Archived Content

Information identified as archived on the Web is for reference, research or record-keeping purposes. It has not been altered or updated after the date of archiving. Web pages that are archived on the Web are not subject to the Government of Canada Web Standards.

As per the <u>Communications Policy of the Government of Canada</u>, you can request alternate formats on the "<u>Contact Us</u>" page.

Information archivée dans le Web

Information archivée dans le Web à des fins de consultation, de recherche ou de tenue de documents. Cette dernière n'a aucunement été modifiée ni mise à jour depuis sa date de mise en archive. Les pages archivées dans le Web ne sont pas assujetties aux normes qui s'appliquent aux sites Web du gouvernement du Canada.

Conformément à la <u>Politique de communication du gouvernement du Canada</u>, vous pouvez demander de recevoir cette information dans tout autre format de rechange à la page « <u>Contactez-nous</u> ».

CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES

ADVANCED MILITARY STUDIES COURSE – AMSC 3/ COURS SUPÉRIEUR D'ÉTUDES DE GUERRE – CSEG 3

DECEMBER 2000/DÉCEMBRE 2000

AN ETHICAL DILEMMA FOR UNITED NATIONS FORCE COMMANDERS: PROTECTION OF ENCLAVES

By /par Capt(N)/capv Bryn M. Weadon

This paper was written by a student attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied except with the express permission of the Canadian Department of National Defence.

La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours.
L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale.

ABSTRACT

This paper will demonstrate that United Nations Force Commanders are more willing to consider a utilitarian approach when faced with the challenge of protecting enclaves. The paper begins with definitions and examples of the deontological and utilitarian ethical theories; followed by an examination of the traditional deontological approach the military has used in the past to justify its decisions. The paper will then focus on two recent examples of enclaves: the Bosniac enclaves in Eastern Bosnia and the East Timor enclave of Ambeno. The two examples will be compared to determine the ethical factors that may have contributed to the different outcomes. The paper concludes with a look at possible reasons why United Nations Force Commanders have begun to adopt a more utilitarian approach to humanitarian intervention.

AN ETHICAL DILEMMA FOR UNITED NATIONS FORCE COMMANDERS: PROTECTION OF ENCLAVES

"The soldier is charged with the protection of the weak and unarmed. It is the very essence and reason of his being . . .[a] sacred trust."

General Douglas MacArthur

INTRODUCTION

Prior to the end of the Cold War, the majority of United Nations military operations were initiated to either monitor agreed cease-fires or oversee implementation of formal peace agreements. These classical peacekeeping missions usually involved disputes between two or more sovereign nations. With a reduction in ideological rivalry between its permanent members in the 1990s, the United Nations Security Council was able to adopt a more interventionist approach. United Nations missions were established to perform a wide range of humanitarian tasks, including the repatriation and resettling of refugees and displaced persons. The most challenging of these new missions for a United Nations Force Commander were those where one or more of the factions in an internal conflict within the territory of a sovereign nation did not consent to the United Nations presence.² Such was the case in the Former Yugoslavian territory of Bosnia-Heregovina.

Until a formal peace agreement has been reached and accepted by all parties to the conflict, there is a natural reluctance for one faction to voluntarily surrender territory it occupies to another faction, even when this territory is encircled and can no longer be supported. When the United Nations becomes involved in these types of situations, the Security Council Resolutions that provide the mission with strategic guidance are

frequently open to interpretation and fail to guarantee the Force Commander will have the resources or clear objectives necessary to carry out their assigned mission. When the enclaves are threatened with being overrun, the Force Commander is left with the ethical dilemma of deciding what level of risk to the United Nations military contingent is acceptable in order to prevent this type of ethnic cleansing.

Two principal approaches are available to a Force Commander to resolve an ethical dilemma. These ethical theories are deontological and utilitarian.

AIM

The aim of this essay is to demonstrate that United Nations Force Commanders are more willing to consider a utilitarian approach when faced with the challenge of protecting enclaves. The essay will also look at possible reasons for this change from the traditional deontological approach the military has used to justify decisions.

ETHICAL THEORIES

The first of the two ethical theories is deontological. Derived from the Greek word "deon", which stands for "duty" or "obligation", the deontological approach focuses on the morality of the action. As long as the chosen course of action adheres to universally accepted moral rules, such as obedience to lawful orders, then the action should be considered as moral. While the consequences of an action are ignored, deontological theory permits more than one outcome to be morally correct.

Immanuel Kant, an eighteenth-century German philosopher, considered moral rules to be absolute with no exceptions, even if following moral rules caused harm to others. W.D. Ross, a twentieth-century British philosopher, argued that moral rules are general obligations rather than being absolutes.³ According to Ross, "... a moral rule can be overridden if, and only if, they compete with a stronger obligation."⁴ This view of moral rules as general obligations is known as deontological pluralism.

The second ethical theory that this paper applies is utilitarianism. In a utilitarian approach, the morality of the action itself is not a factor, only the consequences or results. According to John Stuart Mill, a nineteenth-century British parliamentarian: "... actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness." When faced with alternative courses of action, a moral decision maker should select the one that: "... can be reasonably expected to produce the greatest balance of good or the least balance of harm."

The following example demonstrates the differences between the two ethical theories. A person is terminally ill, in extreme pain, and wants help to commit suicide. The person is unable to make a further contribution to society and no alternative medical options are available to manage the pain. The individual's family and friends have accepted that the person will die. The person's doctor would be faced with two competing moral obligations, minimize suffering and a prohibition against suicide. Under deontological pluralism, the doctor would have to decide which of these two principles carried the greatest moral weight. Under utilitarianism, the doctor would focus

on the costs/benefits of either assisting or not assisting the person to commit suicide. A utilitarian doctor would select the option that brings the greatest good or the least harm.

MILITARY DECISION MAKING

As military personnel under certain conditions are granted the legal authority to take another person's life, discipline is a key ingredient in ensuring the controlled use of violence. Discipline is achieved through loyalty, obedience, and adherence to a code of behaviour or ethics. Without obedience, military organizations will be unable to carry out their assigned duties. According to Paul Christopher, this has resulted in the following moral principle: "Soldiers have a moral obligation to obey all orders, except in cases where they have reasonable evidence to believe the orders to be unlawful."

The concept of obedience is reflected in the Canadian Forces Statement of Defence Ethics. Obedience to lawful authority is the third of three guiding ethical principles. In addition, under the obligation of integrity, Canadian Forces personnel must: "... respect all ethical obligations deriving from applicable laws and regulations." The Statement of Defence Ethics guides a military commander into adopting a rules based approach when faced with an ethical dilemma. As long as actions are in accordance with applicable laws and regulations, then the decision that generated those actions is considered ethical. This approach is very much in keeping with deontological theories.

This focus on government laws and regulations is not unique to Canada.

American writings reflect a similar obligation for officers to accept governmental decisions as morally correct. General Maxwell Taylor indicates that military requirements imposed by a government's decision supersede broad moral rules. Colonel Anthony Hartle has taken an officer's deontologoical obligation even further by eliminating any need for military personnel to undertake utilitarian evaluations when faced with ethical challenges. General Malham Walkin cites the US military oath of allegiance as an officer's moral commitment to obey governmental orders.

If military action is governed by obedience to laws and regulations, the question arises whether using force in support of humanitarian intervention is legal. Humanitarian intervention is defined as: "... intervening nation(s) uses its armed forces in a coercive role to cause some effect in the internal affairs of another nation and, after this humanitarian objective is achieved, the intervening force withdraws." Unlike peacekeeping, which is governed by Chapter VI of the United Nations Charter and accepted by all members of the United Nations as a legal activity, humanitarian intervention does not have the same foundation in international law. The legality of United Nations humanitarian intervention is currently under active debate. Authors opposed to humanitarian intervention argue that nations are free to determine their own internal affairs. The UN Charter, which defines individual rights on the basis of territorial integrity and political independence, supports this argument. Those authors that support humanitarian intervention argue that such action is permissible when a sovereign nation has failed to guarantee the individual rights of all its citizens. The

United Nations, through the auspices of a United Nations Security Council resolution, would make this determination. Accordingly, a United Nations Force Commander's legal authority for humanitare 80011 20 vention and solely from the applicable Security Council resolutions that govern the United Nations mission.

Universal moral obligations exist that prevent military personnel, except011 cases of military necessity, from harming innocent persons. Paul Christopher argues that similar obligations requiring military personnel to undertake actions to improve the situation of innocent persons do not exist. The Canade800Forces Statement of Defence Ethics lists "respect the dignity of all persons" as the number one guiding ethical principle. Unfortunately, the corresponding ethical obligations are silent on whether this principle applies to humanitarian011 evention situations that lack legal authority. General Wak11 argues that the use of military force for humanitare80011 evention is morally permissible, and may even be a moral obligation, as a last resort when human rights are being violated. The types of human rights violations that would be morally permissible are not defined. As011 2 mational 11 2 rvention to stop genocide has foundation 11 legal tradetion, this may well be the type of human rights violation that General Wak11 considered as morally obliging humanitari80011 evention.

A United Nations Force Commander who adopts a deontological approach to ethical situations, 11 accordance with military tradition, will have to either strictly follow the strategic guidance of the Security Council resolutions or identify an overriding moral obligation when making the decision on whether to 11 2rvene 11 a huranitarian situation.

This paper will now examine the ethical approach of the Commander United Nations Peace Forces (UNPF) in the Former Yugoslavia when deciding on whether to intervene militarily to protect the territorial integrity of the eastern Bosnia safe areas of Srebrenica and Zepa.

EASTERN BOSNIA

Internal conflict within the Former Yugoslavian Republic of Bosnia and
Herzegovina began in April 1992, immediately after the republic received international
recognition from both the European Community and the United States. Within a month,
Bosniacs (Muslims) fought to seize control of both Srebrenica and Zepa from Serb
authorities. Prior to the conflict, 73 per cent of the population in this region were
Bosniacs and 25 per cent were Serbs. By January 1993, the Bosniacs had created an
enclave that covered almost 900 square kilometres of eastern Bosnia. During this
offensive, the Bosniacs used "ethnic cleansing" to force Serbs from their traditional
homes, techniques that Serbs were using in other areas of Bosnia that were under their
control. By March 1993, the Bosniac enclave centred on Srebrenica had been reduced to
approximately 150 square kilometres, with Zepa separated from Srebrenica by Serb
forces ¹⁷

The President of International Committee of the Red Cross first raised the concept of international safe areas to protect Bosniacs in August 1992. This proposal was debated for almost eight months, with the UNHCR, UNPROFOR, and the United Nations

Secretariat all voicing their opposition. Despite these objections, on 16 April 1993, the United Nations Security Council adopted resolution 819 (1993), recognizing Srebrenica as a safe area. The resolution called on UNPROFOR to monitor the humanitarian situation in the safe area, but failed to provide either resources or a mandate for the use of force to implement the resolution. Two days later, 170 UNPROFOR troops, principally Canadian, entered the enclave and proceeded to demilitarize the town of Srebrenica. The United Nations Secretariat, however, directed that UNPROFOR not disarm Bosniacs in the surrounding area or conduct house-to-house searches for weapons. ¹⁸

Following a Security Council mission to Srebrenica, resolution 824 (1993) was adopted on 6 May 1993. This resolution created six Bosniac safe areas, including Sarajevo and Zepa. The resolution was directed solely at the Bosnian Serbs, with no obligations for the Bosniacs to cease using the safe areas as bases for undertaking offensive action against the Serbs. UNPROFOR was authorized an additional 50 unarmed military observors to monitor the six safe areas.¹⁹

After the Bosnian Serb Assembly formally rejected the Vance-Owen peace plan, several Security Council members requested changes to UNPROFOR's mandate in order to ensure the security of the safe areas. Resolution 836 (1993), adopted on 4 June 1993, called on UNPROFOR to *deter* attacks against the safe areas and linked the use of force to *self-defence*. The resolution also authorized nations or regional organizations, such as NATO, to use air power in support of the resolution.²⁰ The decision to use the word

deter instead of *defend*, as was originally proposed in the initial draft resolution, would prove fatal.²¹

While the Commander UNPROFOR requested additional 34,000 troops to implement resolution 836, the United Nations only authorized 7600 personnel. Seven months later, only 3000 of these additional troops had arrived in theatre. While Serbs continued to attack the safe areas and restrict the access of both UNPROFOR and UNHCR convoys, none of the safe areas were viewed as being in sufficient danger to support UNPROFOR using force. UNPROFOR was concerned that the use of force would jeopardize the United Nations humanitarian mission.²²

The situation remained relatively stable over the next two years. A Dutch battalion replaced the Canadians in Srebrenica in early 1994. Limited NATO airstrikes were authorized by the United Nations Special Representative UNPF, Yasushi Akashi, on several occasions. After each airstrike, the Serbs would hold UNPROFOR military personnel or UNHCR convoys hostage for several days. After two days of airstrikes in late May 1995, the Serbs retaliated by seizing over 400 United Nations hostages, and UNPROFOR Directive 2/95 was promulgated. This directive, based on guidelines issued by the UNPF Commander, General Janvier, stated that "... execution of the mandate [was] secondary to the security of UN personnel and that force could only be used as a last resort." In addition, General Janvier revoked the UNPROFOR Commander's authority to initiate NATO close air support. 24

By the time the Serbs launched their final assault on Srebrenica on 6 July 1995, the operational capabilities of the Dutch battalion had been significantly undermined. The Serb blockades of UN convoys resulted in only 429 Dutch soldiers remaining to patrol the safe area.²⁵ Even if the Dutch Battalion Commander had tried to resist the Serb attack, it is unlikely that he could have accomplished more than a temporary delay without the support of NATO airstrikes on Serbian positions. Defence of Srebrenica rested in the hands of General Janvier.

During the first three days of the Serbian assault, all Dutch requests for close air support were blocked by the UNPROFOR Chief of Staff as not meeting guidelines issued by the Commander UNPF. The first request to reach UNPF Headquarters was not until the evening of 9 July. The request was approved, but only if the Serbs attacked a UN blocking position south of the town of Srebrenica. When the Serbs bypassed this blocking position on 10 July, the Dutch battalion again called for air strikes. After several hours of debate, General Janvier finally approved close air support for 11 July, but refused to transmit a request to the United Nations Secretary General for air strikes. At 1440 hours 11 July, NATO aircraft dropped two bombs on Serb vehicles approaching Srebrenica, 30 minutes after the Serbs had captured the town. By 0100 hours 12 July, the entire Srebrenica enclave had fallen. Over the next two weeks, an estimated 7414 Bosniac men and boys were massacred by the Serbs.

Why did General Janvier refuse to authorize close air support or request permission to undertake air strikes? General Janvier expressed the view to his UNPF

staff that NATO airpower was dangerous and ineffective. If airpower was used, it would only put United Nations forces at risk.²⁸ Without the resources and authority to defend the enclaves, General Janvier recommended to the Security Council on 24 May 1995 that UNPROFOR withdraw from the enclaves.²⁹ The United Nation's reputation and future ability to negotiate with the Bosnian Serbs were more important that maintaining the enclaves.³⁰ Ironically, a Bosniac in Srebrenica on 9 July 1995 predicted that the lives of thirty Dutch peacekeepers already held by the Serbs were worth more than the 30,000 Muslims trapped in the enclave.³¹

While General Janvier has never publicly explained the rationale for his UNPF decisions, it would appear that he relied on a deontological rules based approach.³² He focussed on obedience to the traditions of United Nations peacekeeping, retaining close air support and air strikes as a weapon of last resort for UNPROFOR self-defence.

General Janvier did not appear to recognize the possible obligation to protect the innocent as being sufficiently strong in this situation to override the rule of obedience. This was evident in his May 1995 decision to place the security of UNPROFOR personnel as a higher priority than deterring attacks on the enclaves.

If General Janvier had conducted a cost/benefit utilitarian analysis when deciding on close air support or airstrikes, the number of Bosniacs that could have been saved would have greatly outweighed the potential loss of UNPROFOR peacekeepers.

Ironically, on the evening of 10 July, the Dutch Defence Ministry had started to draft a press release in anticipation of losing peacekeepers.

If NATO had threatened air

strikes, it is estimated that the Bosnian Serbs would have stopped their assault.³⁴ Based on the ethnic cleansing that occurred early in the Bosnian civil war, the massacres should have been foreseen.

Delaying the Bosnian Serb attack by as little as two weeks might have made all the difference. While the Bosniac enclave of Zepa also surrendered to besieging Serb forces in late July 1995, Serb attention was diverted away from the enclaves by a Croatian attack in southwest Bosnia. Most of Zepa's population was safely repatriated to Bosniac territory. NATO airstrikes were finally authorized on 30 August 1995 and they continued on and off for two weeks until the Bosnian Serbs agreed to stop shelling the enclaves. On 5 October 1995, with the Bosnian Serbs now on the defensive and looking for international intervention, a cease-fire was announced that effectively ended the conflict across Bosnia.³⁵

After looking at the eastern Bosnian enclaves, this paper will now examine how the United Nations Force Commander in East Timor handled the issue of protecting an enclave.

EAST TIMOR

After almost 25 years of Indonesian occupation, the United Nations reached agreements with both Indonesia and Portugal in May 1999 for the United Nations to determine whether the people of East Timor were willing to accept special autonomy within Indonesia rather than independence. A United Nations mission was established to

conduct the referendum, but without a military component. The Indonesian government was responsible for maintaining internal security within East Timor. On 30 August 1999, 98 per cent of the East Timor electorate voted, with 78.5 per cent supporting independence. When the results were announced on 4 September 1999, pro-Indonesian militias, with the active support of the Indonesian security forces, began a campaign of violence. Despite Indonesia's President ordering his military to stop the violence, the wave of killings and forced displacements continued. On 12 September 1999, Indonesia's President asked the United Nations for assistance. The first troops of a multinational force arrived in East Timor on 20 September 1999.

The International Force East Timor (INTERFET), initially numbering only 3000 troops, was faced with the challenge of supervising the withdrawal of 16,000 Indonesian troops who were still destroying East Timor property, disarming an unknown number of militias, and restoring law and order.³⁷ Moving rapidly to demonstrate resolve and capability, INTERFET was able to quickly secure the main territory of East Timor.³⁸ The INTERFET Force Commander, General Cosgrove, was then faced with the dilemma of what to do with the East Timor enclave of Ambeno.

Ambeno, also called Oecussi, is located 45 kilometres to the west of the East Timor/West Timor border, surrounded by West Timor territory that remains part of Indonesia. During the wave of pro-militia activity, the enclave's principal city was badly damaged, with only three buildings left standing. Very few East Timorese remained in the enclave, as most had fled to the hills in West Timor.³⁹ General Cosgrove could have

avoided risk to his limited force by ignoring the enclave and concentrating efforts on helping those within the main East Timor territory. Even the United Nations Special Advisor to East Timor recommended against the use of force to recover the enclave from the control of pro-Indonesian militia. Fortunately, General Cosgrove decided to act.

At 0500 hours 22 October 1999, INTERFET troops landed in the Ambeno enclave. 41 Within six days of INTERFET regaining control of Ambeno, 5000 of the original 7000 inhabitants of the enclave had returned. 42 General Cosgrove's decision resulted in the rapid repatriation of over 70 per cent of the enclave's population. The 6 September 2000 killing of three UNHCR personnel forced the UNHCR to withdraw from the refugee camps in West Timor, resulting in a suspension of humanitarian aid and unrestricted freedom for pro-Indonesian militias operating in the refugee camps. With this setback in repatriation efforts, it is quite possible that the INTERFET Commander's actions saved the lives of the refugees who were able to return to Ambeno. 43

Under a cost/benefit utilitarian analysis, General Cosgrove would have likely realized that the consequences of accepting any loss of East Timor territory could be detrimental to achieving his overall mission. The pro-Indonesian militias, still operating from West Timor, could interpret this course of action as a sign of weakness and increase their efforts to disrupt INTERFET's operations. This interpretation seems credible given the resurgence in pro-Indonesian militia activity in August 2000 when the United Nations Transitional Administration in East Timor (UNTAET) adopted a less aggressive force posture.⁴⁴ The benefits to achieving mission success, when combined with the potential

to save up 7000 lives exceeded the potential risks to the INTERFET Forces required to occupy the Ambeno enclave.

Using a deontological approach, General Cosgrove would have faced the same conflicting ethical rules as General Janvier had with Srebrenica. The INTERFET Commander could have taken the advice of the United Nations Special Advisor as strategic guidance and relied on the rule of obedience. General Cosgrove also would have seen an opportunity to protect the innocent. However, as the East Timorese had already abandoned the Ambeno enclave, the obligation to act could have been viewed as less urgent than that facing General Janvier. In East Timor, it appears the potential to protect the innocent was considered sufficiently strongly to override the rule of obedience.

A CHANGING APPROACH

Was the INTERFET Commander's decision in East Timor an isolated occurrence or does it signify a shift in military decision making when faced with the need for humanitarian intervention? East Timor is not the only recent example. In early 1995, Major-General Tousignant was the United Nations Force Commander in Rwanda (UNAMIR). Despite being ordered by United Nations Headquarters not to use his peacekeeping force to protect refugees in the Kibeho camp, the Force Commander felt morally obliged to maintain a presence. While over 4000 of the 125,000 Rwandese in the camp were killed, none of the UNAMIR soldiers were killed and thousands of lives were saved. 45

United Nations Force Commanders are changing their approach in keeping with the emerging debate on the legality of humanitarian intervention. Learning from the experiences of their predecessors in Rwanda and Bosnia, Force Commanders have begun to realize that they are often in a better position to understand what is happening in theatre than the United Nations Security Council or United Nations Headquarters staff. Disobeying orders from New York can produce superior results and help to better achieve their assigned mission than if they decide to follow the traditional moral rule of obedience.

As previously mentioned in this essay, no formal legal basis currently exists to support the use of military force for humanitarian intervention. However, humanitarian intervention is increasingly being viewed as a way to protect basic moral values and principles. He hir, a Harvard University ethics professor, has argued that the just war ethic could be adapted to support the moral righteousness of humanitarian intervention. This would involve increasing the number of exceptions to the moral rule of nonintervention in a nation's sovereign affairs. Only one exception to this moral rule currently exists, namely genocide. The difficulty with Hehir's proposal is that it would require formal amendments to the United Nations Charter in order to recognize the expanded list of situations where humanitarian intervention would be considered acceptable. Obtaining agreement to amend the Charter would be extremely difficult, if not impossible.

Thomas Weiss, an American professor of political science with extensive United Nations experience, supports a more utilitarian approach to humanitarian intervention. Weiss argues that there will be situations where involving the military in these types of missions will actually prolong the conflict and increase suffering. He cites Somalia and some of the initial UNPROFOR actions in Bosnia as examples where it would likely have been better not to use force to intervene. In situations where it is better not to intervene, the absence of a utilitarian analysis would require a United Nations Force Commander relying solely on a deontological approach to find sufficient reason to override the moral rule of protecting the innocent.

In the absence of changes in legal and moral authority, or clearer strategic guidance from the United Nations Security Council, the onus will remain on either individual sovereign states or more likely United Nations Force Commanders to decide when humanitarian intervention is necessary.

CONCLUSION

Militaries have a long tradition of obedience to orders as a founding principle. While this principle has been modified in the last century to recognize that obedience is only required when the orders are lawful, the underlying tradition remains. This produced Force Commanders whom, when initially faced with the challenge of deciding whether to undertake humanitarian intervention, relied on their deontological roots.

General Janvier's decisions in the Former Yugoslavia reflected this rules based approach. He did not have a mandate to defend the enclaves, only deter attacks. Close air support and air strikes were viewed as a weapon of last resort, to be used only in situations of self-defence when UNPROFOR forces had been attacked. General Janvier believed in the tradition of peacekeeping, as outlined in the United Nations Charter. Without specific direction from the United Nations Security Council, which due to international politics was not forthcoming, General Janvier was not willing to seize the initiative. This resulted in the collapse of the Bosniac enclaves of Srebrenica and Zepa and, more importantly, the massacre of over 7000 Bosniac men and boys.

General Janvier's actions contrast sharply with those of General Cosgrove in East Timor. Despite being faced with the challenge of an enclave that had been almost completely abandoned, and advice from the United Nations not to intervene, General Cosgrove looked at the consequences of inaction and made the correct moral decision. The Ambeno enclave was recovered and within a week over 70 per cent of the displaced population had returned home. General Cosgrove also sent a clear message to the pro-Indonesian militia that he was not willing to sacrifice a single square metre of East Timor territory.

The INTERFET Commander's decision to take action in Ambeno is part of a growing trend in humanitarian intervention situations. Despite the continued lack of international legal or moral authority, Force Commanders are realizing that it is possible to save thousands of lives with only minimal or even no loss of life to the intervening

military force. Protecting the innocent and the consequences of inaction are taking on an increased importance in humanitarian intervention situations, with obedience to orders receiving less ethical weight. As the number of successful humanitarian interventions rise and demands for action from the international community increase, Force Commanders will be more willing to seize the initiative and protect innocent persons who are being threatened. This will then translate into a greater role for utilitarianism in ethical decision making when the military is placed in humanitarian intervention situations.

NOTES

- ¹ Michael Walzer, "Two Kinds of Military Responsibility," <u>Parameters</u> Vol. XI, No. 1 (1981): 46.
- ² Jonathan Moore, ed., <u>Hard Choices: Moral Dilemmas in Humanitarian</u>

 <u>Intervention</u> (Lanham: Rowman, 1998) 58-59.
- ³ Tom L. Beauchamp, <u>Philosophical Ethics: An Introduction to Moral Philosophy</u>, 2nd ed. (New York: McGraw-Hill, 1991) 171-179.
 - ⁴ AMSC Handout, Ethics Series Guide, (Toronto: CFC, 1999) 4.
 - ⁵ Beauchamp 132.
 - ⁶ Beauchamp 129.
- ⁷ Paul Christopher, <u>The Ethics of War & Peace: An Introduction to Legal and Moral Issues</u>, 2nd ed. (Upper Saddle River: Prentice-Hall, 1999) 137.
- ⁸ Canada, Dept. of National Defence, <u>Statement of Defence Ethics</u>, (Ottawa: Department of National Defence, 1999).
- ⁹ Anthony E. Hartle, <u>Moral Issues in Military Decision Making</u>, (Lawrence: Kansas UP, 1989) 102-106.
- ¹⁰ Malham M. Wakin, <u>Integrity First: Reflections of a Military Philosopher</u>, (Lanham: Lexington, 2000) 76.
 - ¹¹ Christopher, 193.
 - ¹² Christopher, 197-198.

- ¹³ Christopher 198.
- ¹⁴ Canada, <u>Statement of Defence Ethics</u>.
- ¹⁵ Wakin 158-159.
- ¹⁶ Moore 43.
- ¹⁷ United Nations, General Assembly, <u>Report of the Secretary-General pursuant to</u>

 <u>General Assembly resolution 53/35: The fall of Srebrenica</u>, (New York: UN,

 15 November 1999) 9-13.
 - ¹⁸ United Nations, <u>The fall of Srebrenica</u> 19-20.
 - ¹⁹ United Nations, The fall of Srebrenica 21-22.
 - ²⁰ United Nations, <u>The fall of Srebre</u>nica 23-24.
 - ²¹ William Shawcross, <u>Deliver Us From Evil</u>, (New York: Simon, 2000) 110.
 - ²² United Nations, <u>The fall of Srebrenica</u> 30-39.
- ²³ Jan Willem Honig and Norbert Both, <u>Srebrenica: Record of a War Crime</u>, (London: Penguin, 1996) 8.
- ²⁴ David Rohde, <u>Endgame: The Betrayal and fall of Srebrenica</u>, <u>Europe's worse</u> <u>massacre since World War II</u>, (New York: Farrar, 1997) 28.
 - ²⁵ Honig and Both 133-134.
 - ²⁶ United Nations, <u>The fall of Srebrenica</u> 58-71.
 - ²⁷ Shawcross 176.
 - ²⁸ Rohde 365.
 - ²⁹ United Nations, The fall of Srebrenica 47.
 - ³⁰ Rohde 366-367.
 - ³¹ Rohde 68.

- ³² Rohde 368.
- ³³ Rohde 123.
- ³⁴ Honig and Both 182.
- ³⁵ Shawcross 176-187.
- ³⁶ Shawcross 390-396.
- ³⁷ Alistair Mack, "Intervention in East Timor from the ground," <u>RUSI Journal</u> Dec. 1999: 20-26.
- ³⁸ "Caution as UNTAET takes over from INTERFET," <u>Defense & Foreign</u>

 <u>Affairs Strategic Policy</u> Jan. 2000: 3.
- ³⁹ United Nations, Office of Spokesman for Secretary-General, <u>Daily Press</u>

 <u>Briefing 25 October 1999</u> (New York: UN, 25 October 1999).
 - ⁴⁰ Capt(N) Roger Girouard, OP TOUCAN, telephone interview, 12 October 2000.
- ⁴¹ United Nations, Office of Spokesman for Secretary-General, <u>Daily Press</u>

 <u>Briefing 22 October 1999</u> (New York: UN, 22 October 1999).
- ⁴² United Nations, Press Briefing, <u>Briefing by Under-Secretary General for Humanitarian Affairs</u>, (New York: UN, 27 October 1999).
- ⁴³ United Nations, Security Council, <u>Press Release SC/6928</u> (New York: UN, 29 September 2000).
- ⁴⁴ United Nations, Security Council, <u>Press Release SC/6915</u> (New York: UN,
 29 August 2000).
- ⁴⁵ Canada, Dept. of National Defence, <u>The Many Face of Defence Ethics</u>, (Ottawa: Department of National Defence, 1996).
 - ⁴⁶ Moore 31.

⁴⁷ Moore 42-43.

⁴⁸ Thomas G. Weiss, <u>Military-Civilian Interactions: Intervening in Humanitarian</u>

<u>Crises</u> (Lanham: Rowman, 1999) 216-218.

BIBLIOGRAPHY

"Asia: In the hands of the militia." The Economist 16 Sep. 2000: 48.

- Beauchamp, Tom L. <u>Philosophical Ethics: An Introduction to Moral Philosophy</u>. 2nd ed. Toronto: McGraw-Hill, 1991.
- Canada. Department of National Defence. <u>The Many Faces of Defence Ethics</u>. Ottawa: National Defence, 1996.
- Canada. Department of National Defence. <u>Statement of Defence Ethics</u>. Ottawa: National Defence, 2000.
- "Caution as UNTAET takes over from INTERFET." <u>Defence & Foreign Affairs</u>

 <u>Strategic Policy</u> Jan. 2000: 3.
- Christopher, Paul. <u>The Ethics of War and Peace: An Introduction to Legal and Moral</u>
 <u>Issues.</u> 2nd ed. Upper Saddle River: Prentice-Hall, 1999.
- Hartle, Anthony E. <u>Moral Issues in Military Decision Making</u>. Lawrence: Kansas UP, 1989.
- Honig, Jan Willem, and Norbert Both. <u>Srebrenica: Record of a War Crime</u>. London: Penguin, 1996.

- Lake, David A., and Donald Rothchild, ed. <u>The International Spread of Ethnic Conflict:</u>

 <u>Fear, Diffusion, and Escalation.</u> Princeton: Princeton UP, 1998.
- Mack, Alistair. "Intervention in East Timor from the ground." <u>RUSI Journal</u>

 Dec. 1999: 20-26.
- "Militia harassment in East Timor enclave dangerous: UN chief." <u>Agence France-Presse</u>

 21 Jan. 2000. http://www.reliefweb.int/w/rwb/nsf/s
- Moore, Jonathan, ed. <u>Hard Choices: Moral Dilemmas in Humanitarian Intervention</u>.

 Lanham: Rowman, 1998.
- "Peacekeepers concerned by militia incursions in East Timor enclave." Agence

 France-Presse 17 Jan. 2000. http://www.reliefweb.int/w/rwb/nsf/s
- Rohde, David. Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre since World War II. New York: Farrar, 1997.
- Shawcross, William. <u>Deliver Us from Evil: Peacekeepers, Warlords and a World of Endless Conflict</u>. New York: Simon, 2000.

- United Nations. General Assembly. Press Release GA/PK/165: Uniform criteria for UN involvement in conflicts and crisis situations must be established, Special Peacekeeping Committee told. New York: UN, 14 February 2000.

 http://www.un.org/News/
- United Nations. General Assembly. Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica. A/54/549. New York: UN, 15 November 1999.
- United Nations. UN Headquarters. <u>Humanitarian Coordinator's Situation Report: East</u>

 Timor Crisis. New York: UN, 1999. http://www.un.org/peace/etimor99/
- United Nations. Office of Spokesman for Secretary-General. <u>Daily Press Briefing</u> 22 October 1999. New York: UN, 22 October 1999. http://www.un.org/News/
- United Nations. Office of Spokesman for Secretary-General. <u>Daily Press Briefing</u> <u>25 October 1999</u>. New York: UN, 25 October 1999. http://www.un.org/News/
- United Nations. Office of Spokesman for Secretary-General. <u>Daily Press Briefing</u> <u>21 January 2000</u>. New York: UN, 21 January 2000. http://www.un.org/News/
- United Nations. Office of Spokesman for Secretary-General. <u>Daily Press Briefing 27 September 2000</u>. New York: UN, 22 October 1999. http://www.un.org/News/

- United Nations. Press Briefing. <u>Briefing by Under-Secretary General for Humanitarian</u>

 Affairs. New York: UN, 27 October 1999. http://www.un.org/News/
- United Nations. Security Council. <u>Press Release SC/6799</u>. New York: UN, 3 February 2000. http://www.un.org/News/
- United Nations. Security Council. <u>Press Release SC/6915</u>. New York: UN, 29 August 2000. http://www.un.org/News/
- United Nations. Security Council. <u>Press Release SC/6928</u>. New York: UN, 29 September 2000. http://www.un.org/News/
- United Nations. UNTAET. <u>East Timor UTAET: Background</u>. New York: UN, 2000. http://www.un.org/peace/etimor/etimor.htm
- Wakin, Malham M. <u>Integrity First: Reflections of a Military Philosopher</u>. Lanham: Lexington, 2000.
- Walzer, Michael. "Two Kinds of Military Responsibility." <u>Parameters</u> Vol. XI, No. 1 (1981): 42-46.

Weiss, Thomas G. <u>Military-Civilian Interactions: Intervening in Humanitarian Crises</u>.

Lanham: Rowman, 1999.