concerned. The degree of its contribution is evident in the fact that in March 1923 more than 533,000 refugees received food supplies daily and about 291,000 had been inoculated against diseases such as typhus and cholera by agents of the American Red Cross,²⁸ not to mention the clothes and other necessary supplies that were distributed among refugees. However, it was evident that the American charitable organizations, mainly the American Red Cross, could not carry out the extremely difficult task of relieving the hundreds of thousands of Greek refugees who had found shelter on Greek soil for much longer. As a result, in late January 1923 the American Red Cross Commissioner for Greece, Colonel William N. Haskell, suggested that the American Red Cross should cease its operations in June of the same year and make an early announcement of its intention so that plenty of time would be given "to the Greek government and all others concerned to make their arrangements properly."²⁹

In accordance with Colonel Haskell's suggestions, the American Red Cross decided to terminate its emergency work in Greece by 30 June 1923. This decision was taken not only because it was difficult to find further resources, but also on the ground that the solution of the refugee problem in Greece could not lie in measures of temporary relief alone but rather in measures of a permanent character that would enable the refugees to be absorbed as promptly as possible into the normal economic life of Greece. In other words, it would be advisable for the refugees not to depend for much longer on charity but rather to become self-sufficient. For the same reasons, the Near East Relief had also decided to terminate its emergency relief for adult refugees and concentrate its efforts mainly on orphans and children in need.³⁰

The Greek government wished to persuade the American Red Cross to continue its relief operations after 30 June 1923. In fact, in late May 1923 the Greek government made a formal request of the kind to the American Red Cross, stating that Greece would not be able to undertake the care of refugees until six months after the signature of the peace treaty with Turkey which, at the time of the submission of the request, had not yet been concluded.³¹ The American Red Cross, however, was not willing to change its decision and the Vice President of the Central Committee in Charge of International Relations of the American Red Cross, Ernest P. Bichnell, explained why:

I feel that it is important to make it necessary that Greece shall be made to feel her full responsibility in the circumstances. Our withdrawal should have a tendency to compel the breaking up of the concentration camps and a wider distribution of the refugees throughout the country. Without the breaking up no progress can be made toward the absorption of the refugees into the normal population or their establishment on self support. Possibly, too, the pressure of the full burden of responsibility for the refugees will have a wholesome effect on governmental policies.³²

In this context, the US government had already asked the governments of Great Britain, France, and Italy to provide substantial help to Greece so that the latter could cope with the relief of refugees.³³ This American initiative was additional proof that the American officials were justly convinced that the solution of the refugee problem did not lie in measures of temporary relief, but in measures of a more permanent character.

As it had in good time been announced, the American Red Cross officially terminated its relief work in Greece on 30 June 1923. Four days earlier the Municipality of Athens had organized an official ceremony in which King George II, the Greek Prime Minister, members of the Cabinet, and other officials thanked the members of the American Red Cross for their invaluable help.³⁴ Moreover, by mid-August of the same year the Near East Relief ended its relief work for adults³⁵ and continued its actions only for orphans and children in need. However, before closing its operations, the American Red Cross had distributed rations of food to the refugees that would be sufficient for one month or, in some cases, even for two months, while a small amount of clothing and child-feeding supplies were left to be distributed by the local Greek authorities. As a result, even as it withdrew from Greece, the American Red Cross provided relief for at least one month longer.³⁶ Moreover, with the American stocks left over and given the excellent crop prospects, American officials estimated that the Greek authorities could meet the needs of refugees until November 1923.³⁷

Conclusion

It is not easy to sufficiently underline the importance of the American charitable initiatives from September 1922 until the summer of the following year. Indeed, the lives of hundreds of thousands of Greek refugees from Asia Minor, Pontus, and Eastern Thrace were saved thanks to the humanitarian initiatives of American charitable organizations, mainly the American Red Cross and the Near East Relief. These two organizations practically single-handedly undertook the extremely difficult task of providing aid on the spot to Greek refugees who otherwise would have likely been condemned to death by diseases, malnutrition, and other hardships. The gravity of the situation demanded immediate and effective action and the United States was by far the first to respond to the Greek appeals for help.

Sometimes the numbers speak for themselves even though they cannot always describe the splendor of philanthropy. The total cost of the relief work undertaken by the American Red Cross for the period from October 1922 to 30 June 1923 amounted to the astonishing \$2,605,696.09.³⁸ During that period of time, the American Red Cross took care of the feeding and nursing of more than 500,000 Greek refugees, and the Near East Relief helped in the relief of several thousand Greeks, including many orphans, who had not yet left Asia Minor and were trying to find a safe way of going to Greece. After the withdrawal of the American Red Cross from Greece, it was estimated that the Greek government would need about 12 to 15 million drachmas (that is approximately \$375,000 to \$470,000) per month in order to only feed the refugees who were in no position to sustain themselves.³⁹ It is quite obvious that, without this assistance, the Greek government would not have been able to cope with the extremely heavy burden of providing the means of survival to hundreds of thousands of Greek refugees and it is easy to imagine what the fate of many of them would have been if in the critical first months after the Asia Minor Disaster the United States had not offered its generous help to Greece.

Notes

1. Justin McCarthy, *Muslims and Minorities: The Population of Ottoman Anatolia and the End of the Empire* (New York: New York University Press, 1983), 132–33.
2. Besides the Greeks, there were also more than 50,000 Armenians who sought refuge in Greece. See *League of Nations Official Journal*, no. 1 (1923), 133.
3. According to the official Greek census of 1928, 1,104,216 people from Asia Minor, Pontus, Eastern Thrace, and Istanbul had moved to Greece, of whom only 86,422 (7.8%) before and 1,107,794 (92.2%) after the Asia Minor Disaster; see Ελληνική Δημοκρατία, Υπουργείον Εθνικής Οικονομίας—Γενική Στατιστική Υπηρεσία της Ελλάδος, *Στατιστικά αποτελέσματα της απογραφής του πληθυσμού της Ελλάδος της 15–16 Μαΐου 1928, τόμος I* (Αθήνα: Εθνικόν Τυπογραφείον, 1933) [Hellenic Republic, Ministry of National Economy—General Statistical Survey of Greece, *Statistical Results of the Population Census of Greece of 15–16 May 1928, volume I* (Athens: National Printing Office, 1933)], 26, from where the figures of the following table are extracted:

	Before the Asia Minor Disaster	After the Asia Minor Disaster	Total
Asia Minor	37,728	589,226	626,954
Pontus	17,528	164,641	182,169
Eastern Thrace	27,057	229,578	256,635
Istanbul	4,109	34,349	38,458
Total	86,422	1,017,794	1,104,216

4. *League of Nations, Official Journal*, no. 1 (1923), 135. See also “The Representative of the Greek Government (Vouros) to the Chief of the Division of Near Eastern Affairs, Department of State (Dulles),” Washington, 10 October 1922, United States of America Department of State, *Papers Relating to the Foreign Relations of the United States, 1922*, vol. II (Washington: United States Government Printing Office, 1938) [*FRUS, 1922*, vol. II], 94–41. According to the Greek census of 1928, the percentage of widow refugee women aged 20–59 was more than 50% higher than that of the average female population. See Hellenic Republic, Ministry of National Economy—General Statistical Survey of Greece, *Statistical Results*, 50.
5. Dimitri Pentzopoulos, *The Balkan Exchange of Minorities and Its Impact on Greece* (London: Hurst, 2002), 77.
6. “The High Commissioner at Constantinople (Bristol) to the Acting Secretary of State,” Constantinople, 6 September 1922, *FRUS, 1922*, vol. II, 415–16.
7. “The Acting Secretary of State to the High Commissioner at Constantinople (Bristol),” Washington, 8 September 1922, *FRUS, 1922*, vol. II, 416; “The Acting Secretary of State to the Ambassador in Great Britain (Harvey),” Washington, 15 September 1923, *FRUS, 1922*, vol. II, 423–24.
8. “The Chargé in Greece (Caffery) to the Acting Secretary of State,” Athens, 8 September 1922, *FRUS, 1922*, vol. II, 416–17.
9. The dates used in this article follow the Gregorian Calendar (new calendar) as opposed to the Julian Calendar (old calendar) which was in use in Greece until 15 February 1923. It has to be noted that by that time the Julian Calendar differed from the Gregorian one by thirteen days. For example, 14 September 1922 in the Gregorian Calendar was 1 September 1922 in the Julian Calendar.
10. “The High Commissioner at Constantinople (Bristol) to the Acting Secretary of State,” Constantinople, 10 September 1922, *FRUS, 1922*, vol. II, 418–19.
11. “The High Commissioner at Constantinople (Bristol) to the Acting Secretary of State,” Constantinople, 13 September 1922, *FRUS, 1922*, vol. II, 420–21.

12. "The Acting Secretary of State to the Ambassador in Great Britain (Harvey)," Washington, 15 September 1922, *FRUS, 1922*, vol. II, 423–24.
13. "The High Commissioner at Constantinople (Bristol) to the Acting Secretary of State," Constantinople, 18 September 1922, *FRUS, 1922*, vol. II, 424–25.
14. "The High Commissioner at Constantinople (Bristol) to the Acting Secretary of State," Constantinople, 20 September 1922, *FRUS, 1922*, vol. II, 427–29.
15. "The Acting Secretary of State to the High Commissioner at Constantinople (Bristol)," Washington, 19 September 1922, *FRUS, 1922*, vol. II, 426.
16. "The High Commissioner at Constantinople (Bristol) to the Acting Secretary of State," Constantinople, 20 September 1922, *FRUS, 1922*, vol. II, 427–29.
17. "The Chargé in Greece (Caffery) to the Acting Secretary of State, Athens," 20 September 1922, *FRUS, 1922*, vol. II, 429.
18. "The Acting Secretary of State to the High Commissioner at Constantinople (Bristol)," Washington, 21 September 1922, *FRUS, 1922*, vol. II, 430–31.
19. "The High Commissioner at Constantinople (Bristol) to the Acting Secretary of State," Constantinople, 22 September 1922, *FRUS, 1922*, vol. II, 431–32. For more details on the evacuation of Greek refugees from Smyrna, see Christos Papoutsy, *Ships of Mercy: The True Story of the Rescue of the Greeks, Smyrna, September 1922* (Portsmouth, New Hampshire: Peter E. Randall, 2008).
20. "The Acting Secretary of State to the Chargé in Greece (Caffery)," Washington, 22 September 1922, *FRUS, 1922*, vol. II, 432–33.
21. "The High Commissioner at Constantinople (Bristol) to the Secretary of State," Constantinople, 25 September 1922, *FRUS, 1922*, vol. II, 433–35.
22. "The Secretary of State to the Ambassador in Great Britain (Harvey)," Washington, 29 September 1922, *FRUS, 1922*, vol. II, 437.
23. "The Secretary of State to the High Commissioner at Constantinople (Bristol)," Washington, 9 October 1922, *FRUS, 1922*, vol. II, 438.
24. "The Secretary of State to the Chargé in Greece (Caffery)," Washington, 9 October 1922, *FRUS, 1922*, vol. II, 439.
25. "The Chargé in Greece (Caffery) to the Secretary of State," Athens, 11 October 1922, *FRUS, 1922*, vol. II, 440.
26. "The Chargé in Greece (Caffery) to the Secretary of State," Athens, 31 October 1922, *FRUS, 1922*, vol. II, 443.
27. "The Secretary of State to the Chargé in Greece (Caffery)," Washington, 5 January 1923, *FRUS, 1922*, vol. II, 449.
28. *The American National Red Cross: Annual Report for the Year Ending, June 30, 1923* (Washington: 1923), 64–65.
29. "The American Red Cross Commissioner for Greece (Haskell) to the Chairman of the American Red Cross (Payne)," Athens, 29 January 1923, United States of America Department of State, *Papers Relating to the Foreign Relations of the United States, 1923*, vol. II (Washington: United States Government Printing Office, 1938) [*FRUS, 1923*, vol. II], 318–19.
30. "The Secretary of State to the British Ambassador (Geddes)," Washington, 31 March 1923, *FRUS, 1923*, vol. II, 329–31.
31. The Lausanne Peace Treaty was eventually signed on 24 July 1923.
32. "The Vice President, Central Committee in Charge of Foreign Operations, American Red Cross (Bicknell) to the Under Secretary of State (Phillips)," Paris, 23 May 1923, *FRUS, 1923*, vol. II, 338–39.
33. "The Secretary of State to the British Ambassador (Geddes)," Washington, 31 March 1923, *FRUS, 1923*, vol. II, 329–31.
34. See the daily Greek newspaper *Ελευθέρον Βήμα* [*Eleftheron Vima*], 27 June 1923, 5.
35. "The Secretary of State to the Chargé in Greece (Atherton)," Washington, 4 August 1923, *FRUS, 1923*, vol. II, 359.

36. "The High Commissioner at Constantinople (Bristol) to the Secretary of State," Constantinople, 10 July 1923, *FRUS, 1923*, vol. II, 352–53.
37. "The Special Mission at Lausanne to the Secretary of State," Lausanne, 26 June 1923, *FRUS, 1923*, vol. II], 345–46.
38. *The American National Red Cross*, 90.
39. *Ελεύθερον Βήμα* [*Eleftheron Vima*], 30 June 1923, 5.

Book Review

Daniel Jonah Goldhagen, *Worse than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity*. New York: Public Affairs, 2009. Pp. 672, paper. \$29.95 US.

Reviewed by Scott Nicholas Romaniuk, Department of Politics and International Relations, University of Aberdeen

For many decades, scholars and practitioners have been preoccupied with whether or not genocide and systematic human destruction can be contained and subsequently eliminated from the future narrative of humanity. With indelible imagery and exploration, Daniel Jonah Goldhagen has compiled an impassioned study of mass murder and the systematic slaughter of human beings in his 2009 book, *Worse than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity*.

Goldhagen establishes a clear argument that human destruction is not beyond our control, and he maintains that the perpetrators of atrocities are not natural killers. While exploring why some people choose to become cold-blooded killers while others do not, Goldhagen presciently shifts the focus of the ongoing debate about genocide and mass slaughter to “understand[ing] its causes, its nature and complexity, and its scope and systematic quality” (xi–xii). Goldhagen applies his theory that perpetrators of recent massacres are not just “normal” individuals but rather people who are all too eager and willing to perform the heinous task of killing their own.

The premise of Goldhagen’s theory is applied to the 1994 Rwandan massacre by Hutu of Tutsi, the Serbian-sanctioned genocide of Muslims and Croats in the aftermath of the state dissolution of the former Yugoslavia, the Indonesian slaughter of Communists during the 1960s, the murderous campaign undertaken by the Khmer Rouge in Cambodia, the extermination of some 200,000 indigenous Maya and leftists in Guatemala between 1978 and 1984, the massacre of Marsh Arabs and Kurds during the 1980s in Saddam Hussein’s Iraq, and to a corpus of “eliminationist” and genocidal campaigns across the African continent to the present day.

Divided into eleven chapters, and dealing with the multifaceted phenomenon of new perspectives on arcane preconceptions and debates about eliminationist politics, actions, and discourse, Goldhagen’s study centrally explores the notion that the expression of hatred toward the symbol of one’s putative enemies leads to a struggle to establish not only physical mastery, but also emotional and moral mastery that breeds a cycle of fury and, ultimately, destructive rage. His examples demonstrate how individuals and groups establish and subsequently surpass previously established baselines for brutality and murderousness.

As part of his case studies, Goldhagen conducts interviews with Madeleine Albright, former US Secretary of State; Francis Deng, UN Special Advisor for the Prevention of Genocide, and Clint Williamson, US Ambassador-at-Large for War Crimes Issues. His consultations reveal the political, social, and cultural impasses associated with the task of preventing genocide at the same time that he attempts to apply the difficult lessons learned from past atrocities around the world.

In Africa, Goldhagen interacts with perpetrators of the Rwandan Genocide to discuss their willful participation in acts of extreme violence that left thousands brutally killed and thousands more emotionally brutalized. Minister of Justice Tharcisse Karugarama discusses not only perpetrator motivation and willingness, but also the international community's inability and unwillingness to prevent other governments around the world from undertaking genocide as a domestic policy that seeks to quell civil discontent and political rivalry. One highly significant question thus posed is "how can we prevent other countries from suffering the same or a similar fate?"

In another country, thousands of miles from Rwanda, Goldhagen explores the concept of "overkill" with one of Guatemala's leading forensic pathologists. Those interviewed demonstrate that many cases of excessive violence are readily discoverable among the remains of the country's genocide victims. Their examinations expose the harsh reality of how hatred is channeled to inflict offensive and often lethal wounds against even the most helpless of victims, including children and pregnant women. Commenting on Guatemala's genocidal history is former President José Efraín Ríos Montt, who held power during the barbarous events that took place during the 1980s.

While in Bosnia and attending the annual commemoration of the Srebrenica genocide (which took place in 1995 and resulted in the slaughter of more than 8,000 Bosniak men and boys—the greatest example of mass killing in European history since those enacted by the Nazis and Soviets during the Second World War), Goldhagen talks with Haris Silajdžić, a member of Bosnia's tripartite presidency, about the issue of pressuring external actors to involve themselves in the veritable genocide and sociocide that ravaged Bosnia's social landscape.

Asserting that each and every individual, institution, and government in all corridors of the globe has the capacity to make choices, Goldhagen explains,

We can persist in our malign neglect that consists of three parts: failing to face the problem squarely and to understand the real nature of genocide; failing to recognize we can far more effectively protect hundreds of millions of people and radically reduce mass murder's incidence; and failing to choose to act on this knowledge. (xi)

Through his extraordinary encounters and case studies, Goldhagen demonstrates that the world's most egregious atrocities, mass murders, and acts of evil are products of acceptance by average people and leaders alike who allow such profligacy to occur and continue unabated. To exclude the motivations of mass murderers and eliminationists is to commit a most serious oversight that allows for the continuation of heinous crimes against humanity. "Until recently, the rare analysis of mass-murder that focuses on the perpetrators' conduct addressed only the killing itself," Goldhagen writes (145). "Such omissions," according to the author, "produce faulty depictions, conclusions, and explanations of the perpetrators' actions, and false understandings of the broader events—renderings that bear only a caricatured relationship to the actual horrors and their commission" (145). Accordingly, greater attention, it is argued, should be paid to the perpetrators and their actions and not solely to the victims' experiences. Through his investigation of why perpetrators act, Goldhagen demonstrates that widespread reflexive assumptions have been the primary force behind the portrait that we have produced about the topic of genocide and systematic human destruction. In other words, as Goldhagen puts it, "there is no pressing reason to investigate something that seemed so obvious," (145).

Goldhagen also sets the Holocaust within the larger context of genocidal massacres recurring across the globe and throughout history. Though he underscores the intensive murderousness toward Jews and other human targets of the Nazi system, Goldhagen demonstrates that the Germans' mass annihilation and eliminationist system prefigure subsequent systems of human destruction. He argues that "because [such acts] are purposeful and discretionary political acts, such systems' variable overall destructiveness needs to be explained rather than ignored" (376). The institutions associated with the Holocaust and the distributive killing enacted by the Nazi regime represent a model of further eliminationist political systems in world history, not a progenitor of newer systems of destruction and annihilation but a microcosm *per se*.

By looking at five systems with sustained eliminationist orientation and programs, Goldhagen makes an unearthing exploration of their techniques and degrees of lethal acts. Goldhagen concludes that regimes—that is, Communist China, Soviet Union, Nazi Germany, Imperial Japan, and Khmer Rouge's—"murderousness [is no less] murderous than the murderousness of others, or their victims' deaths [are not] any less morally condemnable, significant, or meaningful" (379). While each atrocity resembles the others, the underlying difference is in the application of ideology.

Looking at both the merciless acts of the perpetrators as well as the abject outcome for their victims, Goldhagen's study itself falls victim to generalizations, abstractions, and discriminatory analysis. For example, he characterizes Nazi brutality toward Jews and other so-called *Untermenschen*, as, "the Germans' hallucinatory sense of endangerment" (473). Goldhagen thus fails to discriminate appropriately between those consciously involved in heinous killings and those operating willingly as ideological persons carrying out the policies of an elite few. From academic cherry-picking, and practicing poor history, to his disingenuous approach to such issues as the Israeli treatment of Palestinian Arabs, Goldhagen's work requires cautious consideration from a great many angles. In spite of its well-deserved praise, *Worse than War* is a highly repetitive and verbose piece of literature that, while posing some most crucial questions that address genocide and human annihilation, fails to produce solutions or provide answers to the questions so readily preached in this work. Some may find this scholarly inquiry more akin to a tedious moralizing lecture or admonition. Notwithstanding Goldhagen's inadequate solutions, the author deserves accolades in good measure for providing another source of support for the need to remain cognizant about the glaring acts of genocide that many so sightlessly dismiss or fail to acknowledge.

The penultimate section of Goldhagen's book outlines and presents measures, short of war, to which societies around the world can resort that will help abolish genocide from our global society. Highly platitudinal, Goldhagen's recommendations are ultimately, if regrettably, exalted and self-evident. The question of competency thus falls on the concept of international law as a mechanism through which genocide may conceivably be stopped. For as much repute as is placed in the force of international law, an equally measurable degree of discredit must also be cast against it. Goldhagen calls for the formulation of an international anti-eliminationist organization that would dispense preference to "real" democratic states in an effort to buttress the reforms needed in international law to achieve the desired means against genocide and mass killing.

Goldhagen's sense of urgency leads to the assertion that genocides and genocidal massacres are not unavoidable, nor do they exemplify themselves as inexplicable phenomena. To the contrary, Goldhagen repeatedly emphasizes the point that such

atrocities are events that never occur *ex tempora*. He contends that the international community possesses the capacity to do something about them and, if not to eliminate the impetus of eliminationism, then at least to make the world a relatively harmonious place. In this vein, Goldhagen does not recognize the international community's progress and positive steps in facing genocide.

Indeed, the United Nations assails itself of the unfair judgments cast against it by Goldhagen in his work, particularly through the set of principles adopted by the Organization's Security Council known as the Responsibility to Protect, or R2P. This document states that the international community has the responsibility to use appropriate diplomatic, humanitarian, and other peaceful means to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. Though the praxis of the doctrine has yet to be measurably visible, nations' inaction on this front speaks clearly to the feasibility of the establishment of an organization of democracies dedicated to an interventionist *modus operandi*.

Far from being the most important political book published or even a highly necessary read for either politicians or political leaders, *Worse than War* exemplifies the idea that in spite of our effort—or our worst efforts, or no effort at all—the occurrence and intensity of genocide has exponentially heightened beyond imaginable bounds. Nevertheless, Goldhagen's work contributes to the corpus of genocide literature and should compel us to act in the best interest of "Never Again," lest we continue as complacent and apathetic beings content to live out genocide after genocide after genocide.

Book Review

Richard L. Rubenstein, *Jihad and Genocide*. Lanham: Rowman and Littlefield, 2010. Pp. 258, cloth. \$59.95 US.

Reviewed by Steven Leonard Jacobs, Aaron Aronov Endowed Chair of Judaic Studies, University of Alabama

Richard L. Rubenstein, President Emeritus of the University of Bridgeport, CT, and Distinguished Professor of Religion has long been at the forefront of the nexus between religion and history, especially the Holocaust/Shoah, and over time has authored such important and provocative works as *After Auschwitz: Radical Theology and Contemporary Judaism* (1966), *Morality and Eros* (1970), *Power Struggle: An Autobiographical Confession* (1974), *The Cunning of History: Mass Death and the American Future* (1975), *The Age of Triage: Fear and Hope in an Overcrowded World* (1983), and (with John K. Roth), *Approaches to Auschwitz: The Holocaust and Its Legacy* (1987). *Jihad and Genocide* is no exception.

Mincing no words, Rubenstein informs us that he has written this relatively slender volume as “an inquiry into the genocidal possibilities of *jihad*” (vii) by examining the domain of Islam, *dar al-Islam*, and the domain of war, *dar al-Harb* (chapter 1), the case of the Armenian Genocide at the hands of the Turks (chapter 2), the Nazi-Muslim connection of which “there is more than a little affinity” (p. 2, chapter 3), the relationship between oil and anti-Semitism (chapter 4), the case of Iran and the possibilities of nuclear genocide (chapter 5), and the fruits of what he contends is Muslim/Islamic long-standing rage toward the West (chapter 6).

Rubenstein argues that today’s radical Islamist reading of the concept of *jihad* is that of a “defensive *jihad* against the infidels who raid the abode of Islam” (5). Thus, his reading of their reading of the Qur’an and other texts, most importantly the works of Sayyid Qutb (1906–1966) among others, leads him to three conclusions when examining the religious traditions of Islam: (1) Muslims are under an unconditional obligation to undertake *jihad* against the inhabitants resident in their lands (particularly Turkey historically and Israel today), (2) “no matter how terrible the acts perpetrated by Islamic extremists, they have been without exception associated with appeals to Islam” (39), and (3) those engaged in such practices are continuing such acts begun more than 1,400 years ago with the birth of Islam itself. In so doing, as a scholar of religion, Rubenstein forcefully argues for a seat at the table of conversation partners about genocide with historians, political scientists, lawyers, sociologists, and psychologists, and he concludes that “a fundamental flaw in all such efforts [to solve the Arab-Israeli conflict, and applicable to the wider arena] is the failing of both Western and Israeli policy makers to take into account the religious dimension of the conflict” (165; emphasis in original).

Turning to the first major genocide of the twentieth century, that of the Armenian Christians at the hands of both secular and Muslim Turks, he posits that the ongoing denial of this genocide “has been due, at least in part, to the Turkish belief that they did no wrong in exterminating the Armenians, a belief that rests ultimately on the tradition of *jihad* and the *dhimma*” (54). By implication, therefore,

“today’s radical Islamists regard genocide as a legitimate weapon against those whom they regard as enemies of Islam. Holding that Islam is now under attack, they see unremitting jihad as both defensive in character and the single most important Muslim religious obligation” (57).

Turning his attention next to the ongoing Israeli—Palestinian conflict, he first examines the career of Hajj Amin al-Husseini, the Mufti of Jerusalem (1921–1948), a virulent anti-Semite who attempted to partner with the Nazi regime, broadcasting his calls for *jihad* against the Zionists and the Jews of Palestine from a Berlin radio during the Second World War, and who provided the foundational underpinnings for today’s radical Islamists who “consider all of Palestine to be an inalienable part of *dar al-Islam* and are therefore ‘obliged,’ at least in theory, to wage defensive *jihad* against the Zionists whom they regard as having forcibly ‘invaded’ the land. According to a strict interpretation of Islamic jurisprudence, the obligation to expel the Jews was and remains a non-negotiable religious imperative” (97). Rubenstein further rejects any notion that Nazism itself died with the death of Hitler in 1945 and the Nuremberg Trials of 1945–1946:

If anything, the mutual feeling of affinity between radical Islam and contemporary Nazism is stronger than ever, for contemporary Islam is the one movement that has the numbers and the power seriously to offer an alternative to Western civilization that both the extreme right and left despise. (102)

Indeed, in the face of growing Islamic radicalism in Britain, France, Sweden, Switzerland, and so forth, which is directed primarily toward both the Jews on the continent and in the State of Israel as the twin sources of all that imperils the planet today, Europe and the West’s thirst for oil and seeming willingness to continue to act submissively is a holdover, he argues, from “a reading of Christian theology that remains deeply rooted in the hearts and minds of many clergy and laity, namely that the Jews have been punitively exiled from their land for rejecting Christ” (113). While many in the secular academy today would reject *heilsgeschichte* (German, “holy history,” that is, reading the past through the lens of one’s own religious tradition) as an understanding of either historical or contemporary events, for Rubenstein and other scholars of religion such perspectives *must* be taken into consideration when analyzing these events.

With regard to Iran and its nuclear agenda, at least according to its President Mahmoud Ahmadinejad and his stated goal of “wiping Israel off the map,”¹ he further insists that “Iran’s hostility to Israel is very largely grounded in religion” (124), largely because “the Ayatollahs dwell in an entirely different moral universe than any we in the West have had to deal with” (145). If Rubenstein is correct, then such a culture and religious climate which fosters death as a viable option for its citizens rather than life will, for the foreseeable future, see itself on a cataclysmic confrontational course with the West. Rubenstein is not saying that such, indeed, is the very essence of either the Qur’an or Islamic religion; rather he is arguing that today’s radical Islamists and their ilk are loudly presenting to the uninitiated and unknowing, the disaffected and the disenfranchised—particularly the young in many Arab countries (and even, to some degree, in the West itself) where access to a positive economic future and social services are severely limited—a terribly viable alternative to their present existence. And the fact is that the present state of disillusionment on the part of many throughout the Arab world continues to fuel the increasing rage toward the West, toward Jews, and toward Israel, leading to frustration and manifesting itself in increasing jihadist violence.

Rubenstein has written an important and significant book regardless of how depressing and negative his conclusions are. His reading of the past, the present, and the future is such that we ignore his insights to our detriment. As a scholar of religion, his voice deserves to be taken seriously not only by those in other academic disciplines but by the general public as well.

Note

1. Spoken to 4,000 students in Tehran at a program called “The World without Zionism” in 2005. Nazila Fathi, “Iran’s New President Says Israel ‘Must Be Wiped Off the Map,’” *New York Times*, 27 October 2005, [www.nytimes.com/2005/10/26.world/africa/26iht-iran.html](http://www.nytimes.com/2005/10/26/world/africa/26iht-iran.html) (accessed 18 May 2010).

Contributors

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as a Social Practice: Between Nazism and the Experience of Argentina, Fondo de Cultura Económica, Buenos Aires, 2007) and *Terrorismo de estado y genocidio en América Latina (State Terrorism and Genocide in Latin America*, Prometeo, Buenos Aires, 2009). He has also co-authored, in collaboration with Marica Esparza and Henry Huttenbach, *State Violence and Genocide in Latin America* (Routledge, New York, 2010).

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