



Col. Arthur D. Simons Center  
Fort Leavenworth, Kansas

# InterAgency Journal

## Foreword

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## Introduction: Responding to Genocide in Principle and Practice

*John Mark Mattox*

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## The Military Profession and Counter-Genocide Leadership

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## Far From Nuremberg: The United States, War Crimes, and the International Criminal Court

*Mark M. Hull*

## Humanitarian Frames and Humanitarian Soft Power in Darfur

*Stephen M. Wisniew*

## Educating Officers on the Prevention of Mass Atrocities

*Charles E. Heller*

# *Special Edition:* **Prevention of Mass Atrocities**

The Journal of the Simons Center  
Vol. 3, Issue 2, Special Edition

## ***InterAgency Journal***

The *InterAgency Journal (IAJ)* is published semiannually by the Command and General Staff College Foundation Press for the Col. Arthur D. Simons Center for the Study of Interagency Cooperation. The *InterAgency Journal* is a national security studies journal providing a forum for professional discussion and the exchange of information and ideas on matters pertaining to operational and tactical issues of interagency cooperation, coordination, and collaboration.

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# InterAgency Journal

**Vol. 3, Issue 2**  
**Special Edition**  
(Spring 2012)

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*for the Study of Interagency Cooperation*

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## **DESIGN/PRODUCTION**

**Mark H. Wiggins**  
MHW Public Relations

## **PRINTING**

**Allen Press, Inc.**  
Lawrence, Kansas

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# ***InterAgency Journal* Special Edition: Prevention of Mass Atrocities**

## *Foreword*

**by Robert R. Ulin**

**I**n 1991, I visited Auschwitz-Birkenau as the faculty lead of a U.S. Army War College delegation that met with political and military leaders in Poland shortly after the demise of the Warsaw Pact. I have never forgotten that experience. I can close my eyes and still see the horror of that place that was witness to incredible inhumanity.

When Professor Charles Heller told me the U.S. Army Command and General Staff College (CGSC) was provided a congressionally directed grant by Congressman Steve Israel of New York to develop a program of instruction in concert with the Auschwitz Institute for Peace and Reconciliation (AIPR), I was excited by the opportunity. Addressing the prevention of mass atrocities and genocide that included seminars in Krakow and visits to Auschwitz-Birkenau, would provide a unique educational opportunity for our military leaders. It is one thing to study man's inhumanity to man, it is quite another to stand in the place of so much evil and unspeakable horror and witness for oneself a massive purpose-built death camp.

The U.S. Army is a learning organization. It provides a series of sequential and progressive schools that train and educate officers and enlisted personnel to assume ever-increasing levels of responsibility throughout their careers. One of the unique instruments used in education is the "staff ride." The concept of the staff ride is to use the battlefield as a laboratory to help explain history, to better explain and understand lessons learned, and to examine military doctrine. As one who spent more than 15 years in Europe during my military career, I walked many battlefields throughout Europe—this made the history of warfare "come alive" and impressed upon me the power of reading history, walking the ground, and reflecting on the events that shaped the outcome of military engagements. It made perfect sense to me that if you wanted to fully appreciate and understand the importance of preventing mass atrocities and genocide, you must go to the place where a mass atrocity occurred—to see it, to touch it, and yes, to smell it.

Recently the United States National Security Strategy and the State Department's Quadrennial Diplomatic and Development Review recognized for the first time the necessity for the United States to prevent genocide and mass atrocities. The U.S. Armed Forces, primarily Army forces, helped liberate Nazi extermination camps in Europe, helped prevent genocide in the Balkans, intervened to save lives and restore security in Rwanda, and are frequently called upon to restore order, feed the hungry, and relieve suffering around the world. Although the clarion call that

resulted from the Holocaust was “Never Again,” time and again evil men and murderous states commit genocide and are responsible for mass atrocities.

Saber rattling in Iran, where they speak of “wiping Israel off the face of the earth” and other bellicose statements demonstrating their hatred of the Jewish state, is perforce unsettling for the Israelis and troublesome for the world community. While this type of talk is not new, Iranian development of nuclear weapons and missile delivery systems coupled with a religious ideology where martyrdom is celebrated, casts a new light on the threat of Israel’s destruction. Prior to World War II similar talk by Adolf Hitler and his acolytes was generally dismissed but now we know all too well that the Final Solution was more than an abstract concept. Clearly, evil men and evil states have demonstrated the capacity to do great harm.

The CGSC Foundation teamed with the U.S. Army Command and General Staff College to conduct a series of symposia focused on ethics. In 2011 our symposium was titled, “Applying the Military Ethic across the Spectrum of Operations.” One of the topic areas of that symposium was the prevention of mass atrocities and genocide. Following the symposium we decided to publish selected papers in this Special Edition of the *InterAgency Journal*.

We wish to thank Congressman Steve Israel and Senator Chuck Schumer for their vision and recognition of the importance of genocide studies at CGSC. We also thank Mr. Fred Schwartz, President, and Mr. Tibi Galis, Executive Director, of the Auschwitz Institute for Peace and Reconciliation and their staff for their support of the Raphael Lemkin Seminar for Genocide Prevention and finally to Professor Charles Heller for his vision, tenacity, and passion to create and sustain the mass atrocities and genocide prevention studies program at CGSC.

In the end, all of this work would go unrecognized were it not for the financial support obtained by trustee A. Edward “Tony” Major who secured a grant from Ambassador Ronald Lauder that has enabled us to publish this work. We are grateful for their support.

Robert R. Ulin  
Chief Executive Officer  
CGSC Foundation, Inc.  
Fort Leavenworth, Kansas

# Responding to *Genocide* in Principle and Practice

**by John Mark Mattox**

Writing in the twilight years of the Roman Empire, Aurelius Augustinus—Saint Augustine, widely regarded as the father of just war theory—defined just wars as “those which avenge injuries, if some nation or state against whom one is waging war has neglected to punish a wrong committed by its citizens, or to return something that was wrongfully taken.”<sup>1</sup> Although Augustine’s definition contemplates the conventional case of interstate warfare, wherein a state or its citizens have wronged another state or its citizens, it also deserves careful examination by contemporary students of mass atrocities, including genocide. Imagine, for example, the case in which the political leadership of a state has condoned—or worse, perpetrated—evils against an ethnically bounded subset of that state. If one were to raise the question of whether a third-party observer could intervene to “avenge injuries” or to “punish a wrong” committed by the state or by one constituency of a state against another constituency within the same state, it would seem that no harm is done to Augustine’s definition. Moreover, what if that “something that was wrongfully taken” from the aggrieved constituency were what one living in the twenty-first century would recognize as a basic human right? Would that third party observer be justified in an intervention designed to “return” that “wrongfully taken” right? Again, it seems that Augustine’s definition would permit such intervention, even if Augustine himself did not contemplate it. Indeed, Augustine elsewhere muses:

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What is the evil in war? Is it the death of some who will soon die in any case, that others may live in peaceful subjection?.... The real evils in war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power, and such like; and it is generally to punish these things, when force is required to inflict the punishment, that... *good men undertake wars, when they find themselves in such a position as regards the conduct of human affairs, that right conduct requires them to act, or to make others act in this way.*<sup>2</sup>

The “love of violence,” “revengeful cruelty,” “fierce and implacable enmity,” “wild resistance,” and “lust for power” to which Augustine refers are the all-too-recognizable hallmarks of human atrocities, especially those committed on a massive scale; and, by his account, it is to respond (or, as Augustine would phrase it, to punish) these very things that “good men undertake wars.” Moreover, Augustine suggests that “to act, or to make others act” in response to these real evils is nothing less than a requirement of “right conduct.”

If Augustine were transported to the twenty-first century, it is difficult to imagine that he would have any substantive quarrel with this application of his words intended for another time and circumstance. Similarly, as persons living in the twenty-first century, it is difficult to imagine that his words do not find reasonable application in the face of modern violent mass atrocities. If the specter of concentration camps in Third Reich Germany or the killing fields of Bosnia, Rwanda, or Cambodia does not provide cause for “good men” to “act,” it is difficult to conceive of what would. Add to this the ominous threat posed by weapons of mass destruction in all of their manifestations—to include the nuclear and chemical weaponry of the twentieth century and the emerging technologies that could transform biological weapons into the

veritable genocidal scourge of the twenty-first century—and the idea that humans individually or humankind collectively can be justified in turning a blind eye to the prospect of mass atrocity appears patently absurd.

And yet, absurd as it may seem, the questions of when and where and how to intervene in violent, human-caused catastrophes are extremely difficult ones. As a curious juxtaposition, when the catastrophe can be labeled in a way that precludes immediate human responsibility—a “natural cause,” a “*force majeure*,” a “*casus fortuitus*,” an “act of God,” —the decision for how to respond is easy and the result is predictable: governments mobilize relief assets; militaries provide air and sea lift, supply depots, engineer assets, rescue teams, field hospitals, and security forces; non-government organizations swing into immediate action; charitable organizations find ways to assist; celebrities urge generous donations to support relief efforts; and lay persons take off time from employment and travel hundreds—sometimes thousands—of miles to rush to the aid of suffering persons who may not look like them or may not share their language, customs, or culture. Somehow, all of these differences are subsumed as mere incidentals and the means for dealing with them as mere technicalities. Somehow, men and women readily embrace the lesson so thoroughly shunned by Cain that we are, in fact, our brother’s keeper, and that, properly understood, human brotherhood and sisterhood knows no bounds.

However, when it comes to something like genocide, moral clarity seems, in certain essential respects at least, to evaporate. Of course, it is easy to claim clarity when one is standing on the sidelines urging others to act quickly and decisively (and indeed, the instances in which pundits have derided the least inkling of hesitancy on the part of their political adversaries—seizing the opportunity to brand them as being uncaring, unfeeling

cold-hearted, irresolute, unorganized, etc., etc., etc.—are simply too numerous to count). However, for those whose place it is to commit treasure and perhaps even blood to alleviate third-party suffering, the burden to act becomes nothing less than staggering—and this is true irrespective of the political inclinations of those to whom the lot falls to decide whether and how to act. Numerous considerations immediately and unavoidably rush to the fore:

- Is it prudent to become involved as a third party?
- Is it prudent to act alone, or is the involvement of other like-minded states required to lend sufficient moral authority to the action?
- Is the area of concern within or beyond a friendly geographical sphere of influence?
- Who is likely to view intervention as an unwarranted encroachment on the internal affairs of another state?
- Is the locus of the mass atrocity in a place where the ability to govern is compromised or where central government has ceased to function altogether? If so, how does one identify the principal actors? Who is competent to speak and act on behalf of the factious groups and on what grounds?
- Is the crisis solvable? Is it like the kind of forest fire that, with intense effort, can be brought under control, or is it more like the kind of forest fire that is best merely monitored and left alone to burn itself out?
- What, beyond the obvious alleviating of human suffering, is the desired end state of engagement in the crisis?
- Is it in the national interest to engage?

- Do (or should) perceived moral imperatives override questions of national interest?
- How much will it cost? How long will it take? How much money and how many lives can be spent, and how much time can pass, before public enthusiasm for the project wanes and the pundits have moved on to other “more pressing” matters?

It is at this juncture that principle and practice meet each other, as it were, face to face and stare into each other’s eyes.

This special edition of the *InterAgency Journal* provides an occasion not only for that face-to-face examination but for an introspective one as well.

- Canadian Senator Roméo Dallaire, Lieutenant General (Retired) and Commander of the United Nations Assistance Mission in Rwanda, challenges the reader with such questions as: Are all humans equal? What place does the strategic situation of the area in crisis play in national decision making calculus? What does it mean to “establish an atmosphere of security” (the genocide correlate to the counterinsurgency aim of “winning the hearts and minds of the people”)? Do the rules of engagement change when the combatants are children? He argues that in the emerging new world *disorder*, where Westphalian sovereignty is not absolute, the preponderance of international effort must be conflict prevention rather than conflict resolution.
- Michael H. Hoffman raises the question of whether U.S. Armed Forces have a professional obligation to prevent mass atrocities, including genocide. Arguing in the affirmative, he offers useful insights, against the backdrop of history, into efforts

both underway and efforts worthy to be taken more adequately to prepare U.S. Armed Forces for this weighty task.

- Hal Elliott Wert takes the reader on a sobering tour of the killing fields of Yugoslavia. He explores the history of this volatile region and how utopian rhetoric, progressive idealism, and raw enmity combined over time to produce the tinder box of southeast Europe. He invites one to consider what “self-determination” might mean in circumstances where a collective “self” eludes identification.
- Mark M. Hull examines the vexing legal issues associated with the interplay between national sovereignty and international law—particularly as it pertains to the International Criminal Court. He reviews U.S. objections to the court’s assertion of prerogative to intervene in matters the U.S. considers to be within its national jurisdiction and notes, perhaps tellingly, that U.S. objections were echoed by the likes of Muammar Qaddafi’s Libya, Saddam Hussein’s Iraq, and the People’s Republic of China.
- Charles E. Heller provides a helpful overview of promising efforts by the U.S. Army Command and General Staff College to educate U.S. Army officers to deal with the task of mass atrocity prevention.

Also featured in this special edition is a thoughtfully conceived bibliography, the value of which will become immediately apparent to those wishing to undertake a serious and systematic study of mass atrocity and genocide prevention.

For the opportunity to engage in the examination of this urgent topic, each of us is indebted to the perceptive work of the Arthur D. Simons Center for the Study of Interagency Cooperation. Through the preparation of this special edition, the Simons Center has evidenced the keen recognition that, while the fundamental decision of whether to respond to mass atrocities will be made at the highest policy levels, the myriad questions surrounding *how* to respond will be largely operational and tactical ones; and all of these will require the very best efforts of the interagency. Finally, our most profound debt is to the Command and General Staff College Foundation, which, on behalf of its generous benefactors, underwrites the work of the Simons Center, sponsors the annual Leavenworth Ethics Symposium, and takes as its task to assist the U.S. Army Command and General Staff College in equipping the rising generation of U.S. Army officers with the intellectual tools necessary to meet the unprecedented challenges of the twenty-first century. **IAJ**

## Notes

1 Augustine, *Questions on the Heptateuch* 6.10, quoted in Louis J. Swift, *The Early Fathers on War and Military Service*, Michael Glazier, Inc., Wilmington, Delaware, 1983, p. 135.

2 Augustine, *Reply to Faustus the Manichæan [Contra Faustum Manichæum, Libri XXXIII]*, 22.74, translated by Richard Stothert, in *The Nicene and Post-Nicene Fathers*, Ed. Philip Schaff, First Series, Vol. IV, Eerdmans Publishing Company, Grand Rapids, Michigan, 1956, p. 301.

# A New Era of Conflict

## *Resolution*



**by Roméo Dallaire**  
**with Valerie Tystad, Editor, The Simons Center**

The pace and nature of conflict, particularly over the last twenty years in this post-modern, post-Cold War era, can, in my opinion, be called a time of revolution. The scale and complexity of the changes require us to shift gears from simply trying to adapt what we have used in the past, to creating a whole new conceptual base for conflict resolution.

In order to create this new conceptual base, I will in this presentation, conduct a history tour and then project you into the future using general themes, some of which may seem a bit unusual. The first theme I want to analyze is: “Are all humans equal?” That is to say, are we actually all the same? Do we respond to the concept of human rights and the rights of the individual and do we act accordingly when challenged to do so?

During the genocide in Rwanda, extremists used young children to block the roads the emissaries and humanitarians were using to move water, medical supplies, food, and oil. Young children either blocked the roads, or they were killed. When the convoys stopped to avoid harming the children, extremists would ambush convoys, steal what they needed, and then sustain the ongoing slaughter.

One day, about the sixth or seventh week of the genocide, I was trying to move people from behind their own lines through the no man’s land that had been established between the fighting

**Editor’s Note:** This article is based on a presentation by Canadian Senator Roméo Dallaire at the 2011 CGSC Foundation Ethics Symposium on Prevention of Mass Atrocities. A retired lieutenant general, Dallaire had a distinguished career in the Canadian military. In 1994, Lt. Gen. Dallaire commanded the United Nations Assistance Mission for Rwanda (UNAMIR). His book on this experience, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, was awarded the Governor General’s Literary Award for Non-Fiction in 2004, has garnered numerous international literary awards, and is the basis for a full-length, feature film released in 2007. In 1998, Lt. Gen. Dallaire was appointed the Canadian Assistant Deputy Minister for Human Resources in the Department of National Defense. In 2005 he was appointed to the Canadian Senate. Since his retirement from the military, Senator Dallaire has worked to increase the public’s understanding of post-traumatic stress disorder. He is a Fellow at the Carr Center for Human Rights Policy at the Kennedy School of Government at Harvard University and a visiting lecturer at several Canadian and American universities. Senator Dallaire has written extensively on conflict resolution, humanitarian assistance, and human rights

elements. As I was moving through no man's land, I noticed a little boy, about six years old, about 300 meters up ahead. Anticipating this might be a potential ambush, the convoy slowed down. I jumped out with a couple of soldiers and, seeing no ambush, we looked around in some nearby huts, where we found the bodies of people killed weeks before. As we were looking around, we lost the little boy, so we doubled back and found him in a hut. In

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the hut were two adults, a male and a female, and a couple of children who were half eaten by dogs and rats. The little boy was sitting there as if he were at home. I picked him up. He was clothed in mangy and dirty rags. His stomach was bloated, and flies buzzed all around him. But then I looked into his eyes—this child of genocide—and I saw the eyes of my six-year-old son when I left for Africa. They were the eyes of a human child, and they were exactly the same as my son's. That child in the middle of that genocide and that civil war was just as human as my son back home.

However, did we—the world community—react in that context? Did we actually respond based on that premise? In the first days of the genocide, a number of nations sent in reconnaissance parties to assess the situation. At the debriefings, they said, "General, we're going to recommend that we don't get involved

in this complicated mess; it may only be tribal and it may not last too long." They said, "You know, there's nothing here for us. There's no strategic resource of any type. It's not an oil-producing country. The country is not even in a strategic location of importance to us. The only thing that is here are human beings, *and there are too many of them anyway.*"

And so the only criterion for intervention—the human beings—had not carried enough weight to win the argument. It was not until six weeks later with, 500,000 bodies lying around, that the UN Security Council finally agreed to call it genocide. So finally now it has a name: "genocide"—and I got the five-thousand troop reinforcement I needed *not* to stop the war between the two factions, but to stop the killing behind the lines! If I had been able to solve the killing behind the lines, the warring factions may have come to the table to stop the fighting. The Tutsis, who were being targeted by the genocide, said, "We're not going to negotiate until the killing stops." Meanwhile the Hutus said they could not stop the killing behind their lines because they were busy fighting the rebels.

And so, although the UN called it genocide, created a mandate, and called for five thousand troops, nobody came. The genocide ended in July of 1994, and the first Ethiopian troops hit the ground in August. The Ethiopians had just finished their own civil war, and they came with no background in how to handle a peace agreement within the context of a UN structure.

The question still remains: Do we have the will to intervene when genocide is ongoing, and even more significantly, do we have the will to intervene to prevent it from becoming catastrophic? The goal in the future must not just be merely to determine how to *resolve* conflict; the goal must be to *prevent* conflict. The Rwanda mission required about \$200 million over two years. Six months into the mission, I was scrounging money from Mozambique and Cambodia. We still did not have a budget,



A French soldier, one of the international force supporting the relief effort for Rwandan refugees, adjust the concertina wire surrounding the airport in August 1994.

*DoD photo by Staff Sgt. Andy Dunaway*

because nation-states had not paid the UN to provide the funds. There were 14 other missions going on at the same time. Eventually, focus shifted to Cambodia and Yugoslavia.

Within two months of the end of the genocide, when the killing was over and the war had ended, we had about four million refugees and internally displaced people, about 800,000 dead, and about a million injured and suffering from various diseases, including cholera. The international community contributed about \$3 billion in humanitarian aid, which in my opinion, is not even a good business plan, let alone an adequate humanitarian response to massive abuses of human rights and genocide in this enlightened era of history. We may have followed the rules, but we did not demonstrate the will to actually intervene.

In the book *The Other*, Ryszard Kapuściński argues that for five centuries anyone who was not a son of a white, Caucasian European was treated as “other.” The power base of the world was Eurocentric—“us” of European descent and all “others.” Now, however, through accelerated communication and so forth, we have all become the “other” to someone. The Eurocentric concept of the world has eroded as the ability to travel, to communicate, and to exchange ideas has expanded our perceptions.

These have produced a massive leap of change from the premises of the past. In a political sense then, the question is: Has our concept of humanity actually accepted the new premises? Or, have our actions and inactions established a new pecking order within humanity? I would argue that over the last twenty-odd years, since the end of the Cold War, we have created a pecking order in which Africa—and in particular, sub-Saharan Africa—is the lowest on the totem pole. This imposed pecking order and our measuring stick of self interest predict our willingness or unwillingness to intervene and also the arguments to support either position.

Because of the humanitarian law developed throughout this conflict in Africa, we enter this new era with preventive instruments to handle these complex situations. Conventions to international agreements, international law, and the International Criminal Court articulate and format tools we can actually use to fight with impunity and go after the really bad actors, including heads of state, even when their own states choose not to pursue them. With that as our reference, the question becomes: Is everybody playing by these rules, or have we entered an era in which some are choosing to no longer play by the rules? Certainly, during the Cold War we knew the opposition would

fundamentally play by the rules. We knew their ethos. Is that still the case? Since the end of the Cold War, we now face numerous imploding nations and failing states with massive human rights abuses.

I believe the fact that one side by not playing by the rules has changed the environment and

**I believe the fact that one side by not playing by the rules has changed the environment and that we have entered an era of complexity and ambiguity, which has brought about ethical, legal, and moral dilemmas.**

that we have entered an era of complexity and ambiguity, which has brought about ethical, legal, and moral dilemmas. We see those dilemmas being played out in the field and in national capitals, as leaders continue to stumble through this new era. We are formulating tactics, training, education, equipment, and organizations from the doctrine we articulate; however, the question remains: What is the conceptual basis for the doctrine and for conflict resolution in this era? Because we fail to clearly identify the conceptual basis and logic of conflict resolution, we find ourselves facing multiple dilemmas and the significant psychological trauma they create. Post-traumatic stress is not purely a combat-related condition; it may also be fueled by our inability to define the limits of our mandate, and to know when to use lethal force and how far to push its use.

For example, after 30 years of the NATO lexicon of “attack,” “defend,” “withdraw,” or “bypass”—which we all understood, we are thrust into an era in which the mandate becomes “establish an atmosphere of security.” What does “establish” mean? Does it mean

you will be held accountable for taking on and neutralizing belligerents? To what extent do you push the rules of engagement under “establish”? And what is an “atmosphere of security”? Is it a police state with no weapons? What is behind the mandate that enables us to apply our skills, knowledge, and experience to respond and to be successful? We soon discover there is nothing behind the mandate—just words and political interpretations. Those words and interpretations do not adapt in a structured way that we can apply in the field as a mission statement or concept of operations. With that as backdrop, it is no wonder the commander is never too sure of the limits of his mandate or in fact the aims he is trying to achieve, since it is ill defined and modified regularly, often after the fact. This lack of clarity carries significant psychological impact and does not instill confidence in the senior commander at the operational level, which in turn impacts commanders at the tactical level.

In this era, in which we are trying to wrest the initiative from the enemy and be proactive in shaping the future, we are far more willing to manage the problem than to resolve it. Are the political elites of the world actually trying to resolve conflicts, or are they really only striving to manage them, hoping they will resolve themselves? The recent crisis in Darfur illustrates the problem. Even though countries have declared genocide in Darfur, all they have done is throw cash at the humanitarian side of the problem. This cash feeds the nongovernmental and humanitarian communities’ desire to try to keep a lid on the two-and-a-half million people who are living with simply nothing, the women who are still raped, the kids who are still being abducted, and the men who are still being killed by the Sudanese forces, police, and Janjaweed.

There are still some who subscribe to the theory, “if it ain’t broke, don’t fix it” —sort of an attitude of maintaining the status quo. I would argue that in this new era, status quo

is not a straight line; and because you cannot sustain it, status quo is regression. Everything is up for grabs; everything is moving. If you are not working under that premise, you are going to be left behind.

Change is not occurring in the evolutionary pace many of us are accustomed to. We are no longer shaping the future, nor are we anticipating the future; in reality, we are all just reacting to it and sometimes just trying to survive it. In that sort of survival atmosphere of *ad hoc* crisis management, how can we lead, how can we wrest the initiative from the other side, and how can we apply lessons learned?

Take a look at a few of the contemporary revolutions that define our era. The environmental revolution is just starting, and we are slowly beginning to realize that unless there is a communion between humanity and the planet, we will not thrive, we will be in survival mode, and we will reap the consequences of reckless choices. So the environment is a global scenario, and that global scenario is starting to affect how humanity will adjust to sustain itself and, ultimately, thrive and not just survive.

Some futurists predict the information revolution will bring about unprecedented accomplishments in biomechanical interfacing and artificial human enhancement in the very near future. Super brains will accelerate our capacities. And on the intellectual side, our method of deductive reasoning will become too slow to maximize our information systems. We will depend on technical people who can tell us what is out there; but will we be able to assimilate the information, synthesize its meaning, make decisions, and lead?

So what are the criteria for leadership in the emerging era? Are we preparing those in West Point now, the future battalion-level and higher leaders, for that era, or are we still fiddling with WordPerfect? One would hope that we have leapt ahead, but are we actually ahead of that exercise?

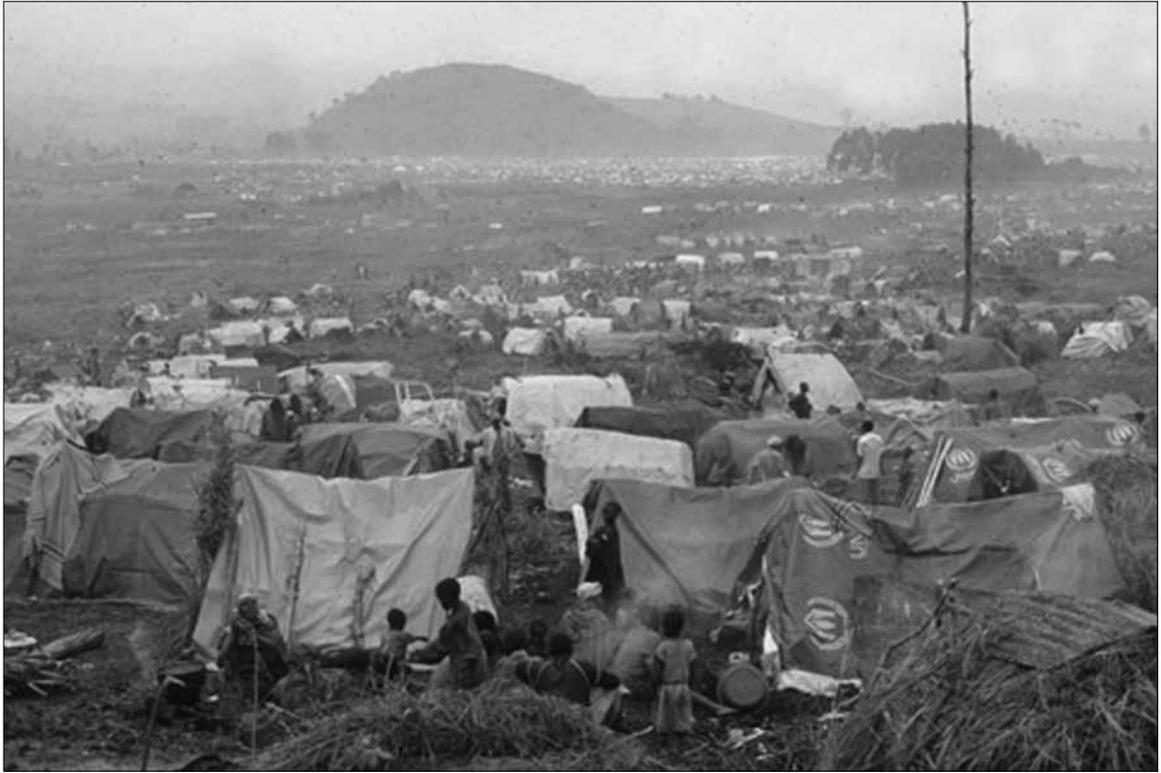
Just to illustrate that this question is not unique to the military environment, look at

**...in this new era, status quo is not a straight line; and because you cannot sustain it, status quo is regression. Everything is up for grabs; everything is moving.**

Google, Inc. Google is pervasive and worldwide; what happens if Google goes rogue? Who is really running Google? Google can digitize everything that is out of print—all scientific material, books, and so on; and the limits on its capabilities have not been articulated. Currently, the Harvard Library, the U.S. government, and Google are wrangling over Google's parameters. Will we even know when we are being moved in a different direction if we do not have information-savvy leadership to point the way forward?

In the Eurocentric good old days of classic warfare, there was a clear line of demarcation, and there were about three-and-a-half million soldiers on either side. All we needed was for somebody to step across that line, and—bingo—we were at war. As an artillery officer, I knew exactly where my gun positions were, I knew where to get ammunition, and I knew where the nuclear warheads were. That war was fought by drills and by maximizing elaborate intelligence, communications, and weapons systems.

After the Cold War, some argued that the classic concept of war simply did not exist anymore. In fact, not only did the classic concept of war not exist anymore, but the classic concept of peacekeeping also did not exist anymore. They argued that we had stumbled into everything in between. If so, the question is: How do we handle all of that in the middle? What happens when it is not nation-states going



Refugee camp for Rwandans in Kimbumba, eastern Zaire (current Democratic Republic of the Congo), following the Rwandan genocide. *Photo courtesy Centers for Disease Control*

at each other, but instead imploding nations, family states, and civil wars? How do we handle those conflicts?

The First Gulf War provided a moment of reprieve after the end of the Cold War. The Gulf War was classic warfare and a Cold War general's dream—small map, big arrows, simple plan. One morning, General Schwarzkopf woke up and looked at the sun, studied the entrails of a pigeon, and said, "Go." And so 600,000 men and women took on the other side's 400,000, they beat each other up, and the one left standing won. It was classic, traditional warfare that maximized technology, and all went according to plan. And so, some believed that our stumble into this post-Cold War era was, in fact, just a hiccup and that we would go back to the classic warfare that was the essence of what we were militarily. So in 2003, when 150,000 took on the Iraqi army

again, many thought we had another shot at returning to classic warfare. However this time, the killing did not stop when the Iraqi army was destroyed. So, since the end of the Cold War, these two conflicts have been the rare exceptions of classic force-on-force engagements. I argue that we are still conducting on-the-job-training and that Iraq and Afghanistan are the trial runs of an era of conflict that will be the norm for decades. Unlike the classic warfare era, in this era, we still do not have the depth to handle these problems.

President George H.W. Bush said he hoped the end of the Cold War would usher in a "new world order." I would argue that it ushered in a new world *disorder*. For example, we know that poverty is a great source of rage in the world. Eighty percent of humanity lives more or less in sub-human conditions, and this in turn feeds the rage of extremists. When we see extremism in

the Muslim world, we know there is absolutely nothing to prevent extremism in the African world. We have seen extremism and terrorism up close—and how we panic in response to it. We sacrifice our civil liberties, our human rights, and our international conventions to try and counter that threat. So how far down the road do we go to establish an adequate level of security from those who are not playing by the rules? Is the answer to this question the key to advancing our societies, stabilizing the future of humanity, and seeing humanity progress?

So, what have we seen evolving with that sort of atmosphere? We have essentially entered an era of elective wars or elective conflicts based on a variety of reasons, including the scramble for strategic resources. Coltan mined in eastern Congo is a prime example. Rwanda has no coltan, but it has been selling it for years, even during the genocide of the 1990's. How was that possible? Who was mining it? Was it ethical to buy Rwandan coltan? We concluded that mixing it with Australian coltan made it ethical, because our cell phones and Blackberries would not work without it. Because we refuse to give up our cell phones and Blackberries, we have tolerated a decade-long conflict that has killed over two million people. We assuaged our consciences by sending in an ineffective UN force to monitor the conflict as the mining continues. And so we must add the dynamic of resources into the exercise of engagement on the humanitarian side within imploding nations and failing or fragile states.

In Rwanda, there are 1.6 million internally displaced persons. How many trucks of food, water, medical supplies, and sheeting are needed to take care of or feed them twice a day? How do we get these things to the right places? How do we manage 100,000 people moving within hours? In Rwanda, this happened in less than 100 days, and it continues to destabilize the whole region. In this new era, the civilian population becomes a part of the conflict. They

are not adjunct participants, nor are they pushed to the sidelines; instead, refugees and internally displaced persons often become the instruments of the conflict. Extremists move that many people in order to build a basis for negotiations. They use fear to move the population by introducing new weapons, such as deliberate mass rape. Horror is an effective tool, and it ultimately gives those who use it a power base to continue the conflict and, in an odd sort of way, enhances their credibility. In this era, the civilian population is not a side show, it is the main event. In Rwanda, over 350,000 children under the age of 15 were slaughtered; and at the end of the war, close to 500,000 were orphaned.

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And so, because 50 percent of the populations within many of these countries are people under the age of 15, these massive abuse scenarios are being played out by children. We find ourselves facing the extreme scenarios we vowed would never happen again. There were more people killed, injured, internally displaced, and raped in 100 days in Rwanda than during the six years of the Balkan campaign. What criteria dictated that the world send 67,000 troops to the former Yugoslavia and none to Rwanda? The Montreal Institute of Genocidal Studies looked at the Kosovo campaign and Rwanda. In the end, elements of our basic assumption suggest all humans are not human; or put another way, maybe all humans are not equal. Maybe some humans are more human than others. Maybe we in the West consider ourselves to be more human than others. As a reference point, this

assumption appears to influence public policy in America.

I have essentially argued that in this era we do not have a level playing field in regard to those who are in conflict and those who are generating conflict. We have one side that is not playing by any rules; and that in turn raises the question, “if they are not playing by the rules, why should we”? How do we adapt to the rules or to the lack of them? In this era, we face complex scenarios and ethical and moral dilemmas continuously in the field. How many kids can one kill? What is the doctrine of facing child soldiers who are the primary weapons system in the conflict? Only the U.S. Marines have a doctrinal mandate to, avoid confrontation with children No other

**All new era missions are complex and ambiguous, and moral and ethical dilemmas abound at all levels. More often we see mission commanders held accountable for their losses rather than actually accomplishing the mission.**

service has addressed this moral dilemma in its doctrine. So how about the doctrine of the right to self defense? How many 12-year-olds will one kill before one starts questioning that approach? Is that the way to go about it? Young girls constitute forty percent of this new, low-technology, sophisticated weapons system. When I was in Sierra Leone, demobilizing young combatants in 2001, I could demobilize ten boys for every girl, because girls are not primarily up front shooting and killing; they are running logistics and operating as sex slaves.

And so there are no more classic missions and mandates. All new era missions are complex and ambiguous, and moral and ethical dilemmas abound at all levels. More often we see mission

commanders held accountable for their losses rather than actually accomplishing the mission. Making sure everybody comes home safely often trumps actually saving tens of thousands of people from a country of “no significance.” So we have established that sort of criteria. The Commander of the Air Forces in the Kosovo campaign—a Canadian officer—was asked, “Colonel, what’s your job?” He said, “My job is to man these Canadian Air Forces in the Kosovo campaign.” And the second question was, “What’s your mission?” “My mission is to bring everybody home safely.”

The nongovernmental organization (NGO) world will become the voice of humanity. They are already a major player in this new era. When we asked General McChrystal what he is doing with the NGOs over there, he said, “Nothing, because they don’t want to talk to us. They want their humanitarian space. They want their neutrality.” These were the same NGOs that were hiring Blackwater to protect them. They do not want military people, but they are quite prepared to use security companies. Do they have an ethical problem to start with? And if we are not gathering the massive amounts of intelligence information they are and exchanging information with them, how do we think we are going to approach the whole problem?

And so here are the options: We either survive it, we don’t worry about it, or the United States and Canada get together and build a wall—the Fortress of America—and we do not let anybody in who has a black moustache. I would argue, however, that in the future we must find the source of the breach and resolve conflict there. So the question becomes, “How do we do that”? How do we get past throwing cash at it in a mistaken effort to avoid getting involved and thereby dealing with mass casualties in a country that is of no obvious consequence for us?

How does the international body develop

the political will to engage in conflict resolution to avoid mass atrocities and genocide? Currently *inaction* is the action of choice. Not to get involved is a decision. The will to intervene is based on a number of criteria that political people compute in order to make their decision and draw others to their side. Of the many criteria political leaders consider, I argue the following three are the most important:

- (1) “What is in it for me politically”?
- (2) “What is in my self interest”?
- (3) “Why take casualties to obtain something that provides me nothing”?

Criterion number three was the basis for President Clinton’s decision to accelerate the pullout from Somalia. He felt the American people would not accept casualties during a humanitarian mission executing an event that had no strategic value to the mission. Mid-level powers on the ground in these conflict resolution situations are not used because powerful countries, such as the United States, are not forcing them to be used. Powerful countries like the United States should be held in reserve while mid-level countries go in first. More often than not, the United States goes in too soon and acts as the world’s cop instead of as the world’s army. The United States should not go in first, get a bloody nose, and pull out, because it leaves the rest of the world with no options for action and certainly no credibility to act.

The new era brings with it new concepts, such as the responsibility to protect populations from massive human rights abuse. This, in turn, has made “sovereignty” no longer an absolute. Libya is a prime example of this new concept in action. The UN General Assembly accepted that concept and established intervention criteria in 2005; however, we need a whole new set of tools for this era. Cooperation, coordination, and collaboration are neat, but they are personality driven and will not bring anything new to the table. In this new era, we must make all disciplines work in an integrated fashion, which means we must have multi-disciplined leaders. This new construct of leadership and conflict resolution cannot be based on a single discipline.

We need innovative ideas and a new conceptual base to apply to a multi-disciplined world. For example, one of the reforms might be to add a whole new skill set above the warrior ethic. Professional military leaders, of course, must be credible as warriors to defend and protect their country. But above that skill we need something more, which is why we in Canada are introducing anthropology, philosophy, and sociology into the officer education program.

A new era demands a new conceptual base. Doctrine without a conceptual base is confusing and counterproductive. We should maximize the concept that sovereignty is no longer an absolute. We went just part of the way in Libya, and we should have had boots on the ground. The maturing of the NGO and the coalescing of the NGO community will be major factors in all operations. We will lose enormous initiative on the ground by continuing to allow them to define a construct of humanitarian space and neutrality.

In many of those developing nations, empowering women is crucial, so is education and respect. We must accept our responsibility to protect and hold the politicians accountable. If we can build a new framework of concepts, we will be able to move from conflict resolution to conflict prevention. **IAJ**

# The Military Profession and Counter-Genocide Leadership:

## *Establishing Professional Obligations and Standards*

**by Michael H. Hoffman**

### **Introduction**

For the first time in our history, the U.S. military is systematically thinking about preventing genocide and mass atrocities. Though the U.S. Army has a proud history as liberators, to include liberating victims of genocide in World War II, these events have not taken hold as a source of inspiration or lessons learned warranting official study. These events have not sparked revision of operational themes or joint operations within themes; however, political leaders have signaled a change in expectations.

As an instructor of a genocide prevention course at Fort Belvoir, Va., my experience indicates that field grade officers enrolled in the course believe Army officers must develop professional and institutional capabilities to meet these challenges. The Army and the joint force must now accept this responsibility and begin developing requisite capabilities. This paper examines the professional foundations for this obligation and considers what it means for military officers to have an ethical obligation to prevent genocide and mass atrocities.

### **Framing the Issue: Is There a Professional Obligation to Prevent Genocide?**

Although preventing genocide and mass atrocities may seem a new focus for military professionals, it is a familiar issue and one the U.S. armed forces have long grappled with from a different perspective. The law of war (also contemporarily known as the law of armed conflict or international humanitarian law) has been integral to U.S. military discipline and professionalism since the nation's earliest days.

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The Trial of the Major War Criminals before the International Military Tribunal, in Nuremberg, Germany, 1945-1946. Shown here are the defendants in their dock. Front row, from left to right: Hermann Göring, Rudolf Hess, Joachim von Ribbentrop, Wilhelm Keitel. Second row, from left to right: Karl Dönitz, Erich Raeder, Baldur von Schirach, Fritz Sauckel. *U.S. Army photo/National Archives 540128*

Though war crimes took place during the American Revolution, both sides recognized their moral obligation to apply the law of war. One notable example was the surrender of General Burgoyne and his forces at Saratoga in 1777. The laws and customs of war as observed by European gentlemen were honored in the course of surrender—even to the point of Continental officers joining General Burgoyne in drinking a toast to King George.<sup>1</sup>

With the adoption in 1863 of General Orders No. 100 (referred to as the “Lieber Code” in recognition of the lead author<sup>2</sup>) the U.S. made a key contribution to the development of the

law of war. Issued as “Instructions for the Government of Armies of the United States in the Field” during the Civil War, these rules marked the first time any government issued a general code of conduct for armed forces in wartime. The Lieber Code was influential in the development of international law into the early twentieth century and remains a landmark in the history of the law of war.

The law of war is not new to U.S. forces, who are accustomed to applying the law of war within its ranks, regardless of whether allies and/or enemies are also applying the law. U.S. forces are also accustomed to addressing war

crimes if allies and/or enemies are not applying the law of war. What is new, however, is a focus on how to prevent violations in the first place or stop them if systematic war crimes are already taking place. In this paper, the term “counter-genocide operations” refers to all military and interagency planning and operations aimed at preventing or ending systematic or widespread war crimes and other violent crimes against human rights. U.S. forces want to prevent such crimes before they emerge as genocidal threats.

A preventive perspective takes us from a legal assessment of enemy conduct to an operational and interagency assessment of their actions. It also requires that we look carefully at the potential for war crimes among state and non-state actors who may become coalition partners. The question becomes do military

**The ultimate crime against a population is genocide. It was singled out as a distinctive crime in a treaty adopted shortly after World War II and defined by the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948...**

professionals have an obligation to prevent law of war crimes? Is it not enough to implement the law of war in our own joint force, prosecute and punish violations among our personnel, and assist in capturing and prosecuting enemy perpetrators?

In the twentieth and early twenty-first centuries, treaties and state practices helped us identify what constitutes a war crime, a crime against humanity, and genocide. The concept of war crimes has the longest history, with roots in the Middle Ages, if not earlier. War crimes—

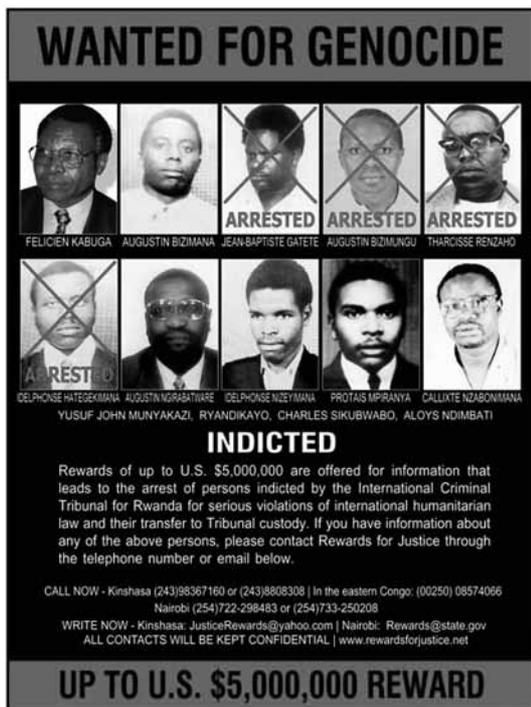
acts that constitute breaches of the law of war—include use of prohibited weapons, targeting of civilians, willful destruction of civilian infrastructure and property not being used for military purposes, and killing or mistreating prisoners of war or civilians in the possession of a belligerent power.<sup>3</sup>

The legal concept of crimes against humanity was first adopted in 1945 and defined as “... murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial, or religious grounds...”<sup>4</sup> At the close of World War II, the Allied Powers determined they would prosecute systematic, widespread crimes committed by Nazi Germany as crimes against humanity. The legal concept evolved in subsequent generations and today has many definitions.

The ultimate crime against a population is genocide. It was singled out as a distinctive crime in a treaty adopted shortly after World War II and defined by the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948:

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.<sup>5</sup>

The sufficiency of legal definitions for these crimes is sometimes controversial, and international law continues to evolve to address these issues. What is important for our immediate



Wanted poster for fugitives of the Rwandan Genocide made by the U.S. Government for the Rewards for Justice program to assist the International Criminal Tribunal for Rwanda (ICTR). The ICTR marked the first time the UN law established in 1948 was enforced.

Source: U.S. Dept. of State

purpose is to accept that the law recognizes the existence of criminal offenses falling within the categories of war crimes, crimes against humanity, and genocide. The United States adheres to international law prohibiting such offenses. The question remains: Is there an emerging obligation for U.S. military leaders to plan and lead efforts to prevent such crimes?

Recent strategic guidance indicates that there is an affirmative answer to that question. The March 2006 National Security Strategy marks genocide prevention as an explicit national security goal of the United States:

Patient efforts to end conflicts should not be mistaken for tolerance of the intolerable. Genocide is the intent to destroy in whole or

in part a national, ethnic, racial, or religious group. The world needs to start honoring a principle that many believe has lost its force in parts of the international community in recent years: genocide must not be tolerated.

It is a moral imperative that states take action to prevent and punish genocide. History teaches that sometimes other states will not act unless America does its part. We must refine United States government efforts—economic, diplomatic, and law-enforcement—so that they target those individuals responsible for genocide and not the innocent citizens they rule. Where perpetrators of mass killing defy all attempts at peaceful intervention, armed intervention may be required, preferably by the forces of several nations working together under appropriate regional or international auspices.

We must not allow the legal debate over the technical definition of “genocide” to excuse inaction. The world must act in cases of mass atrocities and mass killing that will eventually lead to genocide even if the local parties are not prepared for peace.<sup>6</sup>

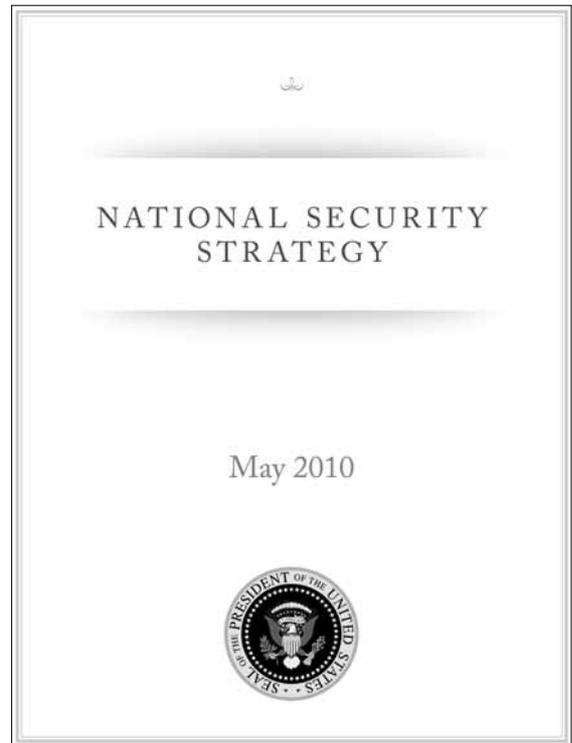
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A highly influential task force convened by the U.S. Holocaust Memorial Museum, the American Academy of Diplomacy, and the United States Institute of Peace spurred interest in this subject. Its 2008 report, *Preventing Genocide: A Blueprint for U.S. Policymakers*, recommended a wide array of interagency measures to prevent genocide and mass atrocities.<sup>7</sup> The trend toward officially engaging

these challenges continued with the current National Security Strategy of May 2010, which not only reaffirms the commitment of the 2006 strategy, but also begins setting out specific requirements:

The United States and all member states of the U.N. have endorsed the concept of the “Responsibility to Protect.” In so doing, we have recognized that the primary responsibility for preventing genocide and mass atrocity rests with sovereign governments, but that this responsibility passes to the broader international community when sovereign governments themselves commit genocide or mass atrocities, or when they prove unable or unwilling to take necessary action to prevent or respond to such crimes inside their borders. The United States is committed to working with our allies, and to strengthening our own internal capabilities, in order to ensure that the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide. In the event that prevention fails, the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and in certain instances military means to prevent and respond to genocide and mass atrocities.<sup>8</sup>

This strategic vision is beginning to make its way into national-level guidance for the armed forces, but guidance on these specific challenges has not fully matured. The Department of Defense Quadrennial Defense Review of February 2010 broadly tasks the armed forces to be ready for missions “preventing human suffering due to mass atrocities or large-scale natural disasters abroad.”<sup>9</sup> The National Military Strategy of February 2011 is even more ambiguous on the task of genocide and mass atrocity prevention. The strategy identifies challenges armed forces must address to include



The 2010 U.S. National Security Strategy specifies requirements for preventing genocide.

Source: [http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf)

“natural disasters and transnational threats such as trafficking, piracy, proliferation of weapons of mass destruction, terrorism, cyber-aggression, and pandemics....”<sup>10</sup>

The National Military Strategy also sets out that “military power complements economic development, governance, and rule of law—the true bedrocks of counterterrorism efforts. In the long run, violent ideologies are ultimately discredited and defeated when a secure population chooses to reject extremism and violence in favor of more peaceful pursuits.”<sup>11</sup> Counter-genocide and counter-mass atrocity responsibilities for the military more often than not remain implied rather than expressed.

Once again recent presidential guidance points the way toward the armed forces countering genocide and mass atrocities as

a specific strategic requirement rather than an implied subset of other humanitarian challenges. On August 4, 2011, the White House issued the “Presidential Study Directive/PSD-10 on Mass Atrocities,” which has as its objective the “creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review.” The directive leaves no room for doubt of President Obama’s intentions. The Board’s purpose is to:

...coordinate a whole of government approach to preventing mass atrocities and genocide. By institutionalizing the coordination of atrocity prevention, we can ensure (1) that our national security apparatus recognizes and is responsive to early indicators of potential atrocities; (2) that departments and agencies develop and implement comprehensive atrocity prevention and response strategies in a manner that allows “red flags” and dissent to be raised to decision makers; (3) that we increase the capacity and develop doctrine for our foreign service, armed services, development professionals, and other actors to engage in the full spectrum of smart prevention activities; and (4) that we are optimally positioned to work with our allies in order to ensure that the burdens of atrocity prevention and response are appropriately shared.<sup>12</sup>

U.S. armed forces will require further guidance to identify their responsibilities. The U.S. Army is taking a close look at the institutional and personal requirements of the profession of arms. The kind of counter-genocide and mass atrocity responsibilities set out in the last two National Security Strategies and the PSD-10 have not been ignored in this process.

## Moving Forward

On December 6, 2010, the U.S. Army

Training and Doctrine Command (TRADOC) issued a White Paper entitled “The Profession of Arms” to initiate the discussion of what it means for the Army to be a profession of arms. Human rights are an important focus, and the counter-genocide and mass atrocities mission is identified as well. “The defense of basic human rights from threat is the primary service that the Army provides the Republic....The Army is also called upon to defend other nations and peoples

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from aggression, massacre, or genocide.”<sup>13</sup>

Several White Paper endnotes analyze the scope of human rights subject to professional concern and action by the Army. The paper accurately recognizes the definition of human rights as “contentious”<sup>14</sup> and takes the practical approach of leaving the concept of human rights open with “some ambiguity regarding what rights under what conditions should be defended by military force.”<sup>15</sup> However, an endnote also states that “the rights that matter most in military operations are a small set of basic human rights consisting of the rights against torture, rape, unjustified killing, arbitrary imprisonment, access to basic subsistence, and personal liberty.”<sup>16</sup> Presidential Study Directive 10 along with the growing informational and diplomatic focus on international human rights

law and the law of armed conflict point toward a requirement to shape Army and joint capabilities taking into account such rights, their protection, and the role that military professionals will be called upon to play in enforcing them.

If these obligations are not met, the

**[The decision to not bomb Auschwitz] is a source of bitterness and controversy almost 70 years later, and it will likely remain so for centuries.**

consequences are almost unimaginable.

### **A Cautionary Tale: The Non-Decision not to Bomb Auschwitz**

The following example of genocide, professional inattention, and the absence of political accountability is a source of bitterness and controversy almost 70 years later, and it will likely remain so for centuries. In 1944, the Allies received urgent appeals to bomb Auschwitz in order to stop the systematic mass murder taking place in the gas chambers there. These requests were denied. Debate as to whether the Allies should have attempted the mission and whether it had any chance for success continue; however, I will not address that debate.<sup>17</sup> Rather, I will consider another question that has not received much consideration. Did the Allies attempt to determine likely success for this mission?

In 1944, reports reached England and the U.S. confirming Auschwitz was a mass killing center. Appeals and requests from Jewish organizations and the U.S. government's War Refugee Board met a bureaucratic wall.<sup>18</sup> There was actually no planner at the strategic level who "owned" the issue. War Department planners were well organized but always challenged in their efforts to maintain strategic focus.

By the end of 1943 the whole military staff system was so well established and in such good running order that the critical problem was to monitor a thousand proposed military actions through the complicated Army and Joint Chiefs of Staff organization without losing control of the thread of strategic and operational logic that tied them all together.<sup>19</sup>

Along with the improbability that anyone on the overworked War Department staff would have taken on the issue of bombing Auschwitz at their own initiative was the added fact that staff relations and coordination between the U.S. Army and the Army Air Forces was still uncertain and evolving.<sup>20</sup>

Ultimately, this challenge involved important political, operational, and logistical dimensions that were bound to involve political leaders as well as military planners and commanders. Civilian leadership did not want the armed forces to take on this mission. On July 3, 1944, a military aid to Assistant Secretary of War John J. McCloy sent him a memo with a recommendation for action on one of these requests. "I know that you told me to 'kill' this but since those instructions, we have received the attached letter from Mr. Pehle. I suggest that the attached reply be sent."<sup>21</sup> Mr. McCloy sent his reply to Mr. Pehle at the War Refugee Board the following day.

I refer to your letter of June 29, enclosing a cable from your representative in Bern, Switzerland, proposing that certain sections of railway lines between Hungary and Poland be bombed to interrupt the transportation of Jews from Hungary. The War Department is of the opinion that the suggested air operation is impracticable. It could be executed only by the diversion of considerable air support essential to the success of our forces now engaged in decisive operations and would in any case be of such very doubtful efficacy that it

would not amount to a practical project. The War Department fully appreciates the humanitarian motives which prompted the suggested operation but for the reasons stated above the operation suggested does not appear justified.<sup>22</sup>

Overworked planners; fluid staff relations between air and ground component planners; an “orphan” threat; and most importantly, firm, senior-level, political opposition to any attempt to bomb Auschwitz doomed the appeal from the start. There is no evidence that anyone in a position of authority made the slightest effort to assess this situation or direct War Department evaluation and recommendations. Had they done so, the other challenges would not have prevented action. However, McCloy’s active political direction to “kill” this appeal certainly would have quashed any staff-level initiative that might have emerged.

Perhaps this non-decision has less resonance today in that early twenty-first century national leadership has identified genocide and mass atrocities as a national security challenge requiring military and interagency planning and initiative. It still means a great deal, however, in that it leaves open the question of how the Army and the joint force will meet express and implied professional responsibilities to counter-genocide and mass atrocities.

## **Preparing for Professional Responsibilities**

The U.S. Army and joint forces must address the following challenges in order to meet professional responsibilities in countering genocide and mass atrocities.

- The military must develop its own vocabulary to address threats of genocide and mass atrocities requiring operational response. Legal definitions are essential for diplomatic and informational initiatives. They are also essential when

military professionals provide support for investigation and prosecution of breaches of international law. They are not useful to identify emerging and matured threats requiring operational planning and response. For example, PSD-10 requires interagency response to prevent atrocities, but there is no historical guidance on what constitutes an atrocity for purposes of military planning and response.

- Doctrine for counter-genocide and mass atrocity operations does not exist. Any guidance is incidental to civilian protection in other operations. An important pioneering initiative is the *Mass Atrocity Response Operations Handbook* developed by the U.S. Army Peacekeeping and Stability Operations Institute and the Carr Center for Human Rights Policy, Harvard Kennedy School.<sup>23</sup> But this informed and thought-provoking initiative is just the start. Doctrine development will be made more challenging by the lack of historical precedent for military or interagency operations conducted to prevent or terminate genocide or mass atrocities.
- Training and education programs are essential to operational effectiveness in this field, just as they are for every military task and mission. The U.S. Army and joint forces should set professional development goals for field grade officers to ensure planners and commanders are competent to meet these challenges. The U.S. Army Peacekeeping and Stability Operations Institute (PKSOI) has developed a pioneering handbook on Mass Atrocity Response Operations (MARO) in collaboration with the Carr Center for Human Rights Policy at the Harvard Kennedy School. PKSOI is engaged in a wide range of programs to educate the military and interagency communities about the MARO concept and

guide its continuing development. The U.S. Army Command and General Staff College offers an extensive interdepartmental Genocide and Mass Atrocities Studies Program (GMASP) under leadership and coordination by the Department of Command and Leadership. The GMASP offers a number of electives, a scholar's study program, and collaboration with other academic institutions and non-governmental organizations. The GMASP also offers opportunities for international students to explore related topics in visits to the U.S. Holocaust Memorial Museum in Washington, D.C. (USHMM). The Fort Belvoir, Va. satellite campus also offers an elective on genocide prevention that is taught at the USHMM, in cooperation with museum experts and drawing extensively on museum collections and exhibits. These courses and other initiatives should be integrated into a systematic professional development plan for officers in all branches of the armed forces. Military planners and leaders should understand such threats before they are tasked to defeat them. Officers and noncommissioned officers should be able to identify situations that may lead to human rights violations and have experience addressing the threat through prior training and education.

Ten years ago what would have been the appropriate course of action if political leaders told military officers to “kill” appeals for counter-genocide action? Presidential guidance since 2006 broadly establishes responsibilities in the armed forces. The TRADOC White Paper of 2010 on the profession of arms further identifies inherent Army responsibilities in countering genocide. The challenge now is to identify those objectives that best meet the direction of civilian leadership and then achieve them. **IAJ**

## Notes

- 1 Alan Axelrod, *The Real History of the American Revolution: A New Look at the Past*, Sterling Publishing Company, Inc., New York, 2009, p. 228.
- 2 For the full text of the Lieber Code and background on this important document, see Richard Shelly Hartigan, *Lieber's Code and the Law of War*, Precedent Publishing, Chicago, 1983.
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- 4 “Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, signed at London, 8 August 1945,” in Dietrich Schindler and Jiri Toman (eds.), *The Laws of Armed Conflicts*, Martinus Nijhoff Publishers, The Netherlands, 1988, p. 914.
- 5 Ibid., “Convention on the Prevention and Punishment of the Crime of Genocide,” p. 232.
- 6 The National Security Strategy of the United States of America, March 2006, Section IV.C.4.
- 7 Madeline Albright and William S. Cohen, “Preventing Genocide: A Blueprint for U.S. Policymakers,” report to the United States Holocaust Memorial Museum, The American Academy of Diplomacy, and the Endowment of the United States Institute of Peace, 2008.
- 8 The National Security Strategy of the United States of America, May 2010, p. 48.
- 9 Quadrennial Defense Review Report, February 2010, p. 15.

10 The National Military Strategy of the United States of America, February 2011, p.15.

11 Ibid., p. 6.

12 Presidential Study Directive/PSD-10, August 4, 2011.

13 *The Profession of Arms*, Army White Paper, U.S. Army Training and Doctrine Command, December 8, 2010, Section 3. For a current view on implementation of this responsibility see U.S. Army Training and Doctrine Command, Pamphlet 525-3-1, *The United States Army Operating Concept 2016-2028*, August 19, 2010, para. 5-9b, “Future Army forces must be prepared to conduct mass atrocity response operations (MARO) as part of full-spectrum operations. MARO depends on the detection and prevention of genocide, and if prevention fails, seeks to halt violence as quickly as possible to set conditions for lasting peace.

14 Ibid., endnote 27, p. 20.

15 Ibid., endnote 29, p. 20.

16 Ibid., endnote 27, p. 20.

17 See a thought-provoking collection of essays in Michael J. Neufeld and Michael Berenbaum (eds.), *The Bombing of Auschwitz: Should the Allies Have Attempted It?* St. Martin Press, New York, 2000.

18 Ibid. See correspondence relating to requests for U.S. military action on pp. 249-260 and pp. 271-280.

19 Ray S. Cline, *United States Army in World War II, Washington Command Post: The Operations Division*, Center of Military History, United States Army, U.S. Government Printing Office, Washington, 1990, p. 209.

20 Ibid., pp. 249-250.

21 Neufeld and Berenbaum, p. 260.

22 Ibid.

23 *Mass Atrocity Response Operations: A Military Planning Handbook*, Carr Center for Human Rights and the U.S. Army Peacekeeping and Stability Operations Institute, Harvard, 2010, pp. 27-21.

## The Killing Fields, Ethnic Cleansing and Genocide in Europe:

# *Yugoslavia* as a Case Study



by Hal Elliott Wert

### The Bloodlands: An Historical Overview

Ian Kershaw, in *The End: The Defiance and Destruction of Hitler's Germany, 1944-1945*, recounts in great detail the horrific slaughter accompanying the end of the World War II in Europe, a tale told as well by Antony Beevor, Richard J. Evans, Max Hastings, and David Stafford, among others.<sup>1</sup> Timothy Snyder in *Bloodlands*, a groundbreaking book about the atrocities committed by Stalin and Hitler between the World Wars and during World War II, broadens the perspective and the time frame. An especially forceful chapter recounts the massive ethnic cleansing of Germans and other ethnic groups that occurred near the end of that war under the auspices of the Soviet Red Army in order to establish ethnically pure nation states, for example, Poles in Poland, Ukrainians in the Soviet Ukraine, and Germans in a truncated Germany.<sup>2</sup> The era of Stalin and Hitler was captured in the lyrics of a hit song recorded by Leonard Cohen entitled *The Future*: “The blizzard of the world has crossed the threshold, I see the future brother—it is murder.”

For millions in Stalin's grasp the “truth of Marxist dialectics” was brought home to them by the cold steel barrel of a pistol that parted the hair on the back of their heads. Momentarily each of those millions understood the meaning of being “on the wrong side of history” as they were rounded up, executed, and buried in mass unmarked graves just for being a member of a despised ethnic group. For millions of others in the clutches of the Nazis a similar fate awaited them. The men of Reserve Police Battalion 101, struggling with their atrocities, absurdly rationalized that it is more humane to shoot children after shooting their mothers lest the children become orphans who would not survive.<sup>3</sup> Murder by both the Nazis and the Soviets was most often up close and personal.<sup>4</sup> Unlike

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Odysseus, the people of the Bloodlands could not steer a safe passage between the Scylla and the Charybdis.<sup>5</sup>

Although histories of killings and ethnic cleansing in Europe over the last several hundred years abound, far too often these reports suffer a particularistic approach that only describes portions of what is a much wider phenomenon.<sup>6</sup> The Holocaust, for example, was not an anomaly, not some aberration thought up by madmen, though Hitler and his ideological henchmen were surely mad. Importantly, the murder of millions in the middle of the last century does not stand outside European history or philosophy. For all of the glories and achievements of Europe, the dark side—ethnic strife compounded by murder, supported by a bevy of philosophies, ideologies, and intellectuals—progressed unabated. The calamity, a *Danse Macabre* as Franz Masereel portrayed in his startling woodcuts, was overseen by the best and the brightest. Killing and ethnic cleansing in Europe largely begins in the early nineteenth century and is tied to the rise of nationalism and the dissolution of the Ottoman, Russian, Austro-Hungarian, and German empires.<sup>7</sup>

Timothy Snyder's *Bloodlands*, is in reality much larger than the area indicated on his introductory map. He intentionally focused his study on portions of Central and Eastern Europe and clearly revealed the problems involved in the standard perception of genocide under Hitler and Stalin.<sup>8</sup> Insightful European leaders like Thomas Masaryk, the first President of the newly independent Czechoslovakia in 1919, understood this and bluntly remarked: "Europe is a laboratory built on a vast graveyard."<sup>9</sup> The further east and southeast you travel in Europe, the deeper the strain of historical antecedents of the European blood sport of genocide. Traveling back in time still further one reaches the Enlightenment and the conclusions that were drawn by some of the best minds in

Europe—"that problems could be finally solved by utopian revolutions"—a solution that nearly guaranteed a calamitous outcome, a persistence in thought despite historical experience, that resulted in the triumph of logic over empiricism.<sup>10</sup> The mass murder and rape that unfolded in Yugoslavia is emblematic of what occurred generally throughout Central and Eastern Europe beginning in the early nineteenth century.<sup>11</sup>

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### **An Effort at Pluralism**

Understanding the nightmarish war in the former Yugoslavia in the 1990s depends upon an understanding of the complex and twisted history of the Balkans. In fact the words, "Balkans" and "Balkanization" have come to mean baffling, convoluted, and perhaps irresolvable. Churchill's characterization of the Soviet Union as "a riddle, wrapped in a mystery, inside an enigma" is just as apropos of Southeastern Europe.<sup>12</sup> But why does this area of Europe seem so "inscrutable"? Unless we attribute to its denizens special characteristics not shared by others on the planet, the explanation is to be found in the details of Balkan history, not in the reductive myth of some ancient blood feud. Questions about the characteristics of Yugoslavia and the Slavic culture are fascinating in their complexity and a subset of the larger questions about characteristics of the European continent as a whole.



The Martyrs' memorial cemetery Kovači in Sarajevo.

photo by Michael Bükér

Framing answers to these questions begins in early nineteenth century Europe, a century swept by change. Historical forces were unleashed by the Reformation, the Age of Enlightenment, the scientific revolution, the French revolution, the industrial revolution, the rise of capitalism, and the rise of the middle class. However, most importantly, romanticism, especially German romanticism, tied irrational, explosive ideas such as “a people, the nation, the fatherland, a race, a religion,” to the concept of the state.<sup>13</sup> Within liberal democratic capitalist states, two ideas surfaced to qualify individuals for membership in the state. One idea embraced open and inclusive pluralism, while the other embraced exclusiveness and homogeneity based on race and ethnicity (ancestry, language, religion, history, tradition).<sup>14</sup> The idea of pluralism prevailed in some modern states, but Germany and Japan’s rejection of pluralism as the basis of citizenship, coupled with their very success as modern states, ensured that other states would attempt to follow their example.<sup>15</sup> The struggle between these two concepts continues to afflict many societies. Following the fall of the Berlin Wall, the idea of race and ethnicity gained momentum in the decentralized 1990s. Witness the problems that repeatedly trouble Belgium, have on occasion threatened to

break up Canada, and contributed to the breakup of Yugoslavia, Czechoslovakia, Rwanda, and the former Soviet Union.<sup>16</sup> The momentous changes that swept nineteenth century Europe intertwined and were politically concentrated in the demands of the burgeoning middle class on an entrenched aristocracy. The bourgeoisie representing these changes were in greater numbers and more successful in Western Europe than in Eastern Europe. In Eastern Europe, the ancient regimes, though weakened, prevailed, and the result was uneven economic, political, and cultural change—Europe was divided. It is significant that within this historical climate a different form of nationalism developed in different parts of Eastern Europe.<sup>17</sup>

Many in Eastern Europe wanted the economic prosperity and political freedom of what the East Germans longingly termed the *Goldenen Westen*. Germany and Italy, nations that unified around language, culture, blood, and geography, were powerful examples to be emulated by ethnic groups in multicultural empires and people, like the Poles, who were trapped between or in several empires simultaneously. If, however, ethnicity was the criterion for nationhood, then Eastern Europe would be divided into a number of quite small states and this in itself was a serious political and

economic problem. Within the Austrian Empire, Hungary demonstrated another path to partial self-determination in which Magyars controlled an empire within an empire. Hungarians achieved near equality with Austrians in the Dual Monarchy (1867-1918) and ruled over Poles, Slovaks, Ruthenians, Jews, Gypsies, Muslim Slavs, Serbs, Slovenes, and Croats.<sup>18</sup>

But neither in the more traditional Russian and Turkish empires, nor in the new nations of Germany and Italy, nor in the Austro-Hungarian dual monarchy were these powers quiescent toward their neighbors in lands in between or toward territories in other empires that they desired. Ambitious empires and ambitious new nations on their frontiers coveted those few remaining unabsorbed Eastern European people and their land. Two different phenomena drove this expansionism. The old empires sought to continue as they had in the past to hold on to what they already possessed and when possible to add new territory and peoples to their polyglot states.<sup>19</sup> Other areas, notably Italy and Germany, were territories that rushed to organize as nation states and then rushed to become empires. Germany and Italy, however, were late modernizers and were largely forced to seek colonies, the necessary accoutrements of great power status, outside Europe.<sup>20</sup>

### **The Case of Yugoslavia and the Balkans**

If Belgium and Northern France is the cockpit of Western Europe, then surely Yugoslavia and particularly Bosnia and Herzegovina is the cockpit of Southeastern Europe; territory historically disputed by the Orthodox Russian, Muslim Ottoman, and Catholic Austro-Hungarian Empires and now disputed by those vanished empires' legates, Serbia, Croatia, and Bosnia and Herzegovina. In the nineteenth century, after the Napoleonic Wars and the Congress of Vienna, power was reasonably balanced throughout most

of Europe. The exception was the Balkans, where one of the three imperial players, the Turkish Ottomans, was considerably weaker

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than the other two. Turkey, often dubbed the "sick man of Europe," offered Russians and Austro-Hungarians tempting opportunities. In 1878 the Austro-Hungarians, determined to maintain great power status after their defeat by the Prussians at Königgrätz in 1866, took Bosnia and Herzegovina from the Turks.<sup>21</sup> A fierce contest between empires and religions was further intensified by the popular ideas of romantic nationalism.<sup>22</sup>

Serbia, a Slav state that owed its independence to Russia, could have played a role in organizing the Yugoslavs—a word coined by the Zagreb Diet of 1861—into a larger South Slav national unit.<sup>23</sup> That is, Serbia could have played a role similar to that played by Bismarck and Prussia or by Cavour and Piedmont in the organization of the German and Italian states. However, the Austro-Hungarian Republic did not embrace this idea as a South Slav state would block further southward expansion and threaten the loss of Croatia and the Dalmatian coast, Hungary's outlet to the sea and the site of its naval bases.<sup>24</sup>

To the problems of ethnicity were added

the problems of empire and independence. In the 1870s, the Hungarians, using the tactic of *divide et impera*—divide, elevate one group over another, and conquer—indirectly and effectively opposed the idea of the South Slav state by favoring the disliked Serbian minority

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in Croatia. In fact, the Hungarians used the Serbs as the Austrians had used them. The Serbian Orthodox Church was favored over the Croatian Catholic Church; Serbs were given low-level administrative posts and were awarded a degree of freedom to determine educational policy.<sup>25</sup> During a visit to Zagreb in 1895 by the Austrian Emperor Franz Joseph, Croatian students protested this blatant discrimination and rioted. They attacked Serbs, destroyed Serb property and Orthodox Churches, and burned both Serbian and Hungarian flags.<sup>26</sup> Austrian administrative tactics were not without an immediate price, and in the future, as the historian Alan Palmer put it, “the seeds... sown with such irresponsible mischief raised a crop of hatred which was harvested between the two wars by the Yugoslav Kingdom.”<sup>27</sup> The crop of hatred was harvested again during World War II when Croats slaughtered Serbs,

Jews, and Gypsies. In the 1990s the Yugoslavs went beyond harvesting and tore out the plants by the roots. The divide and conquer tactics of the Austro-Hungarian Empire increased ethnic hatred, set a precedent for ethnic violence, and prevented the formation of a South Slav state.

Subsequently, many South Slavs fervently embraced the notions of romantic nationalism. But the Austro-Hungarian Empire's defeat in World War I and its dissolution by the peacemakers at Versailles gave the South Slavs an opportunity for statehood. Yugoslavia, originally named the Kingdom of the Serbs, Croats, and Slovenes, was created by the South Slavs themselves as a pluralistic solution to nineteenth century imperial and nationalistic struggles in the Balkans.<sup>28</sup> Well-meaning men in Paris sanctioned the new state, but determined the Kingdom's frontiers.<sup>29</sup>

President Woodrow Wilson, British Prime Minister David Lloyd-George, French Premier Georges Clemenceau, and Italian Premier Vittorio Emanuele Orlando crawled over a huge map of Europe unrolled on the floor of the mezzanine of the Hotel Crillon in Paris and with their pens attempted to end war forever by implementing the principles of self-determination. Wilson, a Southern segregationist, whose favorable attitude toward *Plessey vs. Ferguson* may have partially shaped his ideals on self-determination, was counseled by a bevy of leading academic experts, who upgraded ethnicity as the basis of the nation state. The President proclaimed, “Self-determination is not a mere phrase, it is an imperative principle of action,” and so it was.<sup>30</sup> The idea was to draw borders around people; however, Eastern Europe had too many selves for self-determination to be possible, and hybrid multi-cultural, multi-ethnic states came into being to replace polyglot empires. In reality, no matter how borders were drawn, these new states were pluralistic. But the rationalization, the theoretical foundation provided by the Big

Four at Versailles, pushed hard by Wilson and further underpinned by the German romantic idea of race as nation, was that these new states were an expression of the right of self-determination.<sup>31</sup> U.S. Secretary of State Robert Lansing, along with others, saw the flaw in the solution. Lansing wrote that self-determination “will raise hopes which can never be realized. It will, I fear, cost thousands of lives.”<sup>32</sup>

In fact these new states laid claim to aspirations or goals that were directly contradictory to the cluster of ideas and emotions associated with self-determination. The new state was a rational expression for desired progress—economic growth, political stability, democratic institutions, increased standard of living, and legal and social justice. Self-determination appealed to primordial attachments, to an ethnicity that established identity, for example, blood, place, language, traditions, history, and religion.<sup>33</sup> In areas with conflicting territorial claims and ethnic diversity, such as Teschen (Cieszyn/Český Těšín), a German city awarded by Versailles to the newly independent Poland and claimed as well by the newly independent Czechoslovakia, the League of Nations conducted plebiscites to resolve the issue, but here too the concept of self-determination contradicted the attempt to solve the problem.<sup>34</sup>

A predictable result of creating new states on a contradictory, theoretical basis was that Ukrainians, White Russians, Germans, and Jews in Poland; Slovaks and Ruthenians in Czechoslovakia; Hungarians in Romania; and Poles, Czechs, and Jews in Teschen argued that they had been denied their rights and were once again political pawns in somebody else’s state.<sup>35</sup> Minorities argued that they either belonged in another state or that they should have their own state. Majorities celebrated their newly won inclusive status and viewed minorities as non-citizens or even as disloyal subversives.<sup>36</sup> Jews throughout Eastern Europe were considered to

be stateless. Non-citizenship, exploitation, and repression intensified ethnic rivalries within the new states of Eastern Europe, imperiling their futures. As the sociologist Clifford Geertz points out:

To subordinate these specific and familiar identifications [ethnicity] in favor of a generalized commitment to an overarching and somewhat alien civil order is to risk a loss of definition as an autonomous person, either through absorption into a culturally undifferentiated mass or, what is even worse, through domination by some other rival ethnic, racial, or linguistic community that is able to imbue that order with the temper of its own personality.<sup>37</sup>

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Among these new states, the Kingdom of the Serbs, Croats, and Slovenes possessed a better balance between ethnic groups than Poland or Lithuania. To its credit, Yugoslavia attempted a pluralistic state and had its leadership or the Big Four at Paris fostered the concept of pluralism that balance may have resulted in cooperation and integration. To the contrary, President Wilson persistently argued that self-determination was the long-term solution to Europe’s age-old problem of political instability and ethnic conflict.<sup>38</sup> World War I, the President preached, was to be the “war to end all wars.” The passion for self-determination, the emotional

justification for ethnic exclusiveness heralded by Wilson in his speeches to tumultuous crowds throughout Europe on his way to the Paris Peace Conference in 1919 did not however foster a climate in which tolerance and peace might flourish.<sup>39</sup>

Self-determination did not translate into support for the new states as the peacemakers in Paris assumed it would. While Wilson proposed many brilliant and progressive solutions to the world's problems, self-determination based upon ethnicity was not one of them. Unwittingly, Wilson touched the match to an East European powder keg partially of his own making. To paraphrase Andrew Stuttaford in his

**While [President] Wilson proposed many brilliant and progressive solutions to the world's problems, self-determination based upon ethnicity was not one of them.**

*Wall Street Journal* review of Max Egremont's book *Forgotten Land*, Wilson and "Versailles turned this mix toxic; Hitler" and Stalin "made it murderous."<sup>40</sup> Within the framework of self-determination, the only other solution at the heart of human conflict and slaughter, the inability of humans to live with those that were outside their group, tribe, or religion, was to force huge populations to relocate and create even more and smaller states.

Many European leaders, some reluctantly and with grave reservations, considered population relocation, and Wilson was obviously aware of the ethnic cleansing that had historically taken place in the Balkans prior to the outbreak of World War I; however, the obvious difficulties associated with

such a gargantuan undertaking, the human suffering, and property difficulties pushed the peacemakers to adopt the flawed hybrid option of self-determination.<sup>41</sup> A large refugee meeting in Salonica in January 1923 at the end of the Greco-Turkish War characterized the Lausanne agreement, a Convention Concerning the Exchange of Greek and Turkish Populations, as "a disgraceful bartering of bodies to the detriment of modern civilization."<sup>42</sup> One and a third million Greek Orthodox Christians were compelled to leave Turkey and 800,000 Muslims were forced from Greece.<sup>43</sup>

The Herculean tasks of leading the new states created by the Paris peacemakers were to transcend their own ethnicities and balance their conflicting claims with those of competing ethnic identifications. These *saison* states, as Hitler later called them, were the orphans of Versailles and left to solve their own impossible problems. The Paris peacemakers let the future determine the fate of those living in the Bloodlands. As with the empires that preceded them, these new, weak, inexperienced states were pulled apart by the centrifugal forces of ethnicity and nationalism, and the populace dissolved into ethnic cleansing, war, and genocide. Great power interventions, such as the Congress of Berlin in 1878, the Austro-Hungarian ultimatum to the Serbs in 1914, the Italian invasion of Greece in the spring of 1940, and the NATO intervention in 1990s,<sup>44</sup> forced supposed solutions on the people and were followed by long periods of neglect.

The newly created Kingdom of the Serbs, Croats, and Slovenes had seven neighbors and every border save Greece was contested.<sup>45</sup> During the monarchy in the 1920s, the Serbs dominated the government. Slovenes had little objection to Serb domination and achieved a high degree of autonomy in the newly created Kingdom; however, the Croats did object. All groups made many attempts at reconciliation after repeated fallings-out.<sup>46</sup> History, religion,

and language--such as whether Serbo-Croatian should be written in the Latin alphabet or in Cyrillic script--clouded this relationship, as did differing forms of nationalism, but these animosities received new impetus from unfair taxation from Belgrade and from the clash of strong personalities. Nikola Pašić, a Serb, and Stjepan Radić, a Croat, exemplify this political phenomenon.<sup>47</sup> Their mutual animosity fueled the traditional mistrust felt by Serb for Croat and Croat for Serb, destroying the possibility of creating an inclusive new state—a Yugoslavia. Balkan politics like Balkan social relations are characterized by extreme individualism and the cult of personality on the one hand and extreme ethnic exclusiveness on the other.

Hendrick Smith's description of the Russians in his book *The New Russians* is applicable as well to the Yugoslavs: "People are more moved by the partisanship of personal loyalties than by belief in individual rights and a sense of fair play. Within the trusted tribal ring, the bonds are strong, but outside it, the frictions are abrasive and the mistrust corrosive."<sup>48</sup> Dino Tomašić, a Croat sociologist, repeatedly argued that the Dinaric (populations inhabiting the mountainous areas of the western Balkans: Croatia, Serbia, Montenegro, Bosnia and Herzegovina, Albania, Slovenia, Austria, part of northwestern Bulgaria, and northwestern Republic of Macedonia) social character would undermine all efforts at South Slav unification.<sup>49</sup> After Versailles, this recipe for a political Molotov cocktail, which had exploded in the past, proved accurate by the ideas associated with ethnic self-determination.

In the new Yugoslav parliament, this personal and ethnic hatred, these "habits of the heart,"<sup>50</sup> produced a kind of gridlock where the Croat members opposed measures introduced by any other ethnic group, reserving special vituperation for the Serbs.<sup>51</sup> The accusation repeatedly leveled at the Serbs was that Yugoslavia was a Serbian state, a greater Serbia

that reluctantly tolerated an assortment of minorities, rather than a union of South Slavs. On June 20, 1928, a Montenegrin member of the *Skupština* (parliament), named Puniša Račić, a radical nationalist and veteran of the Balkan wars and World War I, was taunted by Ivan Pernar, a Croat fed up with Serbs clinging to the icon of military sacrifice in the Great War. Pernar shouted out: "Tell us at last the cost of Serbian bloodshed in the World War as we are ready to pay."<sup>52</sup> The taunt infuriated Račić, as Serbia's wartime casualties exceeded those of France by two and a half and were more than three times greater than those of either Italy or Great Britain. In response, he pulled a pistol from his pocket and shot Pernar, then killed another member of the Croat Peasant Party, and seriously wounded Stjepan Radić. Pavle Radić, rushing to his fallen uncle's aid was gunned down as well. Seven weeks later, amid heavy press coverage, Radić died.<sup>53</sup>

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Efforts to patch up the dispute failed, the new Slovene Prime Minister Anton Korošev failed at reconciliation, the government collapsed, and a new coalition proved impossible.<sup>54</sup> Ethnic hostility, deliberately fostered and manipulated by Yugoslavia's political leadership, paralyzed and then doomed the new state. King Alexander, anti-democratic and believing the situation called for direct action, abolished the constitution and established a form of dictatorship, staffed by many from the military. The political parties were dissolved and free press forbidden. In an effort to overcome the

plague of ethnicity, the Yugoslav nightmare, Alexander abolished the traditional 33 *oblasts* and declared 9 *banovinas*—new borders.<sup>55</sup> The National Police moved to stamp out political parties and political activity. In the process many human rights abuses were committed and many citizens fled overseas.

Repression and torture were most severe in Croatia. Ante Pavelić, the future fascist leader of Croatia during World War II fled to Mussolini's Italy, from where he formed a secret society called the Insurgent Croat Revolutionary Organization (*Ustaška Hrvatska Revolucionera Organizacija*), *Ustaše* (rebels), to fight for a free Croat state.<sup>56</sup> The King decreed a new constitution in 1931, which held the cabinet responsible to the crown not to the prime minister. Voting was public and oral, and as could be expected, this restricted a vocal opposition.<sup>57</sup> The South Slav crisis deepened when the *Ustaše* were implicated in

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the assassination of King Alexander while on a visit to France.<sup>58</sup> As a response to the ongoing political crisis, the economic depression, and the rise of Hitler's Germany and Mussolini's Italy, Yugoslavia moved to the right.<sup>59</sup>

The Tri-Partite Pact forced on King Paul by the Nazis in the spring of 1941 committed Yugoslavia to “political cooperation” with Germany and with Germany's growing number of allies—Italy, Japan, Hungary, Slovakia,

Romania, and Bulgaria. By signing the Pact, the Yugoslavs tacitly approved of the forthcoming German invasion of Greece. The Germans also promised to consider awarding the Yugoslavs the city and port of Salonica, an outlet to the Aegean Sea, as a reward for capitulating to Berlin. Key elements of the army and air force bitterly opposed the signing of the Tri-Partite agreement. On the morning of March 27, a brave if suicidal coup ensured a German invasion. War brought momentous events to a divided Yugoslavia.<sup>60</sup>

With the German invasion came the ostensibly independent Croatian fascist state ruled by its *Poglavnik* (honored leader) Ante Pavelić. For Pavelić and the *Ustaše* it was a time for revenge against former enemies and the Serb minority. Serbs, Jews, and Gypsies were massacred, and the Orthodox were forced to convert to Catholicism. The exact number of Serbs slaughtered will never be known, but experts estimate the figures between 300,000 and 500,000.<sup>61</sup> Even the Nazi General von Horstenau, an Austrian, and the Wehrmacht representative to the now independent Croatia, complained repeatedly and often bitterly to the German high command in Berlin about Pavelić's excesses. On July 28, 1941, he wrote, “According to reliable reports from countless German military and civil observers during the last few weeks the *Ustaša* have gone raging mad.”<sup>62</sup> In the summer of 1941 the Germans closed the Danube to swimming because of the number of decaying corpses floating in the river. During that same summer, in an interview with Pavelić, Italian journalist Curzio Malaparte was shown what he thought was a large basket of shucked Dalmatian oysters. To his horror, the *Poglavnik* said the basket did not contain oysters but was “a gift from obedient *Ustaschas*...20 kilos of human eyeballs”<sup>63</sup>

Muslims in Bosnia and Herzegovina were thought of as allies by Pavelić because of their historic dislike of the Orthodox and Jews and

thus avoided persecution by the Croatian army. Some Muslims served in the upper ranks of the *Ustaše*, and others voluntarily and involuntarily fought in the Waffen SS 13<sup>th</sup> Mountain Division (*Hardschar*, scimitar) against the Communist partisans, the Russians, and, eventually, the Western Allies in France. The official headgear was a fez bedecked with a tassel and emblazoned with a SS death's head emblem.<sup>64</sup> Opposed to the Nazi invaders were two guerilla groups or partisans as they were more commonly called in World War II. One group was led by the Serb, Draža Mihailović, and its members were called *Chetniks* (irregulars or guerrillas). Mihailović had been a Colonel in the prewar Royal Yugoslav Army, and he was promoted to General and Minister of War by the wartime Yugoslav government-in-exile in London. He was not very successful politically and militarily, but he did attempt a national war of liberation against the Nazis and their Yugoslav allies, and he did work out a democratic program that would allow the Yugoslavian people to choose a government freely at the end of the war.<sup>65</sup> Mihailović's forces were also very successful at rescuing downed Allied pilots flying the dangerous bombing missions to attack the Romanian oilfields around Ploesti.<sup>66</sup> To Germany's consternation, its Italian ally provided the *Chetniks* with some political and material support and was willing to arrange local truces in areas of Italian occupation.<sup>67</sup>

Mihailović's resistance efforts were at first quite aggressive, but the Nazis shot 100 or more hostages for each German soldier killed by the *Chetniks*. For each German soldier wounded, 50 hostages were shot, and for the destruction of equipment such as flatbed trucks, five hostages were executed.<sup>68</sup> Believing that the price for resistance was too high, Mihailović turned to a strategy somewhat like that of Chiang Kai-shek in China. He saved his men and material and other than harassment raids, rarely attacked the Nazis. After failing to work out a united

front with the Communist guerrillas, he helped drive them out of Serbia, a military goal that was ardently pushed by the Germans as well. Mihailović saved his strength to support an Allied invasion and defeat the opposition Communist partisan groups in the growing Yugoslav civil war.<sup>69</sup>

The largest and most successful partisan group, the Communists, was led by the charismatic and enigmatic Croat, Josip Broz, who went by the nickname Tito. As Secretary General of the Yugoslav Communist Party he became an ardent believer in a unified South Slav state as a means to capture power.<sup>70</sup>

**At the end of World War II, Tito diplomatically recognized by the British, was positioned for a takeover of Yugoslavia...**

However, like other Communists, he had worked assiduously to destroy the Yugoslav state prior to World War II. The slogan that Tito created to rally Yugoslavs to the Communist cause, *bratsvo i jedenstvo*, (brotherhood and unity) pushed a pluralist future. Ethnicity was subordinated to politics, and Titoist politics were the criterion for acceptance into the Communist movement.

At the end of World War II, Tito diplomatically recognized by the British, was positioned for a takeover of Yugoslavia, and unlike the Communist parties in Bulgaria and Romania, he had a two-year organizational start. From 1945–1948 it appeared that Tito was a loyal ally of the Soviet Union; however, during the war he had repeatedly declined the offer of sizable formations of Russian troops. He told Stalin that they simply were not needed. Stalin thought the Yugoslav Communists far

too independent for his taste, but Tito had two things in his favor that other newly-created Communist states did not. He was a genuinely popular leader and the geographical position of Yugoslavia made direct Soviet domination and control difficult. Additionally, he maintained an independent foreign policy toward aid for the Greek Communists, and he supported Enver Hoxha's Communist regime in Albania.<sup>71</sup> Stalin finally expelled the Yugoslav party from the Cominform in 1948, expecting a coup to topple Tito—none occurred. After a purge of Stalinists in the Yugoslavian Communist Party, the country was on an independent path to socialism.<sup>72</sup>

More importantly, Tito's Croatian roots, genuine popularity, and commitment to a centralized totalitarian state imposed a superstructure on years of ethnic internecine squabbling and forced a return to order.<sup>73</sup> Under Tito, integration, intermarriage, and inter-living within neighborhoods, villages, and cities became more commonplace. Serbs now lived in Zagreb and in other Croatian cities, and Sarajevo took on a cosmopolitan atmosphere.<sup>74</sup> Many Croats, Serbs, Slovenes, and Bosnian Muslims, especially the post-World War II generation, thought of themselves as Yugoslavs first, and perhaps in time Yugoslavia might have achieved a high degree of ethnic integration.<sup>75</sup> Critics early warned, however, that despite the progress, Yugoslavia was a state, not a people. Outside the country people were Yugoslavs, but at home too many were something else. For example, 1.3 percent of the population claimed to be Yugoslav in the 1971 census and that figure rose to 5.4 percent in the 1981 census.<sup>76</sup> How many others preferred to identify themselves ethnically, but supported the Yugoslav state is unknown.

## Things Fall Apart

Even with the death of Tito on May 5, 1980, Yugoslavia outwardly appeared to be a socialist

state, making slow if somewhat erratic progress. Under Tito, Yugoslavs joked that the answer to the question what is Yugoslavia was that it was “a federation of six republics, five nationalities, four languages, three religions, two alphabets, and one leader.”<sup>77</sup> Others say that Tito was the only Yugoslav, and on the day of his death the entire nation shut down to mourn and never reopened. But in spite of criticism that pointed out glaring economic weaknesses and the jerry-rigged religious and ethnically federated political structure of the Yugoslav state, real progress toward a national identity was made under Tito. Ironically, a part of the tragedy is that the dictatorship that so ardently undertook the task of overcoming traditional ethnic strife did so while wedded to a political and economic theory that would fail.<sup>78</sup>

For Yugoslavia the end of the Cold War meant the end of its leadership in the non-aligned world. With Gorbachev's commitment to *perestroika*, this neutral country lost its status and much economic support from both Moscow and the West. Years of hidden economic decline papered over by massive borrowing from the West, combined with the collapse of the Soviet empire, eroded the federal union. With no strong leader and no rigid superstructure, the erosion of the federal union eroded the ethnic truce.<sup>79</sup> By the mid-1980s some sharp observers picked Yugoslavia as the Lebanon of the future.<sup>80</sup>

To complicate matters, many Serbs resented the political and economic power of Muslim Albanians living in Kosovo and their growing numbers. To Serbs, Kosovo is old Serbia—the ancient homeland—the site of their defeat and subsequent domination by the Turks in 1389, a battle celebrated in a cycle of folk ballads familiar to most Serbs.<sup>81</sup> Albanians were seen as foreign intruders who did well at the expense of the rightful owners—the Serbs.<sup>82</sup> Contrarily, Croats, Slovenes, Albanians, Macedonians, Hungarians, and Muslims resented Serbian domination within the federal republic. Serbs,



Photographed here in 1994, the "Symbol of Vukovar," the water tower in the city of Vukovar, was destroyed by artillery in 1991 in fighting between Croatian and Serb forces. The city is now back inside Croatian borders and its water tower is being maintained as a memorial. Much of the city was completely rubble in the fighting, causing some to categorize it as the worst damage to any European city since Stalingrad in World War II.

*photo by Mark H. Wiggins*

in turn, complained of their enormous economic sacrifices for the other republics. North-South splits reappeared as Slovenia, Croatia, and Serbia thought of abandoning their poorer and less-developed republics in the south. The South, of course, replied that it was being exploited economically and ignored politically by those in the North.<sup>83</sup>

By 1989 Yugoslavia was a country that seriously questioned its *raison d'être*. Some observers said that Yugoslavia was nothing more than the federal army and the secret police.

However, the collapse of Yugoslavia ended the dream of a South Slav Federation. Most of the ethnic groups inhabiting the wreckage sought to express their differences through self-determination—the creation of a number of smaller nation-states. The complicated ethnic geography of the former Yugoslavia rendered drawing borders around people impossible. The alternative solution, implemented by the Greeks and Turks in 1923 and used even more extensively by both the Soviets and the Nazis, was to move people.<sup>84</sup> The dilemma of

Versailles had come full circle. The Wilsonian solution, the rush to self-determination became an effort at ethnic self-preservation.

**The outbreak of war in June 1991 in Slovenia may have been at first an attempt by the Yugoslav National Army to maintain the state.<sup>85</sup> The idea quickly collapsed and was followed in Croatia, Serbia, and Bosnia by a war that was about state building along ethnic lines...**

The outbreak of war in June 1991 in Slovenia may have been at first an attempt by the Yugoslav National Army to maintain the state.<sup>85</sup> The idea quickly collapsed and was followed in Croatia, Serbia, and Bosnia by a war that was about state building along ethnic lines and about a greater Serbia with an outlet to the sea. In the jargon of contemporary propaganda, Serbs and Montenegrins viewed their circumstances as a once in a millennium opportunity to carve out a greater Serbian state.<sup>86</sup> Many Serbs across frontiers in Croatia and Bosnia, fearful of ending up in somebody else's state, concurred. Croat nationalists too saw an opening for dreamed-of independence based upon ethnic exclusivity and pursued that dream by continued attempts to conquer the coastal regions of Bosnia and Herzegovina, heavily populated by Croats, whenever low-risk opportunities arose.<sup>87</sup>

In 1991, with the break-up of Yugoslavia imminent and supported in the West by Germany and Italy and opposed by France, the U.S., and Great Britain, Croatian President Franjo Tuđman and Serbian President Slobodan Milošević met secretly on several occasions and agreed to divide Bosnia and Herzegovina

between their two countries.<sup>88</sup> Both leaders also vigorously stirred traditional dislikes and hatred by fostering utopian myths as a means of maintaining themselves in power and ruthlessly worked towards increasing the size of their ethnic states.<sup>89</sup> Amartya Sen would characterize both leaders as “proficient artisans of terror.”<sup>90</sup> Their antipathy toward one another was reminiscent of the rivalry between Pašić and Radić. Much of the blame for ethnic cleansing accompanied by mass rape belonged to Milošević, Radovan Karadžić (leader of the Bosnian Serbs), and Ratko Mladić (Commander of the Bosnian Serb Army), but Tuđman must take a share of the blame as well.<sup>91</sup> Shortly after the Milošević/ Tuđman talks began, the Serbs in the Krajina (military frontier) region of Croatia took up arms in an effort to attach themselves to the new Serbian state. As might have been expected, the war between Serbia and Croatia widened and intensified, but this conflict was mostly about the realignment of borders not the survival of either state.

Bosnia's declaration of independence in 1992 vastly complicated the situation, as Bosnian independence was opposed by both Tuđman and Milošević. As in Krajina, Bosnian Serbs organized themselves and undertook a war against the Muslim citizens of the area, captured much territory, and lay siege to Sarajevo.<sup>92</sup> Croatia lay claim to parts of Bosnia and for several years was involved in an on-again-off-again war against Muslims and occasionally the Bosnian Serbs. Bosnian Croats at times were allied as well with the Muslims and the Bosnian Serbs. The Muslims, of course, undertook to defend themselves, organized an army, and were sometimes at war simultaneously with the Serbs and Croats. The world was shaken by the destruction of sections of the beautiful medieval city of Dubrovnik, the destruction of Mostar and Vukovar, and by the bloody battle for Sarajevo, a city that was under siege from April 5, 1992, to February 29, 1996.

The siege of Sarajevo lasted longer than the siege of Leningrad in World War II.<sup>93</sup>

As the war raged, the U.S., the UN, and Western European nations approached the problem of ending the conflict with great caution, since any military intervention remained fraught with difficulties, and any first step threatened to lead to further involvement, perhaps even a wider war. The war in Yugoslavia produced a crisis in Europe that in most ways was unlike the crisis of the late 1930s, but a similar question was whether the Europeans, with the support of their U.S. ally, would take the responsibility for putting the European house in order. The Europeans repeatedly said that there would never be another Holocaust in Europe.<sup>94</sup> Many Europeans also loudly voiced that there would never be another war in Europe. But there was a war in Europe, and despite repeated protestations, ethnic cleansing continued unabated.<sup>95</sup> Whatever the responsibility of those nations that had the power to stop the atrocities occurring on a daily basis throughout much of the former Yugoslavia, it became clear that Western intervention was most unlikely. Milošević and Tuđman were encouraged by this timidity, but unsure if the West would countenance the conquest of all of Bosnia.

While the U.S. officially supported the Bosnian cause, public opinion in Western Europe and the U.S. did not favor military intervention.<sup>96</sup> The lesson that aggression must be nipped in the bud, so painfully learned in the 1930s, seemed a principle abandoned or ignored—perhaps a lesson countered by American experience in Vietnam and not forcefully reestablished by Desert Storm. Desert Storm momentarily banished the ghost of past foreign policy failures, but the inconclusiveness and the tragedy of a Blackhawk down in Somalia brought back old fears and uncertainties. The U.S. dithered, while the slaughter continued unimpeded.

Like the European crisis of the 1930s when

the League of Nation's credibility was severely undermined by its lack of resolve in the face of aggression, the UN made only limited attempts to end the war: sanctions against the Serbs, Croats, Bosnians, and Bosnian Serbs; safe-havens or enclaves for the besieged Muslims; continued diplomatic pressure; attempts at containment by stationing UN-sponsored peace-keeping troops in Macedonia; and finally when all else failed, no-fly zones and the use of limited air strikes.<sup>97</sup> The well-intentioned, but unworkable Vance-Owen Peace Plan that attempted to draw borders around people and create ethnically defined territories that looked like a map of Germany after the Peace of Westphalia in 1648 was unacceptable to the Croats and the Serbs.<sup>98</sup> The continued refusal by the West to undertake more drastic military solutions rewarded ethnic cleansing and further encouraged the already emboldened Serbs.

**Ethnic cleansing has a kind of terrible logic; it is not simply uncontrolled hatred and revenge, although it is an emotional fire storm of self indulgence and self justification coupled to torture, rape, and murder, it is also about expanding territory and influence.**

Ethnic cleansing has a kind of terrible logic; it is not simply uncontrolled hatred and revenge, although it is an emotional fire storm of self indulgence and self justification coupled to torture, rape, and murder, it is also about expanding territory and influence. The Serbs and the Croats were able to force from their own territories and from hoped for future territories in Bosnia hundreds of thousands of

Muslims. By capturing Bosnian territory and breaking up areas of Muslim concentration, the Serbs and the Croats increased the size of their territories and diminished the size of any future Muslim state.<sup>99</sup> The Muslims too expelled Serbs and Croats from the territory they controlled. UN-supported Muslim enclaves, in fact, became peoples and territory held hostage by the Bosnian Serbs to diminish the offensive capability of the Bosnian army. Eventually many Croats left Serb-controlled areas, and finally large numbers of Serbs fled the Krajina and Eastern Slavonia.

**War in the former Yugoslavia is explainable: the war was about territory and about self-determination.**

War in the former Yugoslavia is explainable: the war was about territory and about self-determination.<sup>100</sup> Woodrow Wilson's ghost floated over the carnage and sadly so, as Yugoslavia was the one creation of Versailles based on pluralism. Yugoslavia held out the possibility of solving the intractable historical problems of Bosnia and Macedonia. The question of a settlement in the fall of 1993 revolved around how big a slice of Bosnia would be turned over to the Bosnian Serbs (at the time they controlled 70 percent of Bosnia territory and appeared the victors) and what would be the configuration of the reduced Bosnian state? Reducing the size of the Muslim state or creating some kind of hybrid confederation seemed the only solution, other than allowing the Bosnian Serbs and Croats to divide all of Bosnia and Herzegovina, or the West, in an about face, intervening massively for a long period of time.<sup>101</sup> But maintaining the

Bosnian republic also posed difficulties since a truncated Bosnia, economically devastated and in many parts physically destroyed, would be an economic ward of the West for many years, if not permanently.

In April of 1993, the Clinton administration, sensing a last opportunity, came out forcefully in support of Bosnia and proposed a "lift and strike" policy. Lifting the arms embargo against the Bosnian Muslim government would strengthen the Bosnian army ("level the playing field" in White House parlance), whose troops would be supported in the field by NATO air power and probably more importantly, avoid the U.S. committing "boots on the ground."<sup>102</sup> A rearmed and retrained Bosnian army would, in theory, stave off defeat and enable the Muslims to increase their leverage at the bargaining table by conquering lost territory. U.S. Secretary of State Warren Christopher's "shuttle diplomacy" failed—the Europeans refused the Clinton initiative and clung to a position of neutrality toward contending parties.<sup>103</sup> A month later in May 1993, the Clinton administration reversed its position on "lift and strike" and agreed with its allies to enforce the arms embargo on the Bosnian government. Regardless, the Bosnian army was militarily replenished with small arms and ammunition illegally by outside arms shipments, sometimes from Iran and sometimes paid for by Malaysia, but transshipped through Croatia.<sup>104</sup> The Clinton administration turned a blind eye to these embargo violations knowing arms shipments came from Iran. The Croats and Bosnian Serbs recognizing an opportunity "taxed" each arms shipment so that the Bosnian Muslims only received twenty-five percent of what they ordered.

It has been argued that the Bosnians, the region, and the world would have been safer if the West had not recognized the Bosnian state and had accepted the early Milošević and Tuđman proposal to divide Bosnia.<sup>105</sup> However, international diplomatic recognition of Bosnia

and Herzegovina, U.S. support for the Bosnian cause, and the question of where Muslims would go if there was no Bosnian state mitigated against that solution. The ethnic-nationalist exclusive goals of the Serbs and Croats left little room for any minority within their borders, and if the minorities remained they would have either no citizenship or second-class status reminiscent of Ukrainians, Germans, and Jews in inter-war Poland or Slovaks and Germans in inter-war Czechoslovakia.

Negotiated settlement also carried the risk of accelerating ethnic cleansing, since the Bosnian Serbs and the Croats might have dumped all remaining Muslims in former UN safe-havens turned ghettos or into a “new truncated Bosnia.” Such a forced population transfer (ethnic cleansing) would replicate what occurred after the Germans defeated Poland early in World War II, annexed much Polish territory, and forced the Polish population into an administrative reservation called the Government-General. The large UN protected enclave in the Bihać area of Northwestern Bosnia and a number of remaining small enclaves that survived might well have ended up under Croatian and Serbian control. These populations were imperiled.<sup>106</sup>

The West continued to procrastinate, trapped on the horns of a dilemma. To abandon Bosnia was unacceptable for a host of moral and pragmatic reasons, but intervention was unacceptable for a host of moral and pragmatic reasons. Without an agreed upon course of action, the prudent solution for the U.S., the UN, and NATO was to duck the question of justice and moral responsibility, stop their incessant hand-wringing, and encourage all parties to make further concessions and avoid a pointless, wider war. In reality this meant pressuring the Bosnian Muslims into accepting a deal that gave most of Bosnia to the Serbs and Croats. To prevent the tragedy from becoming a farce, the West had to concede what the Serbs had known all along: U.S., UN, and NATO military threats

were just that—threats. No intervention, other than air strikes, would occur for a long list of reasons.

The role of NATO and the UN in the post-cold war era was confused. Not one Western leader would undertake the difficult job of organizing a coalition for intervention because the political risks seemingly outweighed the benefits. The U.S. doubted that the war in the former Yugoslavia threatened U.S. interests. Public support in the U.S. and in Western Europe was opposed to intervention. President Clinton, plagued with difficulties at home, would not likely commit the country to an unpopular intervention with an election less than two years away. The leaders of other NATO countries also feared political retaliation at the polls. The fear of casualties was a compelling reason—no one in Washington or in the country

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would soon forget the picture taken by Paul Watson of the *Toronto Star* of a dead, half naked, American ranger, dragged through the streets of Mogadishu by a jubilant mob.<sup>107</sup> The enormous cost projections of any intervention were frightening, and the perception that the U.S. and Western economies were fragile but healing was also a strong, inhibiting factor. Bosnian President Alija Izetbegović’s dream of a Muslim homeland crumbled as the West avoided further intervention by forcing an agreement on a confederation of three “unified” republics. A jubilant Bosnian Serb delegate

attending the negotiations aboard the HMS *Invincible*, a British aircraft carrier, commented: “The Turks (the word used by Serbs to describe Bosnian Muslims and thus twist history in their favor) are going to be like walnuts in a Serbo-Croat nutcracker.”<sup>108</sup>

In January 1994 the Serbs, now confident that the West was a paper tiger, moved to exploit their seeming military advantage. Milošević and Tuđman agreed to normalize relations, and Tuđman pledged to come to the aid of Bosnian Croats. On February 5, a busy Saturday in Sarajevo’s central market, Serb mortar men brazenly and accurately lobbed one shell. As a result, 69 people were killed, and once again a desensitized world was shocked.<sup>109</sup> The U.S. and France, in an effort to break the Bosnian Serb grip on Sarajevo, pushed NATO to promise airstrikes if Bosnian Serb heavy artillery and tanks were not withdrawn from within 20 kilometers of the city—Sarajevo gained a respite. Of even greater future importance, although little recognized at the time, was the U.S. brokered federation between the Bosnian Muslims and the Bosnian Croats.<sup>110</sup>

**In May 1995, the reinvigorated Croatian army, backed by the West, recaptured 200 square miles of Eastern Slavonia. 112 Retired U.S. generals contributed mightily to Croat military strategy.**

The Serbs, however, continued to increase their land holdings, and in April attacked the UN safe haven of Goražde. NATO airstrikes failed to deter the Bosnian Serbs, but the siege of Goražde marked a turning point in the long war. The international community remained in

disarray; U.S.-British relations were strained as the Bosnian Serbs were unilaterally targeted. Karadžić’s Pyrrhic victory cost the Bosnian Serbs the support of the Russians and, more importantly, permanently altered relations with Milošević and the Serbs.

By July 1994 Sarajevo had seen four months of peace and a plentiful supply of cheap food under the cease-fire agreement. The so called Contact Group, comprised of the U.S., Britain, France, Germany, and Russia put forth a new peace plan that offered a territorial division of 51 percent to the Muslim-Croat federation and 49 percent to the Bosnian Serbs—a Republic of Srpska.<sup>111</sup> Muslim safe havens would be administered by the UN. The Bosnian government agreed, as did the Croats, but the offer was refused by the Bosnian Serbs—all parties assumed that fighting would likely erupt in the fall in an effort to reshape borders and obtain leverage in negotiations. Limited fighting did flare up in and around Sarajevo and Bihać; however, no major military operations occurred, and unsuccessful negotiations continued throughout the winter of 1994-1995 as the contenders used the lull in fighting to build up their forces. The Bosnian government and the Serbs began the New Year with greatly strengthened armies.

Bosnia Serb and Croatian Serb forces were, in fact, over extended and drastically short of supplies. Leaders of these two armies met in February and attempted to formulate a defensive strategy if, as expected, the Croats launched a spring offensive. Though Milošević resupplied and reinforced the Croatian Serbs in Eastern Slavonia, it was now most unlikely that Serbia would go to war for Serbs across its borders in Croatia or Bosnia. Years of sanctions and diplomatic isolation coupled with the threat of war with NATO dampened Milošević’s commitment to a greater Serbia. In May 1995, the reinvigorated Croatian army, backed by the West, recaptured 200 square miles of Eastern



Caskets of Bosnian Muslims killed by Bosnian Serb forces in Srebrenica are readied for burial in 2007 after being identified.

*photo by Almir Dzanovic*

Slavonia.<sup>112</sup> Retired U.S. generals contributed mightily to Croat military strategy.<sup>113</sup>

The Bosnia Serbs now broke the cease-fire agreement and began to shell Sarajevo. The UN demanded the Bosnian Serbs adhere to the agreement not to use heavy weapons or face airstrikes. The Bosnian Serbs refused, but this time NATO warplanes went beyond “pinpricks” and struck a wide variety of targets—Operation Deliberate Force. In an act of sheer bravado, the over-extended Bosnian Serbs escalated the conflict by attacking five of the six UN protected safe havens.<sup>114</sup> In July, Bosnian Serb aggressiveness seemingly paid dividends as Žepa and Srebrenica were overrun. Days after these safe havens fell, reports began to surface that atrocities were being routinely committed—especially in Srebrenica. Witnesses claimed that Mladić himself encouraged and directed the slaughter.<sup>115</sup> Ethnic cleansing and rape again dominated the pages of Western newspapers and magazines. If the Bosnian Serbs were successful in winning the battle for Bihać in Northwestern Bosnia, they would have achieved their goal of creating a greater Serbia. Karadžić, acutely aware of how over-extended the Bosnian and Croatian Serbs were, appealed to Milošević to fulfill his

earlier pledge to defend the Republic Srpska Krajina.<sup>116</sup> Milošević talked about rescuing his Serbian allies, but the threat of a full-scale war with a rearmed Croatia, continued sanctions, and the fear of losing power were powerful checks on his previous commitments.<sup>117</sup> Bosnian Serb atrocities in Žepa and Srebrenica, where as many as eight thousand Muslim men were murdered, hardened the U.S.’s resolve to bring about a negotiated settlement that allowed Milošević to step forward as a man of peace.<sup>118</sup>

In early August, the Croatian army surged forward into occupied areas of the Krajina, and in three days sent the Croatian Serb army reeling. Belgrade did nothing. Croat soldiers raped, looted, and burned. Thousands of Serbs joined the thousands who had fled on foot and in long columns of tractors for the borders of Serbian or Bosnian Serb held territory. Many of the new refugees cursed Milošević’s betrayal of the Serbian cause, aware that power had shifted away from the Serbs to the Croats and the Muslims.<sup>119</sup> Karadžić immediately recognized that without Serbian help the Croats would be militarily successful against his forces as well.

At this juncture NATO airstrikes coupled with ongoing Croatian and Bosnian Muslim military victories created an opportunity to begin the peace process in the former Yugoslavia. The U.S. and its European allies needed to reach a fundamental agreement on policy and move rapidly to take advantage of the strategic shift in order to avoid a wider war. On August 28, 1995, the Bosnian Serbs once again fired a mortar shell near the market in Sarajevo—this time the lone shell killed 37 people. NATO responded massively on August 30, and bombed many targets throughout Bosnia. The Bosnian Serbs at a meeting in Belgrade asked Milošević to represent them in any negotiations. The central question in the war was always territory, and any eventual settlement necessitated recognition of the age-old concept *uti possidetis*, that is, the war map as it is.<sup>120</sup> The war map, recently

rearranged at the expense of the Bosnian Serbs and now much more resembling the Contact Group map of 1994, would be the basis of the coming peace.

The peace talks in Geneva that had hammered out basic principles blossomed into a broader framework of agreement in New York in late September. By October 5, 1995, President Clinton was able to announce a ceasefire that would commence in five days and was to last for sixty days. During those sixty days,

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leaders of the three warring factions negotiated peace—proximity talks—while sequestered in the solitude of Wright-Patterson Air Force Base in Dayton, Ohio.<sup>121</sup> On the table in Dayton were the perennial questions: “Who gets what, why, when, and where?” Isolated and under intense U.S. pressure, each party recognized that compromise and a tentative peace agreement was the only alternative to the inherent risks of a wider war. The three Balkan leaders (Milošević, Tuđman, and Izetbegović) agreed to a coalition government in Bosnia and to a series of complicated procedures designed to make the power-sharing arrangement work. As difficult as those questions were, Clinton’s task of selling the American public on committing 20,000 U.S. troops to support a jerry-built fragile peace was of equal challenge. Nevertheless, Clinton obtained congressional approval to deploy U.S. troops, and peace accords were signed in Paris

on December 14, 1995—the five-year bloody war was at least temporarily at an end.

One of the most significant questions concerning the probable outcome of the peace accords was whether ethnic cleansing had stirred up hatreds that would not subside. Would local groups and village militias simply take matters into their own hands? Peacemakers and the ethnic groups in Bosnia moved forward in this confederated state not knowing if they would resolve ethnic difficulties or simply function as separate states—a fragile peace imposed by UN peacekeepers. The post World War II experience suggests that slaughter followed by accommodation is possible. Western Europe, the United States, and Japan have with difficulty and great effort put the bitter and tragic experiences of World War II behind them and agreed to strive for global cooperation; although, the Yugoslav crisis is evidence that cooperation between allies is not always forthcoming when complicated issues arise.

Did the West’s initial timidity toward aggression set in motion patterns to be followed in other conflicts in the region, or was the West simply struggling to cope with a new kind of warfare? Mary Kaldor, in an article in *The Progressive*, entitled “Sarajevo’s Reproach,” concluded that the conflict was a “bizarre war, quite unlike earlier wars, definitely a twenty-first century phenomenon. It is characterized by a strange mixture of parochialism and cosmopolitanism, nationalism and transnationalism, exclusiveness and humanitarianism.”<sup>122</sup> Was the Yugoslav war *fin de siècle* madness or a case study in territorial aggrandizement? While the conflict had many bizarre and surreal elements, past conflicts, Yugoslavia during World War II, the siege of Leningrad, and the horrific Battle of Stalingrad also contained these elements.

A hoped-for scenario was that an independent Bosnia would obtain diplomatic

A U.S. Army M1A1 Abrams Tank from the 1st Armored Division is one of the first vehicles to cross the newly constructed pontoon bridge over the Sava River in January 1996. The bridge links Croatia to Bosnia-Herzegovina and was completed in support of Operation Joint Endeavor.

*U.S. Army photo*



recognition, legal arms shipments, international loans, and large amounts of foreign aid. If Bosnia survived it was thought that Turkey, Iran, Malaysia, and perhaps a recovering Iraq would openly, if only partially, come to aid Bosnia economically since these countries saw Bosnia as a victim of deep-seated disdain on the part of the West to all things Muslim. Many in Sarajevo voiced the opinion that if they were Christians instead of Muslims the West would not have tolerated for so long the Serbian siege of Sarajevo.<sup>123</sup> Initiatives from the more fundamentalist Muslims to the East, however, have been mitigated by the confederated nature of the Bosnian state and by events throughout the Middle East since 9/11. Russia and Greece continue to back Serbia, and the Russians support Serbia's position on Kosovo.

### **The Legacy of Yugoslavia**

The Dayton Accords did not end conflict in the region. The former Yugoslavia's problems moved further east and south. Historically, the creation of the Yugoslav state reined in two of the central ethnic problems in the Balkans: Bosnia and Herzegovina and Macedonia.<sup>124</sup> Greece of late has tremendous problems of its own, but at the time some 94 percent of Greek citizens objected strongly to the NATO bombing missions. Greece is the number one foreign investor in Serbia. Italy and Germany supply Croatia—arms, money, and tourists

have poured into the country. Like Israel in the Middle East, the Bosnian state poses the threat of regional difficulty, perhaps a regional flash point, for years to come.

But what was the price for over five years of warfare? Massacres, tens of thousands of rapes, a huge number of deaths, and nearly three million refugees are only parts of the cost.<sup>125</sup> The damaged infrastructure and economic interruption in the region runs in the hundreds of millions and will take decades to right.<sup>126</sup> This destruction and cost was compounded by the continuing war in Kosovo, but it did not spread north in a Serbian effort to push out the Hungarian minority in the Vojvodina.<sup>127</sup> Since the Dayton Accords in 1995, elections have been open and fair, displaced persons have returned to their homes and property has been restored. A single, integrated armed forces has sent small contingents to Iraq and Afghanistan, and sports and the arts are again flourishing. Bosnia and Herzegovina has applied for European Union membership.<sup>128</sup> However, UN peacekeeping troops now in much smaller numbers still monitor the peace. When they might leave is anybody's guess. An analyst with the Central Intelligence Agency stated, "The flames had been damped down and covered over, but beneath the surface seismic faults and tensions remained."<sup>129</sup> Though still-born, the idea of a pluralistic South Slav state that transcended ethnicity and promised to fulfill the political

and economic aspirations of the people of the region was a good one.

Those seismic faults exist in many other parts of Central and Eastern Europe as well as many other parts of the world. While the Yugoslav experience contains many features unique to a particular time, similar conflicts have occurred in many other parts of Europe rift by nationalist ambitions. Inhabitants often found themselves in a midst of conflict where neighbor murdered neighbor. If those who fled the spreading terror failed to reach ethnic safe areas, they risked being beaten, robbed, raped, and more often brutally killed. Each group dehumanizes the other and blames the other for causing the chaos and murder. Each group imagines the world would be better without “those people.” Ethnic cleansing is often looked at by the participants as a form of progress and sometimes as the only course open to save them. Within this framework, leaders, such as Hitler, Stalin, Milošević, and Tuđman, articulate that “problems could be finally solved by utopian revolutions.”<sup>130</sup> They fan the flames of hatred in the name of a progressive abstract ideology. Great powers often exacerbate ethnic conflict and further complicate the problem through less than well-thought-out policies that are often self-serving. Woodrow Wilson and his commitment to self-determination based on ethnicity is the prime example of a poorly conceived policy. But, more importantly, the ideas underlying European ethnic cleansing are found inside European history, politics, philosophy, and literature. **IAJ**

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# *Far from Nuremberg*

## **The United States, War Crimes, and the International Criminal Court**

**by Mark M. Hull**

Commitment to the rule of law, the idea that both persons and nations are responsible for their conduct, is generally seen as the dividing line between civilized behavior and barbarism. Flowing from the mass atrocities that occurred during World War II, the United Nations—led by the United States—championed an international forum intended to define crimes and enforce justice in an effort to insure that there would never again be a situation where the guilty could escape punishment for crimes that offend the most basic concepts of humanity. Despite the proven success of that approach since 1945, various domestic political agendas and nationalistic concepts have cast the U.S. in the role of a country that actively seeks to evade the same application of international justice.

Concepts of international criminal law have an uneven history. Largely originating in the middle of the nineteenth century, the earliest efforts (e.g. St. Petersburg Declaration in 1868) were treaties aimed at mitigating unnecessary suffering and later expanded to cover the minimum acceptable conduct of belligerents in areas such as naval war, the protection of civilian populations, treatment of prisoners of war, and limitations on the use of unnecessarily destructive ordnance. The Hague Convention (1899) and the Geneva Convention (1929) hammered out the essential prohibitions but failed to agree on an enforcement mechanism. Perhaps naively, the parties believed that a common spirit of basic humanity would suffice and that a treaty signed in good faith was binding in and of itself. Honest self-regulation would obviate the need for an external international arbiter.

A factor, too, was the new-found sense of nationalism which was more powerful than the nascent idea that justice is a problem best confronted by nations acting in concert. Citizens were first responsible to their own systems of law and order, and the idea that—for example—a Frenchman

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could be fairly judged by a panel consisting of Italians, Germans, and English would have seemed patently absurd. The horrific nature of World War I started to change this attitude. Articles 227-230 of the Versailles Treaty provided for war crimes trials of the defeated Central Powers--certainly with an element of victor's justice--by ill-defined Allied tribunals. A separate commission charged to study the matter recommended that a "High Tribunal" be created, with judges appointed by the Allied governments. This tribunal could determine its own procedures and apply "the principles of the law of nations as they result from the usages established among civilized peoples, from the laws of humanity and from the dictates of public conscience." Punishments could be imposed in accordance with what is customary "in any country represented on the tribunal or in the country of the convicted person."

The drafters of the Versailles Treaty rejected this recommendation. Along with the Japanese, the Americans were uncomfortable with the idea of international enforcement, for which "a precedent is lacking, and which appears to be unknown in the practice of nations."<sup>1</sup>

They were likewise lukewarm on the idea of trying a head of state and the precedent that might set. Accordingly, after intense wrangling with the Weimar government (the Allies initially presented a list of 900 war crimes suspects) the Allies decided to allow German courts to try German citizens for violations of international law. A series of such trials were held in Leipzig in 1921<sup>2</sup> and the results were unimpressive: of 45 named individuals, only twelve were brought to trial. Of these, six were judged guilty, with the longest sentence being four years imprisonment. Two of the convicted soon escaped from custody under suspicious circumstances and were later pardoned.<sup>3</sup> Clearly, despite the best intentions by some--and the worst intentions by others--the Allies could not bring forward a binding sense of international justice. Resolution of this

point would have to wait for another twenty years and crimes so shocking that neither the Allies nor Germans in 1921 could have possibly envisioned them.

**Articles 227-230 of the Versailles Treaty provided for war crimes trials of the defeated Central Powers—certainly with an element of victor's justice—by ill-defined Allied tribunals.**

The brief window of optimism in the 1920s expressed itself in the Kellogg-Briand Pact, which outlawed war as an instrument of national policy. A tiger without teeth, this well-intentioned attempt at international peace and cooperation also lacked any means of enforcement, although fifteen nations (including the United States, Britain, France, Germany and Japan) ratified it. While subsequent events demonstrated that Kellogg-Briand did not in any way dissuade nations from going to war to further their individual national interests, the violation of this agreement provided an important legal basis for what came next. It also shows the willingness, at least for this moment in time, of the U.S. to act in concert with other nations in the realm of international accords.

It is unnecessary at this point to review the specifics of mass murder, deportation, slave labor, and other atrocities that characterized World War II—these are well known and beyond the need of additional evidence. As early as 1941, Roosevelt and Churchill issued warnings of "fearful retribution" to be visited upon Nazi leaders for the murders in Eastern Europe known to have been committed at that stage. The Soviet Union joined this chorus a month later. The first meaningful steps toward fulfilling this promise originated from the St.

James Palace Declaration in January 1942, where the representatives of nine occupied nations jointly stated that postwar criminal trials would take place, based upon violations of the Hague and Geneva Conventions. Later that same year, Roosevelt and Churchill directed the creation of a United Nations War Crimes Commission to investigate German (and Japanese) atrocities. Joseph Stalin joined the other two Allied

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leaders in November 1943 in Moscow, calling for international criminal trials for those Nazi leaders who committed crimes which went beyond the borders of any one nation.<sup>4</sup> The intent, though still vague on specifics, was to avoid a repetition of the Leipzig Trials where the accused were subject to the variable justice of their own country. Crimes of this magnitude were a matter for the community of nations.

However, this realization was not as natural and immediate as it might seem. In fact, until the spring of 1945, “justice” in an Allied sense meant the capture and execution, without trial, of the Nazis considered responsible for war crimes. Ironically, the Soviets—no strangers to war crimes themselves—pushed hardest for an international judicial forum. Britain’s view was more draconian:

His Majesty’s Government is deeply impressed with the dangers and difficulties of this course [judicial proceedings], and

they think that execution without trial is the preferable course. [A trial] would be exceedingly long and elaborate, many of the Nazis’ deeds are not war crimes in the ordinary sense, nor is it at all clear that they can properly be described as crimes under international law.<sup>5</sup>

Perhaps the most significant yet least well-known individual in the development of international law was a U.S. Army lawyer named Murray Bernays. Almost single-handedly, he charted the course that led to the creation of the International Military Tribunals in Nuremberg and Tokyo, and by extension, to the Rome Statute and International Criminal Court of today. Despite the preference of his superiors for “executive action,” Bernays made the compelling argument that it was possible to navigate around the functional gaps in contemporary international criminal law and still achieve a measure of justice for victims of crimes that were not clearly defined. His solution paved the way for what is perhaps the most distinct difference between the methods of the Allies and the Axis: international justice done in concert with other nations. An imperfect process, to be sure, and one which opens up charges of the victorious merely punishing the vanquished, but it recognized that the nature of Axis crimes—the Holocaust chief among them—were of an altogether different character, of a special class of evil. The only means of achieving practical justice was an international trial; open to the world, with the defendant’s permitted to deny the charges and present evidence on their own behalf.

Roosevelt accepted these arguments, presented in a memorandum to him from his war cabinet in January 1945, that “While [executive action] has the advantage of sure and swift disposition, it would be violative of the most fundamental principles of justice, common to all the United Nations.”<sup>6</sup> These principles, enshrined in both the London

Cabinets filled with human skulls of victims of the Khmer Rouge, disinterred from the grounds of the prison on display at Tuol Sleng Genocide Museum in Phnom Penh, Cambodia.

*photo by Adam Carr*



Declaration in June 1945 and the indictments of the Nuremberg defendants, consisted of four separate, yet related points: planning and conspiring to wage aggressive war (in violation of the Kellogg-Briand Pact); waging aggressive war; war crimes; and crimes against humanity.<sup>7</sup> These remain the bedrock of international criminal law as expressed in the Rome Statute. There was likewise a specific rejection of two earlier objections—the head of state defense and acting under order of a government or superior. Any person, chief of state or army private, was equally culpable if the evidence so indicated.

These same principles were translated into permanent international law in August 1946 when the United Nations General Assembly adopted the “Nuremberg Principles.” Principle VI carried forward the categories of criminal conduct from the International Military Tribunal: Crimes Against Peace; War Crimes (violations of the laws and customs of war, including murder, ill-treatment, or deportation to slave labor of the civilian population, murder or ill-treatment of prisoners of war, and wanton destruction of towns not justified by military necessity); and Crimes Against Humanity (murder, extermination, enslavement, deportation, or persecution based on political, racial, or religious grounds). Related parts of the Nuremberg Principles took the concept a step

further: individual responsibility for war crimes, individual responsibility in international law regardless of whether domestic law prohibits the conduct, rejection of the head of state defense, rejection of the superior orders defense, right to a fair trial for those accused, and complicity/conspiracy as a separate criminal offense punishable by the international community. The U.S. voted in favor of adopting these principles.

Unfortunately for the cause of international criminal law, this expression of intent was not soon translated into meaningful action. Despite many instances of war crimes in the decades after 1945, the first international tribunal under UN auspices was not created until 1993 (International Criminal Tribunal for the former Yugoslavia), followed soon thereafter by the International Criminal Tribunal for Rwanda, in response to the overwhelmingly brutal genocide in that country.

The creation of a UN criminal court to punish those responsible for the Cambodian genocide serves as a useful example. The United Nations adopted the Genocide Convention in 1948, which both defined the crime and mandated international efforts to stop it once identified as such. Despite abundant evidence to the murder of 2 million people and the forced deportation under slave labor conditions of millions more carried out at the direction of Pol Pot and his

Khmer Rouge between 1975 and 1979, the promised international justice was slow to come. Despite being at the forefront of the effort to quantify and define genocide, it took us forty years to ratify the treaty which aimed to punish the crime. President Harry Truman first sent the treaty to the Senate in 1949; Ronald Reagan deposited the ratified document (with reservations) at the UN in 1988.<sup>8</sup>

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The principal reason for the four decades' long delay was domestic American conservative opposition to some of the key principles in international enforcement: that the Genocide Convention would subordinate U.S. domestic law with international concepts, causing a constitutional crisis. The U.S., they argued, would forfeit sovereignty if American citizens were subject to foreign entities and foreign laws without specific U.S. consent. This same line of argument continues today in connection with U.S. ratification of the Rome Statute and participation in the International Criminal Court. It is worth noting that Americans citizens are routinely tried, convicted, and sentenced in foreign courts, without prior U.S. consent, just as foreign citizens are prosecuted and convicted in the American judicial system.

Finally, in 1994, almost twenty years after the Khmer Rouge murders began, the U.S. Congress passed the Cambodian Genocide Justice Act, which stated, in part:

Consistent with international law, it is the policy of the United States to support efforts

to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975 and January 7, 1979.<sup>9</sup>

It was not a general endorsement of international criminal law principles, and the nature of the crime (Cambodian nationals murdering other Cambodian nationals) precluded touching upon the thorny issue of an international tribunal trying Americans for crimes committed elsewhere.

U.S. support for global endeavors has a checkered history. Although instrumental in the creation of the idea of international justice, American international priorities are often determined with a home audience in mind. The unfortunate results of U.S. intervention in Somalia in 1993—nineteen U.S. servicemen killed in the capital city of Mogadishu during the course of this humanitarian relief mission—destroyed domestic support for international intervention. In the wake of Mogadishu, moves to create a permanent UN rapid reaction force were effectively killed by a Clinton administration under public pressure. When, following the genocidal tragedies in the Balkans, Cambodia, and Rwanda, the UN gathered enough momentum to pursue the idea of an International Court, the U.S. balked.

U.S. military opposition to an International Criminal Court (ICC) was both predictable and influential. Both President Clinton and his Secretary of State Madeleine Albright championed the idea of the ICC well into 1998, perhaps most poignantly during a visit to Rwanda, sight of the humanitarian tragedy where the U.S. and the rest of the civilized world did nothing to intervene. The Pentagon's fears were grounded on the possibility of "frivolous prosecutions of commanders and ordinary soldiers that are politically motivated by opposition to U.S. military actions."<sup>10</sup> The Pentagon had powerful friends in the U.S.

Senate, where any negotiated treaty must be submitted for advice and consent. In a *New York Times* article, journalist Eric Schmitt offered that:

The Pentagon has a key ally in the Senate, which must approve United States membership in the court. Senator Jesse Helms, the North Carolina Republican who heads the Senate Foreign Relations Committee, vowed last month that any international criminal court would be ‘dead on arrival’ in the Senate unless Washington had veto power over it.<sup>11</sup>

Helms spokesman clarified his master’s intent: that the U.S. Senate Foreign Relations Committee (specifically the Subcommittee on International Operations) “considers the ICC to be the most dangerous threat to national sovereignty since the League of Nations.”<sup>12</sup> Other comments were even more direct. One U.S. senator was reported as saying, “this court [the ICC] is a monster, and it is a monster that must be slain.”<sup>13</sup>

Despite ominous rumblings from the U.S., representatives from 161 UN member states attended the June-July 1998 conference in Rome with the aim of establishing the ICC. U.S. representatives attended but remained firm on certain positions, such as the insistence on the veto power of the five permanent members of the UN Security Council as to any prosecution by the ICC. More of an impediment was the clear message that the American government would not likely surrender Americans to face an ICC tribunal; U.S. military and civilians “will always remain beyond the conceivable reach of such an [international criminal] court.”<sup>14</sup> U.S. delegates likewise demanded that before an investigation could proceed, the ICC must obtain the consent of any state that had an interest in the case, thereby effectively insuring that Americans could never be prosecuted unless the American government pointedly

agreed. This same line of reasoning would also protect U.S. allies and interests—of whatever nature—from any adverse judgments by the tribunals.

American concerns were not entirely specious. The U.S. provided the bulk of the funding (and often essential military support) for UN-sanctioned peacekeeping around the globe. These same missions were often politically contentious and it was reasonable to have some system of protecting soldiers and leaders from arrest and trial for merely carrying out their assigned tasks. “It is in our collective interest that the personnel of our militaries and civilian commands be able to fulfill their many legitimate responsibilities without unjustified exposure to criminal legal proceedings.”<sup>15</sup>

**...it was reasonable to have some system of protecting soldiers and leaders from arrest and trial for merely carrying out their assigned tasks.**

However, the key issue was (and remains) one of national sovereignty. Is not the very nature of the ICC one where the U.S. laws would be superseded by international laws? If that happens, how can the U.S. hope to maintain the constitutional guarantees afforded to all American citizens? Isn’t it likely that some prosecutions could be politically motivated by individuals, groups, or states which are ideologically opposed to the U.S.? The alternative—and one which no one wanted to consider—was that the move toward the ICC without such protections would result in the U.S. withdrawing from its peacekeeping role in an effort to reduce potential criminal liability.

Ambassador William Richardson spoke to the drafting group:

[The ICC] will not act in a political vacuum. Experience teaches U.S. that we must carefully distinguish between what looks good on paper and what works in the real world...the U.S. believes that the Security Council must play an important role in the work of a permanent court...the ICC must work in coordination, not in conflict, with other states. The Court must complement national jurisdiction and encourage national state action wherever possible....We must not turn the ICC—or its Prosecutor—into a human rights ombudsman, open to, and responsible for responding to, any and all complaints from any source.<sup>16</sup>

**...unless the U.S. had the right to veto any prosecution, particularly those involving U.S. citizens or interests, it would not be a signatory to an International Criminal Court, not feel itself bound by ICC decisions, and certainly not surrender Americans to ICC jurisdiction.**

American fears about both trampled national sovereignty and a rogue prosecutor created an impasse. These were lines beyond which the U.S. would not go. “If the Prosecutor has sole discretion to initiate investigations and file complaints—as some delegates have sought—the results could be more idiosyncratic and possibly even more political, than the decisions of the Security Council.”<sup>17</sup> In short, unless the U.S. had the right to veto any prosecution, particularly those involving U.S. citizens or interests, it would not be a signatory to an International Criminal Court, not feel itself bound by ICC decisions, and certainly not surrender Americans to ICC jurisdiction.

In what is perhaps a telling event, Muammar Qaddafi’s Libya, Saddam Hussein’s Iraq, and China supported the American position.

The final version of the Rome Statute contained a number of compromises, which the assembly of delegates hoped would be sufficiently moderate to generate American support, despite clear indications of an all-or-nothing approach from the U.S. Article 124 provided that a nation could “opt out” of ICC jurisdiction for a period of seven years following the entry into force of the statute for the party concerned. However, Article 12 (2) stipulated that the ICC can take up a case when submitted to it by the Security Council or a state party or initiated by the prosecutor when either the state on whose territory the crime was committed or the state of the defendant’s nationality is a state party or has accepted the ICC’s jurisdiction over the crime on an ad hoc basis. The obvious problem for the Americans is that their citizens could still face trial if the nation where the crimes took place had ratified the Rome Statute and could not or would not prosecute themselves.<sup>18</sup>

The Americans fared less well when it came to the issue of an independent prosecutor. Article 15 allows the Prosecutor to investigate and initiate prosecutions, in addition to cases referred from the Security Council or state party to the treaty under Article 13. By way of balance, the Security Council can defer a case brought by any entity for one year. The Americans argued for ICC jurisdiction only over the crime of genocide; the majority of other delegates voted to include—as exemplified by the earlier Nuremberg Principles to which the U.S. approved—the additional crimes of aggression, war crimes, and crimes against humanity.

U.S. opposition notwithstanding, when the sixtieth nation ratified the Rome Statute in 2002, it became international law. In the first of a series of contradictory actions, the U.S. voted against the Rome Statute in the UN general assembly

but President Clinton nevertheless signed it in 2000...and then announced he would not submit it to the Senate for advice and consent until the U.S. had observed the functioning of the court and “until our fundamental concerns are satisfied.” Clinton continued:

Nonetheless, signature is the right action to take at this point. I believe that a properly constituted and structured International Criminal Court would make a profound contribution in deterring egregious human rights abuses worldwide, and that signature increases the chances for productive discussions with other governments to advance those goals in the months and years ahead.<sup>19</sup>

The presidency of George W. Bush served only to highlight the dysfunctional relationship between the U.S. and the ICC, as well as to politicize the already polarizing issues to a significant degree. On May 6, 2002, Bush sent a formal note to the UN Secretary General, “suspending” Clinton’s signature on the still un-ratified treaty—an unprecedented act in international relations—and stated that the U.S. recognized no formal obligation to the Rome Statute. Bush’s point, apparently, was that he considered the signature—while not binding—to be symbolic that the U.S. was in the process of even considering ratifying the Statute, and in fact, under the Vienna Convention (1969) states which have signed international treaties but not yet ratified them are still obligated to do nothing in contravention. Bush was unwilling to accept this.

The Bush administration went still further. In what could be seen as a logical follow-on to an entrenched them-versus-us mentality, Bush actively sought to weaken what he viewed as an anti-American movement (establishment of the ICC)—a somewhat perverse point of view, considering the American role in the IMT and Nuremberg Principles. In 2002, the

administration introduced legislation—the American Servicemembers’ Protection Act (ASPA)—which prohibited U.S. cooperation with the ICC unless/until the U.S. ratifies the Rome Statute, something Bush never wished to do. Section 2008 of the ASPA authorized the President to use “all means necessary and appropriate” to free any U.S. military personnel held by any nation on behalf of the ICC (there has been no instance of this ever happening), and to make the punitive point crystal clear the specific language of the ASPA forbade the U.S. from providing military aid to any country which ratified the Rome Statute.

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Exceptions were made for NATO members, non-NATO allies of the U.S., and countries which entered what were called “Article 98 Agreements,” as articulated in the Rome Statute. The ASPA reflected the hawkish mood of not just the President in a post-9/11 world, but the Congress and segments of the population, as well. International cooperation with anything outside the “coalition of the willing” in Iraq and Afghanistan was seen as undesirable, and possibly hazardous.<sup>20</sup> Bush and the Congress later reduced or effectively neutralized many of the anti-ICC provisions in the ASPA, starting in 2006.

The Article 98 Agreements, or Bilateral Immunity Agreements (BIA), are problematic. Interpreting the language of Article 98 of the

Rome Statute which prohibits the ICC from requesting the surrender of a defendant if to do so would force the state to “act inconsistently” in its agreements with other states, the U.S. embarked on an ambitious program to avoid ICC jurisdiction. The American position is quite clear: a state which has signed a BIA with the U.S. cannot surrender a U.S. citizen to the ICC—and vice versa. Governments refusing the BIA were punished—with some exceptions—by having U.S. military support and Economic Support Fund assistance suspended.<sup>21</sup> Between 2002 and 2005, over a hundred such agreements were negotiated and signed between the U.S. and nations which are signatory to the Rome Statute. It also put the U.S. in the position of engaging in active measures to shield accused war criminals for fear of having American nationals face international justice. The last BIA was signed in 2005, and most punitive enforcement provisions have since been removed.

Although the Obama administration has significantly improved cooperation with the ICC—participating in the 2010 Kampala Conference, for example—and promising to end what Secretary of State Hillary Clinton called a history of hostility to the Court, there are no immediate signs that the U.S. is ready to consider re-signing the Rome Statute and submitting it for Senate ratification. As a Congressional study phrased it:

Perspectives differ on the impact of the ICC on U.S. interests, as it begins to operate. Some see the ICC as a fundamental threat to the U.S. armed forces, civilian policy makers, and U.S. defense and foreign policy. Others see it as a valuable foreign policy tool for defining and deterring crimes against humanity, a step forward in the decades-long U.S. effort to end impunity for egregious mass crimes. Debate over the ICC has brought out a tension between enhancing the international legal justice system and encroaching on what some countries perceive as their legitimate use of force.<sup>22</sup>

Americans agree, at least in the abstract, that deterring war crimes and punishing the offenders is worthwhile, but there is a singular lack of urgency when it comes to putting that into practice. Concepts of international law do not resonate with the domestic electorate, particularly in an increasingly polarized political climate. Even suggesting that fellow Americans could become answerable to a “foreign” court is an almost unacceptable political position and it is unlikely that any administration can afford the losing battle which would result from supporting ratification of the Rome Statute. Until such time as effectively prosecuting war criminals in concert with the world community again becomes a priority, there is almost no chance of the United States resuming the leadership role it embraced at Nuremberg—a role it has relinquished in the decades since. **IAJ**

## Notes

1 *Treaty of Peace with Germany: Hearings Before the Committee on Foreign Relations, United States Senate*, Government Printing Office, 1919, p. 372.

2 The Allies’ principal villain, Kaiser Wilhelm II, was in exile in the Netherlands, and the Dutch rebuffed requests for his extradition. The Weimar government likewise refused to surrender German nationals; an Allied desire for justice on this point was insufficient to overcome their reluctance to return to war.

3 James Willis, *Prologue to Nuremberg: The Politics and Diplomacy of Punishing War Criminals of the First World War*, Greenwood Press, Westport, CN, 1982, p. 138ff.

4 Howard Ball, *Prosecuting War Crimes and Genocide*, University of Kansas Press, 1999, p. 43.

- 5 Richard H. Minear, *Victor's Justice: The Tokyo War Crimes Trial*, Princeton University Press, 1971, pp. 8-9.
- 6 Memorandum for the President, 22 January 1945, <http://avalon.law.yale.edu/imt/jack01.asp>, accessed March 5, 2012.
- 7 This was slightly modified in the Nuremberg indictments to Crimes Against Peace, War Crimes, and Crimes Against Humanity.
- 8 The Reagan administration had an idiosyncratic relationship with the Pol Pot dictatorship. They engaged in covert efforts against it, while voting to allow the Khmer Rouge representative to hold the Cambodian seat in the UN for many years after the fall of Pol Pot and rebuffing efforts to label the mass murders as Genocide. <http://www.yale.edu/cgp/KiernanCambodia30thAnniversaryEssay.doc>.
- 9 Cambodian Genocide Justice Act, 22 U.S.C. 2656, Part D, Section 572.a., April 30, 1994, <http://www.cybercambodia.com/dachs/cgja.html#sec572>, accessed March 5, 2012.
- 10 "The Brief for a World Court," *U.S. News and World Report*, September 28, 1997.
- 11 "Pentagon Battle Plans for International War Crimes Tribunal," *New York Times*, April 14, 1998, p. A7,
- 12 "Creating a World Criminal Court Is Like Making Sausage—Except it Takes Longer," *Texas Observer*, June 30, 1998, pp. 7-8.
- 13 James Podgers, "War Crimes Court under Fire," *American Bar Association Journal*, September 1998.
- 14 Joe Stork, "International Criminal Court" *Foreign Policy in Focus*, Washington, DC, April 1, 1998, p. 1.
- 15 Peter Hay and Tibor Várady, eds, *Resolving International Conflicts*, Central European University Press, Budapest, p. 291.
- 16 N. Douglas Lewis, *Global Governance and the Quest for Justice: Human Rights*, Hart Publishing, Oxford, UK, 2004, p. 148.
- 17 Erik K. Leonard, *The Onset of Global Governance: International Relations Theory and the International Criminal Court*, Ashgate Publishing, Farnham, UK, 2005, p. 55.
- 18 This is an important point: the Rome Statute specifically states that it intends jurisdiction ONLY in those cases where the host nation is unable or unwilling to prosecute (Rome Statute, Art. 17). Likewise, jurisdiction is only exercised over persons, not nations (Art. 25).
- 19 Rebecca Joyce Frey, *Global Issues: Genocide and International Justice*, Infobase Publishing, NY, July 1, 2009, p. 144.
- 20 In a related move, On June 30, 2002, the U.S. vetoed a draft U.N. resolution to extend the peacekeeping mission in Bosnia because the members of the Security Council refused to add a guarantee of full immunity for U.S. personnel from the jurisdiction of the ICC.
- 21 Among other things, the ESF provides funds for counternarcotic efforts, counterterrorism, and HIV/AIDS education.
- 22 Jennifer Elsea, *U.S. Policy Regarding the International Criminal Court*, Report for Congress, Congressional Research Service, Library of Congress, August 29, 2006, p. CRS-21.

# Humanitarian Frames and Humanitarian Soft Power in *Darfur*



**by Stephen Matthew Wisniew**

In January 2005, the Government of Sudan and the Sudan People’s Liberation Movement signed a Comprehensive Peace Agreement to mitigate the on-going conflict in Sudan, specifically in the Darfur region. The United Nations (UN) and the African Union (AU) imposed limitations for external support to the conflict, while simultaneously entering, retracting, and reforming negotiations with Sudan. Humanitarian organizations attempting to quell the conflict within Darfur showed “the persistence and resilience of external actors in transcending the limits of those international strictures and norms.”<sup>1</sup>

Message framing is a means for humanitarian organizations to garner soft power and use it to gain and maintain donor support. So understanding soft power, understanding how organizations frame soft power, and understanding why soft power is effective in gaining action for humanitarian support, and in this instance, action in Darfur, are important steps in answering future research questions:

- How do humanitarian organizations in Darfur frame their messages to their intended audience, donors, and potential donors?
- How do humanitarian organizations in Darfur perceive their own efforts to frame messages?
- Do these framing strategies result in strengthening soft power on the part of humanitarian organizations?

An efficient, salient, and persuasive message allows humanitarian organizations to stop talking about what they need to do and begin doing it. Messages and correspondence among humanitarian organizations and their donors become an important means of telling a story and providing solutions in a complex environment of rules, international law, negotiations, and humanitarian relief. Those messages and the “soft power” frames they formulate provide the strategic communications

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humanitarian organizations need to provide activities and services within the confines of international law. Sending words, deeds, and images reflective of the humanitarian organizations and their donors begins with understanding how to frame soft power.

## What is Soft Power?

According to Joseph S. Nye, Jr., political theorist at the Kennedy School of Government at Harvard University, soft power is “the ability to affect others through the co-optive means of framing the agenda, persuading, and eliciting positive attraction in order to obtain preferred outcomes.”<sup>2</sup> Nye, who served as Undersecretary of State for Security Assistance, Science, and Technology; chairman of the National Intelligence Council; and Assistant Secretary of Defense for International Security Affairs, is considered the preeminent expert on soft power and developed the concept in, *Bound to Lead: The Changing Nature of American Power*. He suggests that “soft power is attractive power” and the ability to get others to do what you want.<sup>3</sup> Soft power is an academic concept that at times has been too broadly interpreted as a synonym for anything other than military force. Describing soft power is difficult because it is often reduced to measurable, tangible resources when it should be viewed as a way of getting desired outcomes.<sup>4</sup> Soft power is not inherently good; it may be used for either good or evil.

In contrast, Nye defines hard power as the use of force and payment to frame the agenda. He suggests “hard power is push; soft power is pull,” and that the ultimate indicator of hard or soft power depends on how message receivers interpret whether actions or messages produce “hard or soft behavior.”<sup>5</sup>

Soft power relies on “positive attraction.” Context and situational variables determine whether actions and messages bring welcome or unwelcome attention. Sometimes powerful

parties apply hard power tactics in ways that position them in paradoxically, vulnerable ways vis-à-vis smaller or weaker parties. If powerful agents falsely present themselves as benign and then are revealed or perceived to be covertly engaging in power behavior, there may be audience backlash.<sup>6</sup> Soft power by attraction means the agent must exhibit these benign qualities, and the target must believe them to exist within the agent.

Soft power is crucially dependent on context because what is effective in one situation may not be effective in different circumstances. Humanitarians acting according to accepted societal context and narratives can produce effects or reactions from the target audience with little or no hard power. Context and human relationships are the foundations of soft power, and the measurement transfers beyond the tangible outcomes.<sup>7</sup>

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Legitimacy is a key aspect of power but plays a larger role in soft power than in hard power. Maintaining soft power credibility (a measure of soft power success) is thought to enhance credibility without the source appearing to manipulate or propagandize. According to Nye, lack of credibility will destroy soft power.<sup>8</sup>

Soft power derives its strength from what Nye calls “structural milieu goals or general value objectives,” such as promoting democracy, human rights, and freedom. Mass media platforms, such as the Internet, cell phones, and social networking, diffuse soft

power and provide leverage to non-state actors to become an increasingly important part of smart power strategies. Nye defined smart power “as the ability to combine hard and soft power resources into effective strategies” and is both “evaluative as well as descriptive, depending on how it is used. Smart power has the evaluation built into the definition.” Smart power involves power conversion; meaning to convert the full range of power resources to “strategies that produce the outcomes” desired. “The first steps to smart power and effective power-conversion strategies are understanding the full range of power resources and recognizing the problems of combining them effectively in various contexts.”<sup>9</sup> States are not the only active entities in the concept of soft power; non-state, non-governmental organizations (NGOs), and terrorists reside within this domain and have equal opportunities to employ soft power.

**...“news frames are the window in which the news is presented, and the framing includes the packaging and display of the information (headlines, photos, and video footage), as well as the text.”**

Nye is credited extensively for defining soft power; however, there are other outlooks and expansions upon the idea and theory. For example, Ozkan and Akgun’s study of Darfur implies that soft power functions as an engagement to what might be called “quiet diplomacy.”<sup>10</sup> This study suggests that soft power success depends upon engagements without hard force or hard power and involves a dialogue based on common terms and interests. One can infer from this study that soft power is enhanced by common ground—in this case,

a Muslim nation-to-nation exchange of values. In contrast, the U.S. espousal of Western values of democracy may not be as effective in Sudan. A soft power partnership between the U.S. and Turkey in Darfur could succeed if Turkey, as the lead soft-power agency, could draw upon soft-power resources (tangible and monetary) from the U.S. and then diffuse the soft power within the established and accepted context between Turkey and Sudan.

Thieren elucidates the theory of soft power by comparing foreign policy and humanitarian action as a mixture of both hard and soft power employed as an imperative and moral duty in pursuit of national interests.<sup>11</sup>

Soft power forms the narrative and persuasive setting for humanitarian action with regard to donors and stakeholders. Framing theory informs the notion of soft power and together framing and soft power provide structure and architecture. Put another way, framing messages enable soft power strategies.

## **What is Framing?**

According to Denis McQuail, framing can refer to how journalists shape information into familiar news forms and narrative structures.<sup>12</sup> Waters indicates that “news frames are the window in which the news is presented, and the framing includes the packaging and display of the information (headlines, photos, and video footage), as well as the text.” Story framing involves the “cultural and social norms that are imbedded and communicated within a specific news item.” Waters argues that journalists work in a social process that involves his or her individual beliefs, journalistic values and constraints, and organizational demands. Key factors in evaluating framing are how audiences receive and interpret a story, how a story relates to their values and mindset, and whether the “story resonates enough for people to act on what they read or see on television.” The future

<b>First Face</b>	A uses threats or rewards to change B’s behavior against B’s initial preference and strategies. B knows this and feels the effect of A’s power.
<b>Second Face</b>	A controls the agenda of actions in a way that limits B’s choices of strategy. B may or may not know this and be aware of A’s power.
<b>Third Face</b>	A helps to create and shape B’s basic beliefs, perceptions, and preferences. B is unlikely to be aware of this or to realize the effect of A’s power

**Table 1. Three faces of relational power**

framing of any issue relies on its first frame because the original framing will be archived and referenced by journalists in the future. Whether a frame is significant involves how broadly it is disseminated and how successful it is in engaging the public.<sup>13</sup>

Framing applies some of Nye’s fundamental “aspects of relational power: commanding change, controlling agendas, and establishing preference,” where proper framing of actions and ideas may be used to characterize other approaches as inappropriate or ineffective. Further, it may be possible to control the boundaries of what may be acceptable courses of action and keep certain ideas out of the discussion: agenda-framing focuses on the ability to keep issues off the table, or as Sherlock Holmes might put it, dogs that fail to bark. (See Table 1.)

Nye argues that an actor can “produce the idea of monopoly (a single seller) or monopsony (a single buyer), [to] gain some power over price. [Actors] can do this by differentiating [their] product through advertising, creating brand loyalty, picking a special location, and so forth. Or in the case of oil-producing countries, agents can try to form a cartel like the Organization of Petroleum-Exporting Countries (OPEC).”<sup>14</sup>

Humanitarian organizations could communicate the same idea of producing a single choice of persuasion by being the only

game in town with a certain service; however, this seems to be a form of expediency or necessity and does not seem to carry the weight of a persuasive message or a soft power theme.

Humanitarian organizations prefer what Arnold Wolfers calls “possession goals—specific and often tangible objectives—and milieu goals, which are often structural and intangible.”<sup>15</sup> Possession goals include “access to resources” and “trade agreements,” while milieu goals promote ideas and “open trade systems, free markets, democracy, or human rights.” Communication networks, both technical and infrastructural, along with social networking are viewed as power and according to Nye, “positioning in social networks can be an important power resource.”<sup>16</sup>

Entman defines framing as pulling “elements of perceived reality and assembling a narrative that highlights connections among them to promote a particular interpretation. Entman contends completely developed frames contain four functions: “problem definition, causal analysis, moral judgment, and remedy promotion.” Additionally, he posits that the goal of framing is to form and change an audiences’ understanding using priming as a technique to create audience preferences. Priming presents frames initially, if they have not already been introduced; creates salience; or generates significance to specific ideas that

cause the audience “to think, feel, and decide in a particular way.”<sup>17</sup> However, one must be cognizant that audiences define events based on the facts and the interpretation by journalists with intended or unintended consequences of bias.<sup>18</sup>

According to McQuail, framing theory applied through textual analysis seeks to uncover definite results about the frames applied even if the measurement of those frames is not precise. Framing will involve using narrative structures, language selection, tropes, and other linguistic strategies. Similar to Nye’s concept of context, the effectiveness and power of frames are highly connected to events and situations and

and reality.<sup>20</sup>

Chong and Druckman suggest that framing emerges from the fact that individuals may perceive any event or activity from many perspectives. Framing then comes to mean a “process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue. The expectancy model helps Chong and Druckman explain attitude as formed from ideal concepts from a number of known established beliefs about something. Those attitudes are valued over others and are known as “frame in thought.”<sup>21</sup> Tuchman also points out that audiences may reject a particular frame if it does not conform to their own experiences or values.<sup>22</sup>

Humanitarian organizations operating in Darfur may use frames and soft power to accomplish their goals. Creating a soft power frame means developing a continuing narrative resonating in time, space, culture, attitudes, words, deeds, images, and motivations that appeals and attracts others to support humanitarian efforts. Therefore, it assumes a certain point of view that the target audiences find within their own points of view—they point back at each other and affirm each other.

According to Borah’s research involving 93 peer-reviewed communication journals, framing research has sociological versus psychological aspects. Sociological understanding concerns the construction of news stories by their words, phrases, images, and the processes that underlie those stories. In contrast, the psychological aspect demonstrates how people organize and make sense of the world through their own frames. Additionally, framing research tends to explore both unique frames and consistent frames but little of the “frame production process.” Borah argues that “examining moderators, the meditational processes involved in framing, are important in understanding framing effects” and points to the tendency for communications literature toward the “sociological aspects by

**Humanitarian organizations operating in Darfur may use frames and soft power to accomplish their goals. Creating a soft power frame means developing a continuing narrative resonating in time, space, culture, attitudes, words, deeds, images, and motivations that appeals and attracts others to support humanitarian efforts.**

will necessarily change over time. While theory explores framing as a concept, analysis derives from teasing out those impressions, meanings, and assumptions from the frame(s). However, as McQuail reminds us citing Kitzinger, hidden frames may be convincingly powerful or, conversely, so obvious and transparent that the audience takes their meaning for granted.<sup>19</sup>

Porismita Borah believes that frames are a means for people to organize and make sense of events and must always emphasize some aspects of reality while downplaying or ignoring others, thus affecting people’s perceptions of events

examining message design,” with most research focused on unique frames. She concludes that unique framing may not be able to interpret sufficiently with framing concepts and theory. Borah’s recommendation for research links “issue-specific frames” with framing theory to answer the following questions: (1) Does the examination of the issue-specific frames help in methodological development of frame analysis? (2) How does the unique set of frame associate with already developed generic frames in literature?” Furthermore, her views on diversity of frames call for studies to define “conceptualizations and operationalizations of that particular study.” Because of the lack of multiple frames found within the study, Borah recommends their examination in future research. Her study also highlights that factors or actions forming frames have had little research attention regarding the multitude of influences on framing. She suggests that to gain a better understanding of framing, researchers should investigate how framers emerge, and focus mainly on the moderators and mediators associated with the media.<sup>23</sup>

Scheufele argues that many studies do not offer clear “conceptual definitions.” Scheufele attempts to resolve some of the deficiencies he finds by proposing a model framing process. His model of framing research demonstrates a four-process continuous method of borrowing outcomes and inputs from previous programs of “frame building, frame setting, individual-level effects of framing, and a link between individual frames and media frames.” Scheufele concludes that descriptions of framing effects have been uncovered; however, the causal relationship to “behavior, attitudinal, or cognitive outcomes” has not been properly linked or associated. His process model tries to cast the journalist as an audience—that is to say, journalists are affected by the frames they are presented and the frames they are required to use in their work, as well as, their interpretation of those frames. He

admits that the model remains an initial step toward reaching an acceptable model and with limitations; however, his efforts to apply a stronger effects orientation to framing are very useful.

In the same article, he borrows from agenda-building research and asks, “What kinds of organizational or structural factors of the media systems, or which individual characteristics of journalists, can impact the framing of new content?” He also suggests that “frame setting” is similar to agenda setting and is related to what is known as second-level agenda-setting. Second-level agenda-setting is concerned with the salience of different attributes of a frame in a media message. Scheufele also discusses the potential individual-level effects of framing and identifies “behavioral, attitudinal, and cognitive” variables arguing that the process relationship between these variables has been largely unobserved in research. Much previous research appears to link media frames and individual-level outcomes apparently overlooking audience adoption of the frames or the extent to which the audience uses the frames for their own understanding.<sup>24</sup>

Clearly there are substantial controversies about framing research. However, researchers agree that framing theory provides a useful lens through which to examine media messages and potentially their effects on audiences. Moreover, the concept of soft power and its deployment depends heavily on policy actors’ messages, message framing, and persuasiveness as well as the self-perceptions of policy actors. Humanitarian organizations espouse their soft power agendas through differing media and messages and specific frames. As Manzo, in *Imaging Humanitarianism: NGO Identity and Iconography of Childhood*, suggests “images of children and shared codes of conduct are two sides of the same coin; they are both means through which NGOs produce themselves as humanitarian.” Additionally she

contends that these images are important to “a larger discursive apparatus through which humanitarian identity in general is constituted, revised, and reaffirmed.” Moreover, this suggests a frame of reference of concepts with the overarching “schema” relying upon “rights.” Manzo highlights Oxfam UK, a humanitarian organization, which used a story and picture of a Darfur refugee learning and applying hygiene lessons on its website to demonstrate Oxfam’s successful campaign against disease.<sup>25</sup>

Further, as Ryfman argues, an NGO’s application of soft power to stakeholders should “make both beneficiaries; members, staff, and volunteers; private donors, public sponsors, partner associations; and suppliers feel that they are directly involved themselves.” Thus Ryman adds stakeholder interest and quality of services as important components of framing and articulating humanitarian soft power.<sup>26</sup>

### **How Soft Power and Framing Point the Way Ahead**

The importance of the research relies upon discovering the support, interest, and commitment that may be obtained regarding the humanitarian situation in Darfur through the use of humanitarian soft power and message frames aimed at potential donors. Without specific frames alluding to supportive and persuasive attitudes toward the situation and the humanitarian action required in Darfur, the protections for non-combatants would go unnoticed and unresolved.

How do humanitarian organizations frame their messages to their intended audience—that is donors and potential donors—for support to humanitarian activity in Darfur, and do these frames fall within the theoretical definitions of soft power? The methods of message frames and soft power theory demonstrate how communication assists humanitarian support donor responses. Ultimately, the framed messages convey attitudes of support for those

qualified humanitarian professionals able to administer humanitarian assistance at the right place and time within Darfur.

Creating soft power frames helps develop a continuing narrative resonating in time, space, culture, attitudes, words, deeds, images, and motivations that appeals to and attracts support for the humanitarian efforts. Therefore, it assumes a certain bias that the target audiences (donors) find within their own biases—they point back at each other and affirm each other. The research question informs humanitarian organizations about their own soft power frames and those of other humanitarian organizations, while at the same time acknowledging a reflection of donors to the organizations and vice versa. Finally, humanitarian framed themes and definitions allow analysis of various message roles explaining message salience, persuasiveness, and institutional soft power.

NGOs operating in Darfur limit the frames they employ because negatively framing the Sudanese government would cause governmental retaliation and could end humanitarian efforts in Darfur. This was the case in 2009, when 13 NGOs were thrown out of Sudan, after the International Criminal Courts (ICC) indicted then leader, al-Bashir. The Sudanese government accused NGOs of offering evidence to the ICC leading to that indictment.

### **Conclusion**

The literature review identified common media frames, defined soft power theory, and examined humanitarian frames about Darfur.<sup>27</sup> Areas of further research might include the following:

- Analyzing how messages are formed by humanitarian organizations to engender soft power or frame a specific soft power message to gain specific behavior effects.

- Analyzing the specific outcomes of public relations humanitarian campaigns compared with specific PR tactics and goals with donor response in monetary commitments.
- Analyzing the hidden frames or those frames left out of the messages to understand why those choices were made and which messages are considered offensive or negatively affect a frame or message.
- Analyzing the interconnection between the humanitarian organization, donor, and the recipients of the service or humanitarian action to see if there is a universal soft power frame or description involving all three elements.

In the case of operational NGOs conducting relief work on the ground, directly identifying

the perpetrators of conflict was omitted from the common frames and the range of possibilities examined.

In addition, messages intended to communicate to more than one specific audience had to be carefully framed or omitted if they were perceived to potentially damage current aid efforts by NGOs within Darfur. Therefore, it was assumed two differing advocacy frames existed, and they communicated differently: U.S. based advocacy, with no operational or technical support on the ground in Darfur; and operational NGOs, with boots and technical support on the ground. Their viewpoints moderated limitations. U.S. based NGOs had a full range of frames, while the operational NGOs in Darfur had to limit their message frames, even if their headquarters reported for them from the U.S. The following is an outline of the comparison of observed frames:

<b>Differing NGO Advocacy Frames about Darfur</b>	
<b>U.S. based NGO advocates for Darfur</b>	<b>Operational NGOs operating in Darfur</b>
Desires and asks for citizens' involvement as part of donor support	Desires donors to support NGOs to perform the job they are trained for and does not ask donors to advocate U.S. citizens to change U.S. policy
Identifies victims and perpetrators	Identifies victims only
Define the conflict by humanitarian ideals by requiring aid and relief and reporting war crimes, acts against humanity, and genocide	Defines the conflict only in the context of aid and relief
Applies a political approach to advocacy	Applies an apolitical approach as a neutral third party
Uses citizen outrage and citizen outcry	Uses a silent message
Sends the message that Sudan denies humanitarian aid and does provide not enough resources and aid workers for the amount of people requiring aid	Sends the message that victims need humanitarian aid and there are not enough resources and aid workers for the amount of people requiring aid

**Table 2. Differing NGO frames about Darfur**

At some point, the operational NGOs needed to decide what to report back to their media communication representatives in the U.S. and, ultimately, their donor constituents. It is unlikely they would say nothing or give no indication about NGO relief in Darfur. It is assumed the NGOs opted for a message supporting the victims over exposing or reporting the perpetrators and wanted moreover to highlight the relief and aid efforts to beneficiaries. This decision would seem to bring more good to many, as reporting on perpetrators would lead to Sudan asking NGOs to leave (offering an unsanctioned Sudanese message) and leaving victims without “lifesaving” aid and relief.

NGOs in Darfur framed their messages to their intended audiences by eliciting sympathy to the beneficiaries and the aid workers. They used frames as a means to communicate news and the humanitarian context of relief in Darfur by enumerating the results of relief efforts, or in the case of advocacy groups, government action that occurred on account of their outcries. The frames often illuminated the humanitarian crisis in Darfur, where millions of internally displaced people required assistance and where significant shortfalls in humanitarian resources required donor support to resolve the crisis. Operational Darfur NGOs consistently used frames to reorient donors to a larger problem of Sudan and South Sudan and focused donor support to not only Darfur, but the humanitarian crisis in other parts of both countries. Operational NGOs framed messages of longevity and advocacy in Darfur. It was important for humanitarian organizations to frame a hands-on relief and aid narrative in Darfur to enhance their credibility for humanitarian solutions in Darfur.

Advocates in America, especially those who were formerly operational NGOs in Darfur, recognized that they were expelled because the Sudanese government suspected them of reporting al-Bashir’s abuses. Therefore the operational NGOs still remaining in Sudan and

Darfur are assumed to have been put on notice—reporting abuses equals expulsion. Operational NGOs framed messages and activities with caution limiting what they communicated to donors.

NGOs perceive their efforts to frame messages as effective because they consistently use successful humanitarian campaigns. Humanitarian organizations demonstrated their intended humanitarian effort with measured and perceivable, successful outcomes to their beneficiaries and program. The frame positively contributed to mitigating the Darfur crisis on the ground. Additionally, NGOs believe their success in framing comes from continued humanitarian support in Darfur; whereas, their expulsion by the Sudanese government would mean they had failed to frame the message effectively. Darfur advocacy NGOs perceived success in their ability to affect behaviors of the U.S. government as a result of their messages and campaigns carried out by U.S. citizens.

Although operational NGOs stand against injustice in Darfur, the benefits (relief) outweigh the cost (reporting abuses). Operational NGOs and their home offices in the U.S. chose to defer the message of abuse to those NGOs stateside who could point a finger at the Sudanese government without fear of retaliation.

From the inexhaustible number of frames available, operational NGOs in Darfur are unlikely to use anything that identifies perpetrators. They may use the terms “rebel activity” or “conflict from rebel groups,” because these terms are not in opposition to the Sudanese government. This type of neutral message could be perceived as taking sides in order to simplify the message and give a “crisis” and “conflict” common frame for humanitarian organizations.

U.S.-based NGO advocates would not frame these genocidal activities as a civil war. Instead, they would frame the perpetrators on both sides, but mainly al-Bashir, as facilitating



Rwandan soldiers line up to board a U.S. Air Force C-17 Globemaster III at the Kigali International Airport, Rwanda, for transportation to the Darfur region of Sudan on July 17, 2005. The U.S. airlift is part of the larger multinational effort to improve security and create conditions in which humanitarian assistance can be more effectively provided to the people of Darfur. *DoD photo by Staff Sgt. Bradley C. Church, U.S. Air Force*

and continuing oppression, suffering, war crimes, mass atrocity, crimes against humanity, and genocide. Operational NGOs seem to be able to use the term “rebels” as long as that image does not represent them as causing a conflict or creating the crisis. Keeping their message neutral also mitigates possible “rebel” retaliation against aid workers.

NGOs generally do not use the term “soft power” to describe themselves, nor do they admit they use it to form or evaluate their image, communication strategy, or messages. NGOs seem to attribute soft power to governments and not “something” they have, use, or project. However, NGOs might support a government’s use of soft power because it enables NGOs to provide aid and relief through humanitarian services. NGOs do not seem to form messages

with soft power as a strategy. However, soft power strategies color the frames they use to promote their work and gain donor support.

NGOs might encourage the application of soft power over hard power options and effectively add their humanitarian goals within that framework. However, they avoid the term soft power in order to maintain their independence as a “third party” and to not be perceived as collaborating in political or governmental objectives. Although NGOs may not think they are instruments of a government’s soft power, when they assist in obtaining a soft power objective, they become accomplices in governmental soft power. The implementing partners of the United States Agency for International Development (USAID) (Catholic Relief Services, Cooperative for Assistance

and Relief Everywhere [CARE] , World Vision, United Methodist Committee on Relief, and HelpAge) received grants to perform humanitarian service for the U.S. government specifically in Darfur. Because USAID gives money in grants to humanitarians as implementing partners in Darfur, humanitarian organizations conveyed U.S. soft power strategy, and humanitarian frames were assumed to strengthen their soft power.

Humanitarian soft power frames are strengthened if they support, in some manner, the U.S. government or, as in the case of U.S.-based advocacy, espouse the same policy objectives of the U.S. government. Assuming humanitarian aid and relief is the solution (outside of hard power resources) to addressing conflict resolution in Darfur, this research indicates NGOs strengthen a government's soft power by addressing governmental soft-power objectives in lieu of applying hard power resources.

Soft power strengthens NGOs when they frame the agenda; persuade or attract through a cooperative or collaborative way to gain preferred outcomes for political influence; and/or establish specific preferences or diplomacy for economic or political gain. NGOs do frame their activities and efforts in a positive manner and attract donors through images of humanitarian relief, release from suffering, and resolutions to crisis and conflict situations. Even negative framing effectively carries their intended outcomes—donor support.

NGO's translate their values into action and because they are considered and framed as credible, they have the soft power quality of "legitimacy." Because they align themselves with their messages of "attraction, trust, and persuasion," their messages ultimately reinforce their soft power.<sup>28</sup> Because NGOs communicate "quiet diplomacy," they unite the agendas of both humanitarian and political actions. By communicating morally and ethically

convincing messages, they create soft power.<sup>29</sup>

The research objective was to expose the humanitarian and soft power frames emanating from Darfur and demonstrate that simple, salient, and persuasive messages must exclude specific information. The situation on the ground in Darfur and Sudan remains complex, and any resolution must balance humanitarian relief and aid, Sudanese national interests, and identifying perpetrators of abuse. Sudan remains at war, and the operating environment for NGOs is a battlefield. Operational NGOs identified in this paper have chosen not to report war crimes in order to gain what is perceived to be a greater good—providing aid and relief. Advocacy NGOs outside the conflict have sought policy resolutions, and frame and deploy messages the operational NGOs have chosen not to communicate. The two may not always be working in tandem, but each has expressed its soft power and values in the best way possible for the current situation. Efficient, salient, and persuasive messages allow humanitarian organizations to get results from both operational and advocacy stated or implied goals.

Kenya is currently facing a challenge to honor its commitment to the ICC which voted to arrest al-Bashir. McGregor reports, "Kenya plans to 'immediately' appeal the decision that threatens to destabilize regional security and damage relations with a trading partner and ally." As the first responders to relief and aid to the consequences of the possible conflict, operational NGOs will need to remain vigilant as conflict issues flare. Politically advocating NGOs must continue their messages to keep up the pressure, because "Kenya, as a member of the Hague-based war crimes court, is obliged to cooperate with the ICC arrest warrant if al-Bashir enters Kenyan territory." Al-Bashir has already expelled the Kenyan ambassador and denied charges.<sup>30</sup>

Humanitarian organizations inform their

activities through the international law that governs how they operate. These organizations are some of the first to witness indicators of genocide and other acts against humanity, such as those witnessed and reported in Darfur. Humanitarian organizations are required to remain vigilant and report developing situations that violate international law. Developing humanitarian objectives that may thwart and/or assuage mass atrocities and crimes against humanity serve to define humanitarian activity in Darfur as legitimate and are consistent with applicable international laws. Humanitarian soft power engages with potential donors and promotes humanitarian actions by arousing contextualized salient and framed messages and defining the capability of the organizations to efficiently create stability, prevent future genocide or acts against humanity, and help with recovery after conflict. The message of the humanitarian organizations' frame encourages potential donors to support the need for humanitarian activity and become active donors or supporters. **IAJ**

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<b>Framing Tools and Techniques</b>
Shape information into familiar news (McQuail, 2010)
Shaping information into familiar narratives (McQuail, 2010)
Window for news presentation (Waters, 2004)
Packaging and display of information (Waters, 2004)
How audience received/interprets story (Waters, 2004)
How audience relates to values and their mindset (Waters, 2004)
Compelling to induce audience action (Waters, 2004)
Reliance on first frame of issue (Waters, 2004)
Referenced by journalists in the future (Waters, 2004)
Elements of perceived reality and narrative connected to form a narrative (Entman, 2007)
Problem definition, causal analysis, moral judgment, and remedy promotion (Entman, 2007)
Audience defines events from facts and interpretation from journalists' bias (McQuail, 2010)
Narrative structures, language selection, tropes, and linguistic strategies (McQuail, 2010)

Hidden frames (Kitzinger, 2007)(McQuail, 2010)
Conceptualization of issue (Chong and Druckman, 2007)
Reorient thinking about issues (Chong and Druckman, 2007)
Known established beliefs about something (Chong and Druckman, 2007)
Unconvincing frame from experience or values (Tuchman, 1991)
Value conflict with respect to issue and political framing (Borah, 2011)
Issue specific frames (Borah, 2011)
Represent statistical values to promote charitable donations (Chang and Lee, 2010)
Equivalent value outcomes presented in positive or gain and negative and loss (Chang and Lee, 2010)
Vivid congruency, persuade with concrete information and abstract propositions to persuade (Chang and Lee, 2010)
Cause is valid, urgent, and serious; and competes with other social problems (Chang and Lee, 2010)
Negative framing over positive framing (Chang and Lee, 2010)
<b>Soft Power</b>
Framing the agenda through co-optive means for a preferred outcome (Nye, 2011)
Persuading through co-optive means for a preferred outcome (Nye, 2011)
Eliciting positive attraction through co-optive means for a preferred outcome (Nye, 2011)
Attractive power (Nye, 2011)
Ability to get others to want what you want (Nye, 2011)
Way of getting desired outcomes (Nye, 2011)
Humanitarian morals (Dechaine, 2002)
Political influence (Dechaine, 2002)
Principled values (Dechaine, 2002)
Commanding Change (Nye, 2011) for preferred outcome
Controlling agendas (Nye, 2011) for preferred outcome
Establishing preference (Nye, 2011)
Control boundaries, or omit certain ideas (Nye, 2011) for a preferred outcome
Single choice of persuasion (Nye, 2011)
Specific tangible objectives (Wolfers, cited in Nye, 2011)
Milieu goals (Wolfers, cited in Nye, 2011)
Legitimacy (Nye, 2011)

Depriving or enhancing others' soft power (Nye, 2011)
Social pattern of behavior leading to intended behaviors (Nye, 2011)
Quiet diplomacy for economic or social programs (Ozkan and Akgun, 2010)
Engagement without hard force in dialogue based on common terms and interests (Wisniew, 2012)
Argument to influence beliefs and actions, no threat of force or promise of payment (Nye, 2011)
Rational appeals, normative appeals, and emotional to get act, gain trust, and persuade (Nye, 2011)

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29 Thieren, p. 220.

30 Sarah McGregor, “Kenyan Foreign Minister to Meet al-Bashir Over Arrest Ruling,” Bloomberg BusinessWeek, November 30, 2011, < <http://www.businessweek.com/news/2011-11-30/kenyan-foreign-minister-to-meet-al-bashir-over-arrest-ruling.html>>, accessed on December 5, 2011.

# Educating Officers on the Prevention of Mass Atrocities



The Lewis & Clark Center, home of U.S. Army Command and General Staff College at Fort Leavenworth, Kansas.

**by Charles E. Heller**

In 2009, the U.S. Army Command and General Staff College (CGSC) received word of a congressional grant proposed by Representative Steve Israel and co-sponsored by Senator Chuck Schumer. Its purpose was to provide the college at Fort Leavenworth with \$1,600,000 to fund a five-year semiannual seminar on genocide and mass atrocities under the auspices of the Auschwitz Institute for Peace and Reconciliation (AIPR) based in New York City. After a 1994 visit to the death camp at Auschwitz, AIPR President Fred Schwartz dedicated himself to the prevention of genocide and mass atrocities. His institute has conducted numerous Raphael Lemkin (originator of the word “genocide” and advocate who helped to persuade the UN to adopt the Genocide Convention) seminars attended by mid-career government officials from fifty nations. According to Jordan Tannenbaum, lead development officer at the U.S. Holocaust Memorial Museum in Washington, DC, within the academic, museum, philanthropic, and humanitarian aid circles, AIPR is considered the “gold standard” for providing seminars on genocide and mass atrocities. Jennifer Ciardelli, who is responsible for military programs at the museum, called the AIPR seminar the “flagship of all genocide programs.”

As a result of the congressional funding, the CGSC Department of Command and Leadership and the AIPR staff developed a seminar that would be conducted by qualified experts and scholars of genocide and mass atrocity prevention and related topics. As a historian, I was familiar with holocaust studies and previous genocides in Bosnia, Kosovo, and Rwanda, and I had previous administrative experience developing academic programs at the University of Massachusetts and Washburn University. Thus I came to be the CGSC liaison with the AIPR and developed then taught an elective titled, “Genocide and Mass Atrocities: The Military Role in Prevention, Identification, and Intervention.” Part of the elective was a nine day trip to Auschwitz to attend the AIPR military-

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oriented seminar. Tibi Galis, AIPR Executive Director, assisted with the development of this elective program. Galis, an extremely capable executive and human rights advocate, is well-grounded in contemporary work on preventing genocide and mass atrocities. With support from the Polish Auschwitz-Birkenau State Museum staff, AIPR conducted seminars for mid-career government officials at Auschwitz. Some of the participants were still dealing with the aftermath of genocide and mass atrocities in their nations. The joint program drew accolades from both the State and Defense Departments. We discussed the military student audience and created a draft seminar curriculum for mid-career military officers.

We scheduled two seminars for fiscal year 2010 and included an on-site visit to Auschwitz. The first seminar, conducted for faculty from several Army academic institutions, provided feedback on the curriculum and suggestions for future seminars. Attendees were a mixture of academicians and non-academicians with an interest in the subject. Among the attendees were Dr. David Fry, director of the U.S. Military Academy Genocide and Mass Atrocity program at West Point and Colonel (retired) Dwight Raymond, a doctrine and concept analyst for the U.S. Army Peacekeeping and Stability Operations Institute. Raymond, in conjunction with the Carr Center for Human Rights Policy-Harvard Kennedy School and a number of dedicated and professional CGSC faculty, authored the *Mass Atrocity Response Operations: A Military Planning Handbook* and its supplement the *Mass Atrocity Prevention and Response Options Policy Planning Handbook*.

At the conclusion of the nine-day seminar in Poland, the AIPR evaluator questioned the participants and used the results to refine content. The goal was to make a connection between the tour and presentation at Auschwitz and the instruction at CGSC.

In the fall of 2010, the elective syllabus

included the AIPR-conducted seminar at Auschwitz. Because of the large number of contact hours, the seminar accounted for two course credits. Another multi-cultural and regional studies course credit was granted based on the content, the experience in visiting Poland, and the international speakers. Three books were added to the AIPR faculty's copious reading list. The primary text was Samantha Power's, *A Problem from Hell: America in the Age of Genocide*. The other two books were Christopher Browning's *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* and Sybille Steinbacher's, *Auschwitz: A History* (translated from the German). Students kept a daily journal of their thoughts, emotions, military applications, and lessons for the twenty-first century. Enrollment in this new elective was by instructor permission only. Each applicant had to submit a one page essay stating his/her purpose in enrolling in the elective and interview with the primary instructor prior to being selected.

The students attended the first AIPR seminar in September 2010. For them this was an amazing experience and great success based upon their comments and the reflections recorded in their journals, some of which were extremely moving and personal. The participants left the United States on a Saturday and arrived in Poland the following day. Upon arrival a bus met the participants at the small Krakow airport for a one hour trip to Oswiecim (Auschwitz is the German name).

The day after arrival, a Monday, the Seminar began in earnest and the learning pace was not abated until returning to Krakow five days later. It was intense and all were mentally and physically drained at the week's end. The first two days of classes were held at Auschwitz I, the original concentration "work" camp. The first class dealt with the term "genocide" and its meaning to different people. Subsequent classes discussed how the Nazis dehumanized



The main entrance to the extermination camp in Auschwitz-Birkenau.

*Courtesy Photo*

and isolated the Jews and other victims and the racial theories people use when their intent is to dehumanize others. The class covered in detail the advent of Hitler and the slow legal process of isolating the Jewish population. Dr. Jim Waller, Cohen Endowed Chair of Holocaust and Genocide Studies at Keene State College and author of *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*, discussed the people who commit the killings. Auschwitz-Birkenau State Museum staff and Jagiellonian University (Krakow) professors taught a number of introductory courses relating to the question of whether or not the Allies should have bombed Auschwitz. Students toured Auschwitz I and the death camp at Auschwitz II, commonly known as Birkenau. On the third day, classes shifted to a local college building that had once served as SS Headquarters. The move was both physical and mental, and instruction shifted to contemporary issues of genocide and mass atrocities.

Genocidal mechanics became the focus of this class as students discussed Lieutenant General Romeo Dallaire's—commander of the UN Assistance Mission for Rwanda in 1993-1994—now famous fax to his superiors at the UN requesting reinforcements. Students

discussed what they might have said to receive reinforcements.

Economists, such as Dr. Jurgen Brauer, author of *Castles, Battles, and Bombs: How Economics Explains Military History*, taught the economics of genocide, and CGSC students were fascinated by this topic as it related to contemporary economics. Colonel (retired) Dwight Raymond taught a course on mass atrocity response operations. Lieutenant Colonel Natalie Kolb, Judge Advocate and U.S. Army Military Advisor to the U.S. State Department's Ambassador-at-Large for War Crimes Issues, taught a class on international law in relation to genocide and mass atrocities.

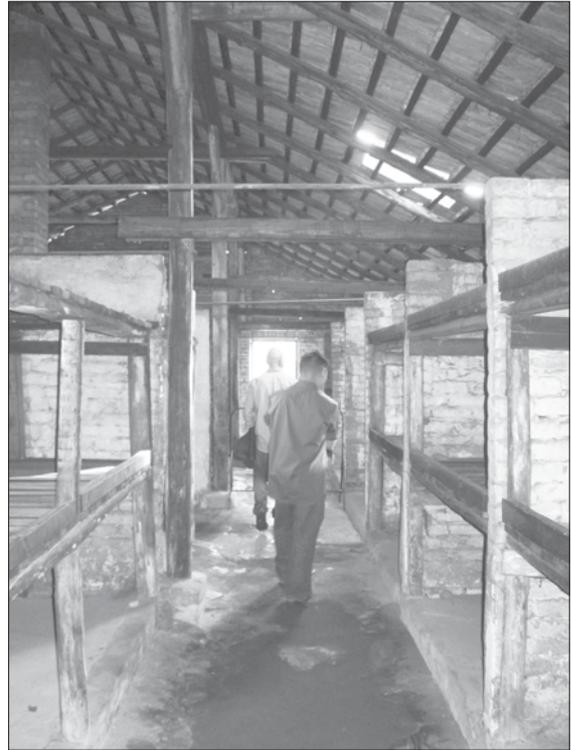
In addition, students analyzed and discussed the UN's Resolution on the Responsibility to Protect. U.S. Agency for International Development (USAID) Senior Media Advisor John Langlois, whose duty station is Kenya, discussed past election violence in that nation. Erin Weir, senior advisor for Refugee International, discussed the role of nongovernmental organizations in incidents of genocide and mass atrocities and convinced many students that cooperating with such organizations could actually benefit

military commanders during such situations. In addition students heard from the Afterconflict Group based in Switzerland on rebuilding post-genocidal and mass atrocity societies, transitional government responsibilities, and security sector reform.

Based on comments and reflections recorded in their journals, some of which were extremely moving and personal, the first CGSC attendees viewed the AIPR seminar as an amazing experience and great success. The seminar curriculum is extensive and material is constantly added and updated. New faculty and speakers continue to enhance the seminar. Lieutenant General Jonathan Riley, United Kingdom, participated in the past two seminars at Auschwitz. He shared with students his firsthand experience in genocide and mass atrocity intervention as the commanding general of the Royal Welsh Fusiliers at Goražde, Bosnia and Herzegovina and as the commander of the UK Joint Task Force Sierre Leone. This past September, U.S. Ambassador-at-Large for War Crimes Issues Stephen J. Rapp joined Lieutenant General Riley for an informal discussion with students on genocide prevention in Africa.

All this effort and the vast amount of material presented by academic experts and professionals with significant field experience left a deep impression on the students. One student worked with the U.S. Army Human Resource Command to approve a personal skill identifier for graduates of the seminar when conducted under the auspices of AIPR. With this identifier graduates can serve as genocide and mass atrocity planners and advisors to military commanders conducting operations to prevent or stop genocide or in situations where the possibility of such incidents exists.

In October 2011, the program was extended to include six foreign military officers attending CGSC. During their orientation visit to Washington, DC, the Holocaust Memorial Museum and AIPR conducted a half-day



Students tour the extermination camp in Auschwitz-Birkenau. *Courtesy Photo*

seminar for these students that touched on many of the areas the U.S. students discussed at Auschwitz. It is hoped this opportunity will continue to be made available to foreign military students, as they participate in peacekeeping and assistance mission more frequently than their U.S. counterparts.

Between June 2010 and October 2011, thirty-five faculty and sixty-six CGSC students have attended the AIPR seminar at Auschwitz and received the designated personal skill identifier. The response has been overwhelmingly positive as evidenced by their end of course comments:

This has been the best instruction I have had in the Army in 27 years.

The ability for us to see, walk, touch, smell, and hear Auschwitz and Birkenau makes this subject even more compelling and real than just reading about it in a classroom in

Kansas. I sincerely hope that this program will continue to receive funding so more officers will have the honor and privilege of participating in the most challenging, both intellectually and emotionally, course that I've had at CGSC.

This experience has made me think about what mankind is capable of and how to solve the problems of genocide and everything in between.

After 13 years in the Army, three combat tours to Iraq, and eight months here at CGSC, I can say without hesitation that participating in the Genocide Seminar and visiting Poland was the most significant highlight of my career. This seminar provided the unique opportunity of visiting the historic sites of Auschwitz, Birkenau, and Krakow and reflecting on the horrors of the Holocaust. In addition, networking with representatives from the State Department, humanitarian organizations, USAID, lawyers, scholars, academics, and retired military officers were invaluable. This experience successfully forces one to take an introspective look at oneself and ask the hard leadership questions that weigh between ethical and moral responsibilities. Recent world events illustrates that the reality of genocide still threatens the international community. Due to this fact, educating future senior Army leaders on genocide and in particular the necessary techniques for prevention or intervention requires immediate attention.

An unparalleled experience. I cannot begin to thank CGSC and all those who made this come alive, and really speak to each one of us as leaders, as officers, as persons of value. I have grieved like never before. I have been challenged like never before. These are truly lessons learned that must be seen and shared. As an interconnected world, we can no longer afford to stand by as genocide and mass atrocity touches others it now touches all of us. We have run out of excuses, and the price we pay as it continues grows more every day. I am so proud and honored to have been a part of this intense exchange of awareness and hope. Never before have I been afforded an opportunity to experience something of so much value as to shape my future career. I am humbled that I am part of a military that recognizes the importance of this subject and the value of every life.

The depth of the mental and emotional impact, the deep sense of the role they play as officers, and the knowledge they gained is evidenced by their journals. The seminar has clearly achieved the objectives its sponsors envisioned and produced officers capable of serving in situations where genocide and mass atrocity incidents are occurring or in situations where they may occur in the future. The challenge facing the college now is to obtain the necessary funding to sustain the seminar. In the face of increasing budget pressures, CGSC leadership must make the case that educating military officers on the drivers and mechanics of genocide along with the measures for preventing or stopping such activities is in the interest of the Army and, ultimately, the nation. Currently, CGSC has insufficient funding to continue the visit to Auschwitz-Birkenau, but continues to identify and educate students interested in this subject by offering a scholars seminar at its campus at Fort Leavenworth, Kansas.

Mass atrocities continue to occur. Understanding how to recognize the conditions and precursors to an outbreak of mass atrocities and knowing what actions to take to prevent or stop them from happening is fundamental to American ideals and values. **IAJ**

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