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Abstract: The author of this article explores the ethical issues of humanitarian assistance as an operational tool of influence during conflict outside of the United States. The analysis includes the application of Just War tradition in the military and the subsequent role of Just War tradition in humanitarian efforts. Using the War on Afghanistan, the article then provides the reader with a venue for considering ethical challenges that exist when military force is used to employ humanitarian intervention. The author posits that the use of humanitarian efforts as a tool to win the hearts and support of the people during military campaigns outside of the United States have not been successful - such is the case with Afghanistan. Additionally, the ethical aspects of humanitarian interventions cannot be legitimized by Just War theory. Finally, the manipulation of humanitarian assistance efforts run counter to established principles governing international humanitarian laws. The points of the article are used to facilitate discussion for the following question: Is it ethical to use humanitarian assistance as an operational tool of influence during conflict?

About the Author

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Ethical Considerations in Humanitarian Efforts

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The Role of Just War Theory in the Military

There are subtle differences between just war tradition and just war theory. While one could argue that just war theory is nested in just war tradition, in present day both terms are used interchangeably. Just war tradition are those historical body of rules and agreements that apply to war, such as the Geneva and Hague conventions. Just war tradition applies between enemies with similar cultures and where a moral identity exists.² For those cultures who vary greatly in religious beliefs or in how society values life, the tradition rarely applies. Just war tradition dates back to the earliest records of warfare and is founded on the consideration of honor.

Just war theory dates back to the Indian epic, the Mahabharata;¹⁰ the theory is defined as a military ethic and doctrine. The theory also postulates that while war is an extreme measure of effort, it may not be the worst option. Doctrine serves to support the assertion that war is morally justifiable based on a set of defined criteria. These criteria include proper authority, just cause, right intention, and proportionality.⁵ The principles that provide the moral framework for just war include the rules that govern the justice and morality of war (*jus ad bellum*), the conduct of war (*jus in bello*) which falls under the principles of discrimination and proportionality; as well as who is responsible and accountable after war (*just post bellum*).⁵

Current just war theory transcends its roots in religious studies by officially entering the domains of international law and political theory.⁵ Present day Western concepts of ethics now join forces with just war theory, for example, by allowing students at the United States Army Command and General Staff College (CGSC) to apply the principles of *jus ad bellum*, *jus in bello*, and *jus post bellum* to research during military studies. Using anticipated leadership applications, students view theory through the lens of individual and societal ethical beliefs and values. Individual analysis allows the soldier time to reflect on the important elements of

decision making and leadership as they apply current and emerging concepts unique to the nature of the military profession. It is the process of critical reflection that allows each student attending CGSC as well as all soldiers to sort through individual and organizational competing interests and to challenge long-held assumptions in support of a military environment that strives to grow as a learning organization.

The author of this article does not elaborate further on the factors of criteria, principles, legitimacy, current relevance, or religious aspects of Just War tradition/theory; these factors deserve individual analysis.¹³ However, just war theory provides a theoretical framework for this paper.¹⁸ The point of this work is to present a framework for the consideration of individual and societal ethics and values during humanitarian intervention as a way to not only support the laws, rules, and spirit of intervention but to facilitate change if and when it is needed.²⁶ A summary of international humanitarian law establishes the foundation for ethical considerations of humanitarian efforts.

International Humanitarian Law and Intervention

International humanitarian law is often divided according to Geneva and Hague law. Geneva law includes the four Geneva Conventions of 1949 and concerns the treatment of victims of war. It does not concern the conduct of hostilities.¹² The first two Conventions center on the treatment of the sick and wounded members of the armed forces. Convention III addresses the treatment of prisoners of war. Convention IV covers the categories of I, II, and III and includes Article 3 which defines minimum treatment standards for all persons not active in hostilities. The Geneva Conventions do not impose obligations upon humanitarian agencies. They do however, clarify when and under what conditions states must allow assistance to be delivered.²⁴

Unlike Geneva law, Hague law governs the conduct of hostilities. The law, a codified series of treaties and declarations, was developed following the first Hague Peace Conference in 1899.

A few of the most important principles of the law include a limit on the right of belligerents to create a means of injuring the enemy and the prohibition of weapons used to cause unnecessary suffering or injury. Additionally, the law highlights the difference between civilians and military actors.²⁴

Similar to the principles that guide just war theory, the defined principles of humanity, independence, impartiality, and neutrality guide humanitarian efforts. Humanity, entrenched in the philosophy of altruistic charity¹⁷ is considered the most essential of the principles. Humanity addresses the protection of life and health as well as respect for human beings. The latter three are also known as the humanitarian imperative. Independence refers to the operational function of humanitarian work where action is autonomous from political, military, and economic objectives. Impartiality addresses the need to deliver humanitarian action based on need alone. Last, neutrality refers to humanitarian actors who must remain neutral during humanitarian intervention by not taking sides in hostilities or by engaging in controversies of a religious, political, or ideological nature.

Based on the accepted precepts of just war theory and humanitarian law, the author of this paper posits that humanitarian intervention should not be legitimized by just war theory. The manipulation of humanitarian assistance efforts run counter to established principles governing international humanitarian laws³⁵ – those of humanity, independence, impartiality, and neutrality. Furthermore, in order for each phase of a conflict to qualify for just war criteria, each phase must individually satisfy all just war criteria.²⁸ Nilsson argues if the primary principle of humanitarian effort is to address human suffering and to protect the dignity and rights of the victims, then humanitarian agencies, and not military entities, should be responsible for fulfilling the

humanitarian requirement of those in need.²⁷ The use of humanitarian interventions is highlighted using the current example of Afghanistan.

U. S. War in Afghanistan: An invasion led by the United States, Northern Alliance, the United Kingdom, Australia, and Canada, 2001 to present.

The United States formally declared war on terror after the 9/11 terrorist attacks.³¹ The initial aim of Operation Enduring Freedom was to seize control of the state and oust the Taliban government. Once control was established, U.S. forces focused on gaining full control of territories. By 2008 the conventional approach to war was challenged by emerging counterinsurgency (COIN) doctrine. The civilian population became the center of gravity and military missions shifted from eliminating the enemy to alienating the enemy from the local population with an objective of consolidating captured areas and building local trust. With a wider operational scope, knowledge of the culture, customs, and environment was suddenly an imperative. From an ethical dimension, war was legitimized by just war theory – it was just and necessary – a defense of national security and dignity. However, the introduction of COIN doctrine changed the ethical dimension.²⁵ No longer was the enemy a fixed entity evil in all ways beyond ethical redemption. COIN tempered the approach to military operations by prescribing sensitive ways to win over the population; however, COIN also blurred the definition of enemy.

Ten years of international intervention in Afghanistan have not been successful in part because Western foreign policy goals drive humanitarian efforts in Afghanistan; humanitarian efforts are secondary to policy goals when conflict arises between the two. Despite millions of dollars in aid, the situation is characterized by corruption, surging violence and limited economic progress.¹¹ It is a country where security remains a prime concern and where peacekeeping and other interventions operate in parallel. Those engaged in Afghanistan, organization's and

nations, tend to disagree on the problems that currently exist. Some see a humanitarian crisis, some see a state with a need for strengthened capacity, while others see a war on terror.³

For a brief moment, the author of this work explores the application of discourse analysis to the Afghanistan scenario - focusing specifically on identities of select actors. Discourse analysis is an analytical tool – a way of framing parts of the social world in order to examine it. It constitutes a way of thinking, a set of traditions, and that which defines and restrict the scope of political action. Discourse analysis¹¹ allows for questions that challenge the foundations of political practice by analyzing why thought processes and actions have become normalized as well as by highlighting internal tensions.

Identity and three discourses in Afghanistan

Western identities comprise three discourses all of which express a need to be in Afghanistan: the military discourse, the humanitarian discourse, and the state-building discourse. These Western identities are known as the intervening self; Afghanistan constitutes something outside of the self, known as the other. The need for any intervention should not be based on the self or other in isolation rather the need analysis should focus on the relationship of the self-other. All three discourses are worthy of discussion, however, humanitarian discourse is the focus of continued analysis.¹¹

Traditionally, humanitarian actors operate in small organizations, have a strong humanitarian ideology when addressing human suffering and needs, have limited resources, and usually live close to those they support. Until the 1990s, humanitarian actors operated independently of political and military actors. However, in 1990 the scope and applicability of work grew significantly as humanitarian work became more politically oriented. Within the framework of humanitarian work after 1990, discourse now included nongovernmental agencies, governmental

agencies, and intergovernmental agencies, all of which have their own idea of how to define the “other.” From an ethical dimension, the politization of humanitarian intervention is a problem for the classical humanitarian for two reasons. First, international humanitarian law is a key reference point in discourse; second, the tenets and spirit of the human imperative is divided between humanitarian workers and others – such as those involved in security or reconstruction. Ethical identity is founded on respect and the recognition of neutrality.²² Afghanistan is a perfect example of the diminishing consensus of what defines humanitarian intervention as seen by the killing of humanitarian workers. It is the weakest of the state that suffers the most from this political ideology.¹¹ Furthermore, when military forces are introduced to humanitarian efforts with the objective to win the hearts and minds of the people, neutrality is severely undermined.³⁶

Cross-cultural Interventions

One way for the military to strengthen the use of any intervention (humanitarian included) is to apply scientific evaluation. Organizational development (OD) interventions and theory apply to many actors from organizations to third world settings however, only with sufficient incorporation of cultural awareness during operations. Afghanistan is an excellent example of why the U.S. requires a precise evaluation of cultural awareness. Afghanistan is a traditional society grounded in ancient tribal and religious practices. It is a challenge for the U.S. to permanently affect change in Afghanistan without a deep understanding of what is necessary to support an Afghanistan intervention.³⁴ The U.S. can build infrastructure, provide equipment, provide arms, as well as millions of dollars in support however, if change initiatives do not have the support of the local populations, change will be only temporary. Change begins with a modification to the values and norms of an individual, unit, organization, or country. For

Afghanistan, intervention requires a bottom-up approach in order to identify what is acceptable and what is not.

The first step in the OD process is to highlight the importance of culture as a critical factor in any context. A cultural awareness for the practitioner or “self” (such as the U.S.) is the ability to recognize cultural biases and ethnocentrism. The military does, to some degree practice selected steps in the OD process, (such as identification of the problem, identification of applied techniques, evaluation of the process and identification of cultural values and norms that are part of the process), however, a multicultural scenario is complex and failure to capture assumptions weakens the outcome of any intervention. There are four assumptions during an intervention process that hamper the success of a cross cultural effort. First, the unity of practice assumption occurs when the same techniques for an intervention are applied without meticulous analysis of the cultural context. Second, the inherent values assumption occurs when the individual, organization, or state assumes that the cultural values are the same for all participants. Third, the unity of values assumption occurs when all intervention techniques are based on the same cultural values. Fourth, the universal values assumption occurs when interventions are considered applicable regardless of the situation or context.¹⁶ Without clear and defined analysis, casuistry is flawed. Humanitarian intervention considerations require analysis beyond invoking a principle based on rights or utility.²⁶

Conclusion

At no point in this paper does the author question the validity of humanitarian law or the need for humanitarian intervention. These decisions are legal and political in nature, respectively. Be that as it may, as an army of the global protection force it is our duty to support military and political decisions through continued analysis and application of academic rigor.⁸

Williamson argues that an indefinite future of military conflict will prevail from extremist groups who will continue to foment instability for the United States and its allies.³⁶ The landscape and rules of war as we know it, are changing. Additionally, defense budget cuts further compound the need to streamline and retrench strategic capabilities. Applying lessons learned from Afghanistan, the United States is beginning to recognize that less military involvement and more local civilian involvement is needed to counter insurgents. By utilizing more indirect interventions built on partnerships with local and civil leaders, the United States military frees extended resources left behind from conflict to focus on the traditional role of neutralizing the enemy. In turn, true humanitarian efforts become neutral¹⁹, independent, and freed from their role in military strategy.³² Valuable resources, such as industrial-organizational psychologists, humanitarian work psychologists⁶, applied research scientists, and information operations specialists readily exist within the military community. These resources can add valuable insights into applied theory, models, and methods used to manage humanitarian themes by empowering quantitative methodologies and empirical evidence.^{1,9,15,29} For example, though the discussion presented in this paper argues against the use of humanitarian interventions as a way of achieving political, economic and security objectives³³, a recent study shows a positive relationship between the constructs of humanitarian ends and military means¹⁸. Friis argues for a separation of effort between military intervention and humanitarian efforts.¹¹ Sen posits that it may be possible under limited conditions to achieve humanitarian ends by military means.³⁰ These supporting and counter arguments provide valuable perspectives for consideration; the noted research is rich in academic rigor and conclusions that could add immense value to military strategy.

Implications for Future Research

There is an urgent need to reevaluate the concept of humanitarian intervention as it applies to significant changes in how the U.S. military approaches contemporary conflict.^{14, 20} The argument for humanitarian intervention is not clearly stated.³⁰ As the new generation of future senior leaders from the Command and General Staff College navigate the ambiguities of military interventions of all types, they should do so with a perspective that a threat is no longer confined to a need for a large military presence on ground. Revolutionary technologies such as robotics, drones, cyber, and the effective use of non-governmental organizations allow for a view of the battlefield without sending human assets into harm's way.^{4, 23} As technology develops, the application of humanitarian efforts will also change.³⁰ With change comes a need for change in strategy. Future strategy should not be built on false assumptions of how the world works. Future strategy should be built on how the world does work.⁷ From a military perspective of intervention effort, it is necessary to integrate knowledge across fields of study aligning thought from philosophers, psychologists, practitioners, ethicists, specialists, and religious leaders in order to effectively apply resources as well as to invoke maximum impact of humanitarian efforts.⁴ Exploring the role of cross-cultural adjustments needed for change in humanitarian intervention strategies is a start to the analysis process.⁶

Bibliography

1. Aubé, Nicole. "Ethical challenges for psychologists conducting humanitarian work." *Canadian Psychology* 52, no. 3 (August 2011): 225-229. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
2. Buhn, Per. "The morality of humanitarian interventions." *International Dialogue, A Multidisciplinary Journal of World Affairs*. http://www.unomaha.edu/idj/Issue1/Buhn_HumanitarianIntervention.pdf. (accessed April 7, 2015).
3. Barakat, Sultan, Seán Deely, and Steven A Zyck. "'A tradition of forgetting': Stabilisation and humanitarian action in historical perspective." *Disasters* 34, Suppl 3, (October 2010): S297-S319. *MEDLINE Complete*, EBSCOhost (accessed March 29, 2015).
4. Bernard, V. "Interview with Peter W. Singer." *International Review of the Red Cross*, 94 (Summer 2012): 467-481, doi: 10.1017/S1816383112000677 (accessed April 7, 2015).
5. Brown, Davis. "Introduction: the just war tradition and the continuing challenges to world public order." *Journal of Military Ethics* 10, no. 3 (September 2011): 125-132. *International Security & Counter Terrorism Reference Center*, EBSCOhost (accessed March 29, 2015).
6. Carr, Stuart C., and Malcolm MacLachlan. "Humanitarian work psychology." *Psychologist* 27, no. 3 (March 2014): 160-163. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
7. Curtis, D. "Politics and humanitarian aid: Debates, dilemmas and dissension." *Humanitarian Policy Group Report*, 10 (February 2001): 1-27. <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/295.pdf> (accessed April 7, 2015).
8. Davenport, John J. "Just war theory, humanitarian intervention, and the need for a democratic federation." *Journal of Religious Ethics* 39, no. 3 (September 2011): 493-555. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
9. de Moraes Weintraub, A. "Psychological work in humanitarian emergencies in Haiti and Democratic Republic of Congo: Some considerations based on two work experiences." *Saúde E Sociedade* 20, no. 3 (July 2011): 811-820. *SocINDEX with Full Text*, EBSCOhost (accessed March 29, 2015).
10. Frieberger, Erich. "Just war theory and the ethics of drone warfare." *E-International Relations*. (July 2013). <http://www.e-ir.info/2013/07/18/just-war-theory-and-the-ethics-of-drone-warfare/> (accessed April 7, 2015).

11. Friis, Karsten. "Which Afghanistan? Military, humanitarian, and state-building identities in the Afghan theater." *Security Studies* 21, no. 2 (April 2012): 266-300. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
12. Gonzalez, Catherine. "The challenges of delivering international humanitarian aid in a post-9/11 global framework." *Maryland Journal of International Law* 28, no. 1 (January 2013): 312-328. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
13. Harbour, Frances V. "Reasonable probability of success as a moral criterion in the western just war tradition." *Journal of Military Ethics* 10, no. 3 (September 2011): 230-241. *International Security & Counter Terrorism Reference Center*, EBSCOhost (accessed March 29, 2015).
14. Herta, Laura M. "Jus in bello and the solidarist case for humanitarian intervention. From theory to practice." *Europa* 58, no 1 (March 2013): 1-41. EBSCOhost (accessed April 7, 2015).
15. Johnson, W. B. "Top ethical challenges for military clinical psychologists." *Military Psychology (Taylor & Francis Ltd)* 20, no. 1 (2008): 49-62. *CINAHL Complete*, EBSCOhost (accessed March 29, 2015).
16. Johnson, Keith R., Thomas Head, and Peter F. Sorensen Jr. "Proposed models for the reporting of cross-cultural OD interventions: A critique and proposed paradigm for OD evaluations." *Academy of Management Best Papers Proceedings* (August 1989): 153-157. *Business Source Complete*, EBSCOhost (accessed April 6, 2015).
17. Kardas, Saban. "Humanitarian intervention: A conceptual analysis." *Alternatives: Turkish Journal of International Relations* 2, no. 3/4 (Winter 2003): 21-49. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
18. Kinclová, Lenka. "Legitimacy of the 'humanitarian military intervention': An empirical assessment." *Peace Economics, Peace Science, & Public Policy* 21, no. 1 (January 2015): 111-152. *SocINDEX with Full Text*, EBSCOhost (accessed March 29, 2015).
19. Kyle, Jess. "Protecting the world: Military humanitarian intervention and the ethics of care." *Hypatia* 28, no. 2 (May 2013): 257-273. *Literary Reference Center Plus*, EBSCOhost (accessed March 29, 2015).
20. Langan, John. "Justice or peace? A moral assessment of humanitarian intervention in Bosnia." *America* 170, no. 5 (February 12, 1994): 9-14. *Professional Development Collection*, EBSCOhost (accessed March 29, 2015).
21. Larmore, Charles. "What is political philosophy?" *Journal of Moral Philosophy* 10, no. 3 (July 2013): 276-306. *Academic Search Complete*, EBSCOhost (accessed April 2, 2015).

22. Leveringhaus, Alex. "The moral status of combatants during military humanitarian intervention." *Utilitas* 24, no. 2 (June 2012): 237-258. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
23. Liaropoulos, Andrew. "War and ethics in cyberspace: Cyber-conflict and just war theory." *Proceedings of the European Conference on Informations Warfare & Security* (January 2010): 177-182. *International Security & Counter Terrorism Reference Center*, EBSCOhost (accessed April 3, 2015).
24. Mackintosh, Kate. "The principles of humanitarian action in international humanitarian law." *Humanitarian Policy Group Report*, 5 (March 2000): 1-14. <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/305.pdf> (accessed April 7, 2015).
25. Miller, Paul D. "Afghanistan, justice, and war." *First Things: A Monthly Journal of Religion & Public Life* no. 230 (February 2013): 39-44. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
26. Miller R. Humanitarian intervention, altruism, and the limits of casuistry. *Journal of Religious Ethics* [serial online]. March 2000; 28(1):3. Available from: *Academic Search Complete*, Ipswich, MA (accessed March 29, 2015).
27. Nilsson, Sofia¹, et al. "Moral stress in international humanitarian aid and rescue operations: A grounded theory study." *Ethics & Behavior* 21, no. 1 (January 2011): 49-68. *Legal Source*, EBSCOhost (accessed March 29, 2015).
28. Rocheleau, Jordy. "From aggression to just occupation? The temporal application of jus ad bellum principles and the case of Iraq." *Journal of Military Ethics* 9, no. 2 (June 2010): 123-138. *Academic Search Complete*, EBSCOhost (accessed April 3, 2015).
29. Scholz, Sally J. "Crossing borders-editor's introduction." *Hypatia* 28, no. 2 (May 2013): 231-239. *Literary Reference Center Plus*, EBSCOhost (accessed March 29, 2015).
30. Sen, Rohini. "Use of force and the 'humanitarian' face of intervention in the 21st century." *Wisconsin International Law Journal* 32, no. 3 (Fall 2014): 457-484. *Academic Search Complete*, EBSCOhost (accessed April 4, 2015).
31. Sola, Andrew. "The enlightened grunt? Invincible ignorance in the just war tradition." *Journal of Military Ethics* 8, no. 1 (January 2009): 48-65. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
32. Sommers-Flanagan, Rita¹. "Ethical considerations in crisis and humanitarian interventions." *Ethics & Behavior* 17, no. 2 (April 2007): 187-202. *Legal Source*, EBSCOhost (accessed March 29, 2015).

33. "The politics of rescue." *Dissent* (00123846) 42, (Winter 1995): 35-41. *Education Source*, EBSCOhost (accessed March 29, 2015).
34. Walker, Hugh. "The case of Kosovo." *Civil Wars* 7, no. 1 (Spring 2005): 28-70. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).
35. Whyte, Shaheen. "The foundations of international humanitarian law in Islamic tradition." *Journal of Islamic State Practices in International Law* 10, no. 1 (Summer 2014): 7-42. *Legal Source*, EBSCOhost (accessed March 29, 2015).
36. Williamson, Jamie A. "Using humanitarian aid to 'win hearts and minds': A costly failure?" *International Review of the Red Cross* 93, no. 884 (December 2011): 1035-1061. *Academic Search Complete*, EBSCOhost (accessed March 29, 2015).