

# **Taking a Stand: Unilateral Action by the United States in Mass Atrocity Response Operations**

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## **Abstract**

This paper argues that it is appropriate for the United States military to prevent and respond to mass atrocities unilaterally, when necessary. Also, it is ethically correct for the United States to intervene in mass atrocity situations, even if the United States government and its military must do so alone. First, there may be support for this kind of military intervention in international law. Second, the United States' military is both able and well-prepared to conduct operations in response to mass atrocity situations. Finally, in some instances, military intervention is ethically the right thing to do.

## **Biography**

MAJ Shelley Farmer is a Judge Advocate in the United States Army. She is presently assigned as Student, Command and General Staff Officer College, Class 16-001, Fort Gordon, Georgia.

### Education:

LL.M. 2012, The U.S. Army Judge Advocate General's School; J.D. 2007, Texas Tech University; B.A. 1994, University of Central Florida.

### Military assignments:

Chief, Administrative Law (July 2014 – present), U.S. Army Combined Arms Center, Fort Leavenworth, Kansas; Chief, Military Justice (June 2013 – June 2014) and Chief, Administrative Law (June 2012 – June 2013), 4th Infantry Division, Fort Carson, Colorado; Brigade Judge Advocate (September 2010 – August 2011), 95th Civil Affairs Brigade, Fort Bragg, North Carolina; Trial Counsel (September 2009 – August 2010), 1st Infantry Division, Tikrit, Iraq; Trial Counsel (June 2008 – September 2009) and Administrative Law Attorney (March 2008 – June 2008), 1st Infantry Division, Fort Riley, Kansas; Training and Operations Officer (March 2003 – July 2004), 787th Military Police Battalion, Fort Leonard Wood, Missouri; Platoon Leader (June 2001 – February 2003), 258th Military Police Company, Fort Polk, Louisiana; Officer Candidate School, Class 5-00, Fort Benning, Georgia.

MAJ Farmer is married to MAJ Brett Farmer, also a Judge Advocate in the United States Army. They have two amazing children, James and Holly.

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Every American president in office since President Nixon has faced difficult decisions related to the prevention and cessation of mass atrocities.<sup>1</sup> Critics assert that the United States consistently refuses to take risks to suppress mass atrocities.<sup>2</sup> They say that the United States is slow to conclude that a mass atrocity is occurring or is inevitable.<sup>3</sup> Americans assume that civilians who do not involve themselves as combatants in civil wars will be left alone.<sup>4</sup> They trust in diplomacy that urges ceasefires and donate humanitarian aid instead of intervening with their military.<sup>5</sup> Americans misunderstand the nature of the violence in other states and determine that military intervention would be futile, or could do more harm than good by jeopardizing civilian lives or national security interests.<sup>6</sup> Thus, the United States can purport to oppose mass atrocities while simultaneously opposing American involvement.<sup>7</sup>

The United States is not alone in this respect: bordering states and European powers are risk-adverse in these situations as well.<sup>8</sup> However, the difference between the inaction of the United States and that of other countries is that the United States' government and military are uniquely qualified to intervene in mass atrocities if another nation-state will not or cannot protect its people. In the past, the United States has demonstrated a willingness to intervene in the internal affairs of other states with the support of an international alliance.<sup>9</sup> What if international concurrence was not offered? Would the United States proceed anyway? Although some argue that unilateral military intervention in mass atrocity situations is counter to international norms, intervention is consistent with the ethical belief of the American people that the basic human

rights of all people are inviolable.<sup>10</sup> From this belief rises a responsibility to defend others from mass atrocities.<sup>11</sup> Therefore, it is ethically correct for the United States to intervene in mass atrocity situations, even if the United States' government and its military must do so alone.

This paper argues that it is appropriate for the United States' military to prevent and respond to mass atrocities unilaterally, when necessary, for the following reasons. First, there may be support for this kind of military intervention in international law. Second, the United States' military is both able and well-prepared to conduct operations in response to mass atrocity situations. Finally, in some instances, military intervention is ethically the right thing to do.

### **Support for Military Intervention under International Law**

International law may permit the United States to react to a mass atrocity with unilateral military intervention. International opinions are quickly changing regarding the sovereign rights of states. As these norms evolve, states may take expansive views and interpret new humanitarian intervention doctrine liberally to legitimize military intervention.

On December 9, 1948, the United Nations (UN) General Assembly approved the Genocide Convention.<sup>12</sup> However, mass atrocities committed in Bosnia-Herzegovina and Rwanda during the 1990s spotlighted the need to draft implementation policy under which the UN could react to these situations.<sup>13</sup> As a result, the UN General Assembly adopted the Responsibility to Protect (R2P) doctrine in 2005.<sup>14</sup> Under the R2P, nation-states accept the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.<sup>15</sup> They also agree that the international community has a responsibility to take "timely and decisive" action to protect populations from mass atrocities if a state is unable or unwilling to do so.<sup>16</sup>

The R2P is significant in its effect on customary international law. Traditionally, the principle of non-intervention in international law would preclude intervention in conflicts internal to a state.<sup>17</sup> However, by agreeing to the R2P, the UN concluded that the responsibility to prevent mass atrocities may be superior to the obligation to respect another state's sovereignty.<sup>18</sup> Consequently, during a humanitarian crisis, a state could no longer rely on a claim of sovereignty to prohibit other states from interfering in its internal affairs.<sup>19</sup> Rogue governments and their armies would no longer have any right to inflict deadly harm upon their own people.<sup>20</sup> Arguably, if a state's conduct causes widespread harm to its citizens, that state would forfeit any legitimate claim of sovereignty under international law.<sup>21</sup>

Although the R2P provides a new legal basis for military intervention in mass atrocity situations, in practice intervention is hindered by the same system that developed it. The R2P adopted by the UN clearly required authorization by the UN Security Council before members could intervene to prevent or stop a mass atrocity within the borders of another state.<sup>22</sup> This grant of authorization is not guaranteed, so concurrence of the Security Council is required for humanitarian intervention in even the most imminent of situations.<sup>23</sup> Unfortunately, the Security Council's veto system can create situations that could preclude such concurrence and allow a mass atrocity situation to begin or persist.<sup>24</sup> The United States has faced such resistance from the UN to a determination that a mass atrocity is occurring or has just occurred.<sup>25</sup> For example, on September 9, 2004, United States Secretary of State Colin Powell delivered to Congress a formal finding that the government of Sudan and the Janjaweed committed genocide in Darfur.<sup>26</sup> Powell's declaration triggered a UN investigation but no action in 2004, even though Powell warned that genocide was ongoing.<sup>27</sup> The United States identified a mass atrocity but was left waiting in vain for international support to intervene.<sup>28</sup> Although the UN acknowledged this

determination of genocide, concurrence to take action against the mass atrocity was not forthcoming.

To resolve some mass atrocities, only the military intervention of an outside power can produce a peace.<sup>29</sup> At its inception, the R2P minimized the importance of military intervention.<sup>30</sup> However, recent bombings of Libya, Syria, and Iraq reveal more international acceptance of preventive military intervention.<sup>31</sup> Some argue that because of these recent endeavors, the R2P is fully evolved into a doctrine that legitimizes and enables military intervention in mass atrocities despite the legal concerns of sovereignty.<sup>32</sup> Others argue that R2P is now even more expansive. They assert that there may be occasions when UN investigations and formal inquiries would only delay suffering.<sup>33</sup> In these cases, they maintain that while the R2P contemplates a mandate from the UN for military intervention, it does not necessarily rule out the possibility of unilateral military intervention as long as the primary purpose is to prevent or stop a mass atrocity.<sup>34</sup> This expansive view of the R2P would support a decision of the United States to act unilaterally instead of waiting for results of investigations and UN concurrence while innocent people are dying *en masse*.<sup>35</sup> According to this argument, if the United States determines that military intervention is necessary, it would be legally permissible to act unilaterally.

### **The United States Military is Ready and Able**

Although unilateral military intervention may be legal under international law, the law does not automatically provide the United States with the capability to act. Military intervention of mass atrocities requires national policy, operational doctrine, interagency collaboration, and a willingness to commit armed forces. Over the last decade, the United States has developed these capabilities.

Forty years after the UN approved the Genocide Convention, President Reagan signed the legislation to ratify that international agreement on November 5, 1988.<sup>36</sup> Decades later, the United States still had taken very few steps toward deterrence of mass atrocities.<sup>37</sup> The United States lacked a comprehensive national policy or an interagency plan for preventing and responding to threats of mass atrocities.<sup>38</sup> Although senior leaders had publicly denounced the Holocaust with the rallying cry of, “Never again,” and supported Holocaust commemoration and education, little action occurred.<sup>39</sup> Some argue that during these years, the United States could have used its tremendous capacity and vast resources to prevent mass atrocities without undermining its national security.<sup>40</sup> American decisions to act might have had a greater impact on the lives of innocent victims than those of any other major power.<sup>41</sup> But the United States did practically nothing to prepare itself to respond to mass atrocities.<sup>42</sup>

Preparation to prevent and react to mass atrocities is imperative because evidence shows sophisticated planning and organization by the perpetrators of mass atrocities.<sup>43</sup> During the UN trial of Serbian General Radislav Krstic, American prosecutor Mark Harmon detailed for the International Criminal Tribunal the steps necessary to conduct the Srebrenica mass killings: issuing orders to units to direct the movement, killing, and burial of victims; assembling vehicles to transport victims to detention centers near execution sites; obtaining fuel for these buses and trucks; securing detention facilities to hold victims before killing them; acquiring large numbers of blindfolds and ligatures; organizing killing squads; requisitioning and transporting heavy equipment to dig large mass graves; burying the thousands of victims at diverse locations; and disseminating propaganda from the Serb military and government to counter any claims that atrocities had occurred.<sup>44</sup> These complex operations of organizing manpower, vehicles, ammunition, and remote locations are common to most large-scale mass atrocities.<sup>45</sup> Even mass

atrocities with comparatively fewer resources available require operational planning. Evidence presented during the Rwanda trials demonstrated how lists of names of Tutsi victims were systematically prepared and distributed “down the chain of command, from the state level, to the regional level, to the prefectures, to the communes, and then to the individual hamlets, or cellules.”<sup>46</sup> The evidence in these cases shows that even what might be considered failed states can be successful in planning and committing complicated mass atrocity operations.<sup>47</sup> The designs of these mass atrocities are similar to other military operations, using principles of mission command, logistics, and information operations. Therefore, advanced planning by the United States is essential for an effective response.

Despite complex operational planning by perpetrators of mass atrocities, the United States would likely still have the advantage in a military intervention. Nine out of ten conflicts since 1945 have been civil wars, and combatants are generally armed with somewhat simple weapons.<sup>48</sup> These civil wars can be brutal, and result in high numbers of civilian casualties.<sup>49</sup> The actual numbers of combatants may be very few, however. Inquiries following mass atrocities in Rwanda, Bosnia, Kosovo, Liberia, Sierra Leone, Somalia, and elsewhere revealed that large-scale civilian killings were often the work of small groups of professional criminals.<sup>50</sup> These studies found that less than ten percent of any of these states’ populations actually committed the mass atrocities.<sup>51</sup> Finally, criminal trials of perpetrators and planners of mass atrocities demonstrate that those responsible were so identifiable that they probably could have been stopped.<sup>52</sup> Because perpetrators are frequently small in number and poorly armed, a well-planned and timely military intervention by the United States might deter or end a mass atrocity relatively easily.

Not all mass atrocities occur during armed conflicts and civil wars, or remain confined to the limits of one state's borders.<sup>53</sup> To address these situations as well as all of the scenarios envisioned by the R2P, President Obama in 2011 directed a study on mass atrocities and the creation of an Interagency Atrocities Prevention Board.<sup>54</sup> The Presidential Directive reads as follows:

In the face of a potential mass atrocity, our options are never limited to either sending in the military or standing by and doing nothing. The actions that can be taken are many: they range from economic to diplomatic interventions, and from noncombat military actions to outright intervention. But ensuring that the full range of options is available requires a level of governmental organization that matches the methodical organization characteristic of mass killings.<sup>55</sup>

Then, in 2012, President Obama directed the Department of Defense to prepare and equip the military to prevent and respond to mass atrocities.<sup>56</sup> He directed the development of joint doctrine and tasked geographic combatant commanders to prioritize mass atrocity prevention and response in their training exercises, so that mass atrocity prevention missions can be planned and conducted in emergency situations.<sup>57</sup> Finally, President Obama addressed the need for a mass atrocity prevention and response policy framework in his National Security Strategy (NSS) in February 2015.<sup>58</sup> This inclusion in the NSS is important for three reasons. First, it concludes that mass atrocities committed in other countries are a threat to the national security of the United States.<sup>59</sup> Second, it affirms American support of the R2P.<sup>60</sup> And third, it commits the national powers of the United States to the prevention and response of mass atrocities.<sup>61</sup> After almost seven decades, the United States is finally positioned to direct its resources to prevent and respond to mass atrocities.

Joint Publication (JP) 3-07.3 and Army Techniques Publication (ATP) 3-07.6 were drafted in response to the presidential directives and the NSS.<sup>62, 63</sup> These joint and Army doctrines provide the framework for Mass Atrocity Response Operations (MARO) as part of Peace Operations.<sup>64, 65</sup> Interagency action initiates a MARO.<sup>66</sup> The President's Atrocities Prevention Board addresses identification of the perpetrators, the causes of the violence, and the degree of risk to assume in response.<sup>67</sup> Based on the Board's findings, the Department of State must determine whether the violence amounts to a mass atrocity, and whether it recommends United States intervention.<sup>68</sup> If the President orders the military to respond, a MARO may be the primary mission or may be part of any military operation that includes the potential for mass atrocities.<sup>69</sup> The JP 3-07.03 and ATP 3-07.6 deliver the guidance necessary for American forces to conduct these military operations.

By demonstrating that it has both the will and the ability to conduct MARO, the United States establishes the credibility required to deter future mass atrocities.<sup>70</sup> Today, the United States' military is prepared to conduct MARO with an off-the-shelf plan, and the government has demonstrated a willingness to commit one of its most valued national resources, its military, to respond to mass atrocities.

### **Military Intervention is the Right Thing to Do**

Although the United States might find support for unilateral military intervention in international law, and the United States military is well-situated to conduct military interventions to prevent or stop mass atrocities, the question is whether it is the right thing to do. The answer lies in the American virtue ethic.

Winston Churchill believed that to maintain its superiority, the West must continue "to be right."<sup>71</sup> However, what is "right" in one country may not be "right" in another. The link

between a mass atrocity in another state and the national security of the United States may be tenuous at best. In some instances, it will be difficult to convince the American public that a military intervention conducted unilaterally by the United States in response to a mass atrocity is the right thing to do. To justify the action, an appeal based on American values may be most persuasive.<sup>72</sup>

The values of humanity, respect for diversity, and individual rights have long served as pillars of American ethics.<sup>73</sup> These were the values for which our founding fathers fought and died.<sup>74</sup> Even today, these values are recognized as innately American.<sup>75</sup> They also provide the basis for the virtue ethic practiced by United States' military professionals, guiding decisions and actions.<sup>76</sup> This virtue ethic is based on the shared identity of all Americans, and is demonstrated by how military members act, what they do, who they are, and what they want to become.<sup>77</sup> As professional Soldiers of character, military professionals strive to serve honorably, to obey and enforce the law, and to prevent or correct illegal, unethical, or immoral actions.<sup>78</sup> Competent military professionals seek to consistently make the right choices and find moral solutions to difficult problems, and in this way endeavor to earn the trust of the American public and the world.<sup>79</sup> Virtue ethics based on American values support military intervention of mass atrocities as the right thing to do because “[t]he mass killing of innocent civilians is an affront to our common humanity.”<sup>80</sup>

Some might argue that the United States has no duty to intervene on behalf of the citizens of another country. They assert that it is not worth risking the lives of American Soldiers when other countries will not commit their people or resources. This ethic is a form of consequentialism called egoism, which is an understanding that the only moral obligation to help others exists if such help is important to one's own interests.<sup>81</sup> Likewise, a state can exercise

collective egoism if it believes that the pursuit of its collective self-interest is its only moral obligation.<sup>82</sup> This was the prevailing ethical view of the United States' government until President Obama justified a new values-based direction in his NSS in 2015. Previously, the United States did not consider its national interests endangered by the effects of mass atrocities committed in other corners of the world, and senior leaders did not deem them worthy of military intervention.<sup>83</sup> They branded those who argued for action on moral grounds "emotional."<sup>84</sup> The recalcitrant governments of Burma, Sudan, Zimbabwe, and other states operated knowing that although they might be criticized for mass atrocities within their borders, they would not be stopped.<sup>85</sup> The current administration determined that this values system based on consequentialist, collective egoism did nothing to advance the interests of the United States. If anything, it diminished the world's perception of the United States as a superpower and contradicted the values on which this country was formed. The evolution of an ethic of self-interested egoism to a virtue-based ethic is more in line with recognized American values.<sup>86</sup>

A change in policy of unilateral military intervention will not be without ethical challenges for the United States. Abroad, military commanders might find that MARO can create moral dilemmas for the force.<sup>87</sup> By working to stop one perpetrator's mass atrocity, the military might inadvertently assist another belligerent's aims.<sup>88</sup> A MARO could affect the political dynamics within a state and generate unintended second- and third-order effects, such as those faced during the international interventions in Bosnia and Kosovo.<sup>89</sup> Also, because mass atrocity situations can intensify very quickly, military commanders might be challenged when working with coalition partners who are slow to identify or respond effectively to mass atrocities.<sup>90</sup> At home, the American public may have limited awareness about the development of a mass atrocity situation in another country. Senior leaders may interpret a lack of public

outrage as indifference.<sup>91</sup> This perception of indifference to the suffering of other people could lead to a lack of popular support for military intervention as a political agenda.<sup>92</sup> Military members might then perceive this as a lack of support for their service and sacrifices. Despite these ethical challenges, military commanders and senior leaders must know that the future of the American way of life depends on their willingness to conduct MARO in uncertain circumstances.<sup>93</sup>

Military operations in response to mass atrocities will require personal courage on the part of all Americans. There may be extreme circumstances that warrant the use of military force, and losses may be inevitable.<sup>94</sup> However, “there are times of severe moral duty where any nation that has the requisite military force should step up and prevent the slaughter.”<sup>95</sup> The United States could revert to an ethic of collective egoism, ignore mass atrocities in foreign lands, and claim that we owe no duty to intervene. But the United States, and all of human civilization, is experiencing a moral revolution.<sup>96</sup> To many Americans, this is a remarkable time.<sup>97</sup>

## **Conclusion**

Hesitation and regret characterize the history of military intervention against mass atrocities.<sup>98</sup> However, history does not necessarily govern the future. Referring to Rwanda, UN Chief Ban Ki-Moon stated, “We could have done much more. We should have done much more.”<sup>99</sup> Moving forward, the United States should exert sufficient influence on the international community to change the world’s response to mass atrocities. If the rest of the world will not act, then the United States should. There arguably is support in international law for unilateral military intervention by the United States to prevent and respond to mass atrocities. The United States has the resources and military doctrine to conduct effective MARO. Finally,

the conduct of MARO is consistent with American virtue-based ethics. If other states cannot be convinced to act militarily to a mass atrocity, the United States has the ability to go it alone.

In the future, will Americans have the moral fortitude to take the necessary measures to deter or stop mass atrocities, up to and including unilateral military intervention? Only time will tell. The United States will have to make some difficult ethical choices. International law, American security policy, and a virtue-based ethic will support the right decisions.

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<sup>1</sup> Samantha Power, *"A Problem from Hell:" America and the Age of Genocide* (New York: Basic Books, 2002), XVI.

<sup>2</sup> *Ibid.*, 503.

<sup>3</sup> *Ibid.*, XVII.

<sup>4</sup> *Ibid.*, XVII-XVIII.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, XVIII.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, 503.

<sup>9</sup> David Chandler, "The R2P is Dead, Long Live the R2P: The Successful Separation of Military Intervention from the Responsibility to Protect," *International Peacekeeping* 22, no. 1 (2015): 2.

<sup>10</sup> U.S. Department of the Army. *The Army Profession*. Army Doctrine Reference Publication (ADRP) No. 1. Washington, DC: U.S. Department of the Army, June 14, 2015, 2-7.

<sup>11</sup> *Ibid.*

<sup>12</sup> Steven V. Roberts, "Reagan Signs Bill Ratifying U.N. Genocide Pact," *New York Times*, November 5, 1988, accessed March 1, 2016, <http://www.nytimes.com/1988/11/05/opinion/reagan-signs-bill-ratifying-un-genocide-pact.html>.

<sup>13</sup> United Nations General Assembly, *Early Warning, Assessment, and the Responsibility to Protect*. Report of the Secretary-General, A/64/864, July 14, 2010, 3.

<sup>14</sup> United Nations General Assembly, *2005 World Summit Outcome*. Resolution, A/Res/60/1, October 24, 2005, 30.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> Anthony D'Amato, "There is No Norm of Intervention or Non-Intervention in International Law: Comments," *International Legal Theory* 7 (Summer 2001): 33.

<sup>18</sup> William D. Hood, Major, U.S. Marine Corps, "Humanitarian Intervention in Syria: Is Crisis Response and Limited Contingency Operations the Solution?" *Military Law Review* 223 (2015): 619.

<sup>19</sup> *Ibid.*

<sup>20</sup> D'Amato, "There is No Norm of Intervention or Non-Intervention in International Law," 36.

<sup>21</sup> Hood, "Humanitarian Intervention in Syria," 618.

<sup>22</sup> Alex J. Bellamy, "A Death Foretold? Human Rights, Responsibility to Protect and the Persistent Politics of Power," *Cooperation and Conflict* 50(2) (2015): 289.

<sup>23</sup> D'Amato, "There is No Norm of Intervention or Non-Intervention in International Law," 40.

<sup>24</sup> Paul R. Williams, J. Trevor Ulbrick and Jonathan Worboys, "Preventing Mass Atrocity Crimes: The Responsibility to Protect and the Syria Crisis," *Case Western Reserve Journal of International Law* 45, nos. 1 and 2 (Fall 2012): 476.

<sup>25</sup> Glenn Kessler and Colum Lynch, "U.S. Calls Killings in Sudan Genocide," *Washington Post*, September 10, 2004, accessed March 1, 2016, <http://www.washingtonpost.com/wp-dyn/articles/A8364-2004Sep09.html>.

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- <sup>26</sup> Samantha Power, "It's Not Enough to Call It Genocide," *Time*, October 4, 2004, 164 (14): 63.
- <sup>27</sup> *Ibid.*
- <sup>28</sup> *Ibid.*
- <sup>29</sup> Geoffrey Parker, ed., *The Cambridge History of Warfare* (Cambridge, U.K.: Cambridge University Press, 2005), 433-434.
- <sup>30</sup> Chandler, "The R2P is Dead, Long Live the R2P," 4.
- <sup>31</sup> *Ibid.*
- <sup>32</sup> *Ibid.*
- <sup>33</sup> Kessler and Lynch, "U.S. Calls Killings in Sudan Genocide."
- <sup>34</sup> Hood, "Humanitarian Intervention in Syria," 627.
- <sup>35</sup> Kessler and Lynch, "U.S. Calls Killings in Sudan Genocide."
- <sup>36</sup> Roberts, "Reagan Signs Bill Ratifying U.N. Genocide Pact."
- <sup>37</sup> Power, "A Problem from Hell," XVIII.
- <sup>38</sup> Barack H. Obama II, *Presidential Study Directive 10 on Mass Atrocities*, "SUBJECT: Creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review" (Washington, DC: The White House, August 4, 2011), accessed March 22, 2016, <https://www.whitehouse.gov/the-press-office/2011/08/04/presidential-study-directive-mass-atrocities>.
- <sup>39</sup> Power, "A Problem from Hell," XXI.
- <sup>40</sup> *Ibid.*
- <sup>41</sup> *Ibid.*
- <sup>42</sup> *Ibid.*, XXI and 503.
- <sup>43</sup> *Ibid.*, 500.
- <sup>44</sup> *Ibid.*, 477-478.
- <sup>45</sup> *Ibid.*, 500.
- <sup>46</sup> *Ibid.*
- <sup>47</sup> *Ibid.*, 499.
- <sup>48</sup> Parker, *The Cambridge History of Warfare*, 431.
- <sup>49</sup> *Ibid.*
- <sup>50</sup> *Ibid.*, 432.
- <sup>51</sup> *Ibid.*
- <sup>52</sup> Power, "A Problem from Hell," 500.
- <sup>53</sup> United Nations General Assembly, *Early Warning, Assessment, and the Responsibility to Protect*. Report of the Secretary-General, A/64/864, July 14, 2010, 4.
- <sup>54</sup> Obama, *Presidential Study Directive 10 on Mass Atrocities*.
- <sup>55</sup> *Ibid.*
- <sup>56</sup> Office of the Press Secretary, *Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities* (Washington, DC: The White House, April 23, 2012), accessed March 22, 2016, <https://www.whitehouse.gov/the-press-office/2012/04/23/fact-sheet-comprehensive-strategy-and-new-tools-prevent-and-respond-atro>.
- <sup>57</sup> *Ibid.*
- <sup>58</sup> Barack H. Obama II, *National Security Strategy* (Washington, DC: The White House, February 2015), 22.
- <sup>59</sup> *Ibid.*
- <sup>60</sup> *Ibid.*
- <sup>61</sup> *Ibid.*
- <sup>62</sup> U.S. Joint Chiefs of Staff. *Peace Operations*. Joint Publication (JP) 3-07.3. Washington, DC: U.S. Joint Chiefs of Staff, August 1, 2012.
- <sup>63</sup> U.S. Department of the Army. *Protection of Civilians*. Army Techniques Publication (ATP) No. 3-07.6. Washington, DC: U.S. Department of the Army, October 29, 2015.
- <sup>64</sup> JP 3-07.3, iii.
- <sup>65</sup> ATP 3-07.6, 1-2.
- <sup>66</sup> JP 3-07.3, B-3.

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- <sup>67</sup> Ibid.
- <sup>68</sup> Ibid.
- <sup>69</sup> ATP 3-07.6, 1-4.
- <sup>70</sup> Ibid., 3-7 and 3-8.
- <sup>71</sup> Sir Winston Churchill, quoted in Parker, *The Cambridge History of Warfare*, 442.
- <sup>72</sup> D’Amato, “There is No Norm of Intervention or Non-Intervention in International Law,” 40.
- <sup>73</sup> David Hackett Fischer, *Washington’s Crossing* (New York: Oxford University Press, 2004), 379.
- <sup>74</sup> Ibid.
- <sup>75</sup> ADRP 1, 2-2.
- <sup>76</sup> Daniel M. Bell, Jr., *Character, Virtue, and the Military* (Fort Leavenworth, KS: C.G.S.C., Summer 2015), 1.
- <sup>77</sup> Ibid.
- <sup>78</sup> ADRP 1, 2-6.
- <sup>79</sup> Ibid., 3-6 and 3-7.
- <sup>80</sup> Obama, *National Security Strategy*, 22.
- <sup>81</sup> Daniel M. Bell, Jr., *Introduction to Deontology and Consequentialism for Military Leaders* (Fort Leavenworth, KS: C.G.S.C., Summer 2015) 6.
- <sup>82</sup> Ibid.
- <sup>83</sup> Power, “A Problem from Hell,” 504.
- <sup>84</sup> Ibid., XVIII.
- <sup>85</sup> Samantha Power, “Is Humanitarian Intervention Dead?” *Slate*, September 29, 2008, accessed February 24, 2016, [http://www.slate.com/articles/arts/books/2008/09/is\\_humanitarian\\_intervention\\_dead.html](http://www.slate.com/articles/arts/books/2008/09/is_humanitarian_intervention_dead.html).
- <sup>86</sup> ADRP 1, 2-2.
- <sup>87</sup> JP 3-07.3, B-2.
- <sup>88</sup> Ibid.
- <sup>89</sup> Ibid.
- <sup>90</sup> Ibid., B-1 and B-2.
- <sup>91</sup> Power, “A Problem from Hell,” XVIII.
- <sup>92</sup> Power, “Is Humanitarian Intervention Dead?”
- <sup>93</sup> Parker, *The Cambridge History of Warfare*, 438-439.
- <sup>94</sup> Ibid., 439.
- <sup>95</sup> D’Amato, “There is No Norm of Intervention or Non-Intervention in International Law,” 35.
- <sup>96</sup> Ibid., 37.
- <sup>97</sup> Ibid.
- <sup>98</sup> Ann Corkery, “Call it Genocide,” *Washington Times*, September 22, 2015, accessed February 24, 2016, <http://www.washingtontimes.com/news/2015/sep/22/religious-liberty-call-it-genocide/print/>.
- <sup>99</sup> Ibid.