MILITARY POWER IS ...
... A SPECTRUM

... more than deadly force
PSO Spectrum: NATO Doctrine

Peace-making

Peace-building

Humanitarian Assistance

Peace-keeping

Peace Enforcement

Increasing levels of Force & Decreasing levels of Consent

Source: Adapted from PSTC, EO 401.02
Spectrum of Military Operations

- Military to Military Contacts
- Domestic Disaster Relief
- Domestic Civil Support
- Humanitarian Assistance
- Counter Drug
- Show of Force
- Raids
- Strikes
- Insurgencies, Counter-insurgencies
- Limited Conventional Conflict
- Tactical Nuclear War
- Strategic Nuclear War
- Global Conventional War
- Regional Conventional War
- Peace Enforcement
- Peace Operations
- NEO
- Arms Control
- Security Operations
- Environmental Operations

Adapted from Gen. J. Shalikashvili
Spectrum: Soft to Hard Power

PEACE

OPERATIONS OTHER THAN WAR

Search & Rescue
Disaster Relief
Int’l Humanitarian Assistance
Surv & Control of Cdn Territory & Approaches
Evacuation of Canadians Overseas
Peace Support Operations (such as UN Chapter 6)
Aid of the Civil Power
National Sovereignty / Interests Enforcement

CONFLICT

Warfighting

Peace Support Operations (such as UN Chapter 7)
Defence of Canada - US Territory
Collective Defence

WAR

COMBAT OPERATIONS

NON-COMBAT OPERATIONS

Softer

Harder
Types of Power (J. Nye)

- Ability to bring others to your position through
  - **Persuasion** - Soft power
  - **Coercion** - Hard power

- Nossal’s spectrum
  - Persuasion, Inducement, Coercion, Sanctions, Force

“Smooth Power”
Paradoxes of Counterinsurgency

A draft Army and Marine Corps field manual describes nine “representative paradoxes” of counterinsurgency operations.

The more you protect your force, the less secure you are.
If military forces stay locked up in compounds, they lose touch with the people, appear to be running scared and cede the initiative to insurgents.

The more force used, the less effective it is.
Using substantial force increases the risk of collateral damage and mistakes, and increases the opportunity for insurgent propaganda.

The more successful counterinsurgency is, the less force that can be used and the more risk that must be accepted.
As the level of insurgent violence drops, the military must be used less, with stricter rules of engagement, and the police force used more.

Sometimes doing nothing is the best reaction.
Often an insurgent carries out a terrorist act or guerrilla raid with the primary purpose of causing a reaction that can then be exploited.

The best weapons for counterinsurgency do not shoot.
Often dollars and ballots have more impact than bombs and bullets.

The host nation’s doing something tolerably is better than our doing it well.
Long-term success requires the establishment of viable indigenous leaders and institutions that can carry on without significant American support.

If a tactic works this week, it might not work next week; if it works in this province, it might not work in the next.
Insurgents quickly adapt to successful counterinsurgency practices. The more effective a tactic is, the faster it becomes out of date.

Tactical success guarantees nothing.
Military actions by themselves cannot achieve success.

Most of the important decisions are not made by generals.
Successful counterinsurgency relies on the competence and judgment of soldiers and marines at all levels.
PSOs

- Negotiation
- Observation
- Rebuilding
- Separation
- Protection
Robust PSOs

To …

- Enforce decisions
- Deal with “spoilers”
- Apply limited force (Chapter VII)
- Withstand attacks
  - Protective means
- Serve as deterrent presence
Use of Force in PSOs: “Consequences are Constraints”

- Increase or decrease?
  - Respect / animosity
  - Cooperation / confrontation
  - Security and stability / retaliation

- Providing example of use of force

- How to determine correct levels
  - Don’t alienate large segments of population
  - Isolate “spoilers”
  - Consider consequences
  - Consider moral justification / perception
“Three Block War” concept

- Humanitarian
- Peacekeeping / stability
- Combat

Simultaneously in confined area (3 city blocks)

Inclusive of NATO’s PSO peacemaking and peacebuilding?

Accurate: some operations some of the time
A down side?

- One concept fits all
- Mandate confusion
  - Emphasis on combat
  - Warfighting or peacekeeping?
- Workable?
  - Vulnerable soft side
- Non-acceptance
  - DFAIT, CIDA

- Correct description sometimes but dangerous prescription in general
- Overzealous interpretation

- Three Block War adds new constraints.

- “The object of war is to obtain a better peace .... It is essential to conduct war with regard to the peace you desire.”
  - Basil Liddell Hart
"Look, I'd like to avoid overkill, but not at the risk of underkill."
FINDING THE RIGHT BALANCE
Use of Force in Human History

Unconstrained Military Force
- Aggression and aggrandizement
- Atrocities
  - Massacres, genocide and ethnic cleansing
- Unacceptable collateral damage
Extremes of Warfare

War casualties

- Battle of Solferino (1859): over 6,000 deaths & 40,000 casualties in 9 hours
- Hiroshima (1945): estimated 140,000 deaths through blast, heat/fire, radiation (6 mo)
Controlling/Constraining the Use of Force

- Efforts to codify and create norms
  - Limit when, who and how force can be used
  - Early codes of conduct
  - Laws of warfare – Geneva Conventions (1864+), Hague Conventions (1899+)

- Problems
  - Enforcement
  - Non-state actors
Code of Conduct in Ancient India: Book Of Manu (4th c. BC)

“When the king fights his foes in battle, let him not strike … with weapons [that] are barbed, poisoned, or the points of which are blazing with fire.

… one who is in flight, who joins the palms of his hands in supplication, one who sleeps, one who has lost his coat of mail, one who is disarmed, one who looks on without taking part in the fight, nor one who is fighting with another foe;

… one afflicted with sorrow, [or is] wounded,

but in all cases let him remember the duty of honorable warriors.”

Use of Force

Most important of decisions
- Physical and psychological impact
- Lives at stake

Controversial examples (strategic)
- US/UN invades N. Korea 1950
- UN (in)action in Rwanda 1994
- NATO attacks Kosovo 1999
- US-led coalition attacks Iraq 2003

Not to ask soldier to use force unless sure it is justified
When justified?
CONSTRAINTS

1. Political
2. Legal
3. Social
4. Practical/Operational
5. Moral/Ethical
1. Political Constraints

Domestic opinion
- French/English divide in Canada
- Vietnam War, 1960s: US domestic opposition

International opinion
- Iraq invasion, 2003: coalition partners list
  - US not isolated?

Civil-military relations
- Korean War 1950-53
Case: Truman-MacArthur (Korea 1950-51)

- General MacArthur advocated:
  - Attack on Chinese bases
  - Blockade of Chinese coast
  - Use ("unleash") Nationalist Chinese troops

- Lobbied Congress and issued unauthorized policy statements

- President Truman relieved Gen. MacArthur of his command
  - "General MacArthur was willing to risk starting World War III and I was not."
Military-Industrial Complex

“This conjunction of an immense military establishment and a large arms industry is new in the American experience. ... In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex.”

- President Dwight D. Eisenhower, Farewell Radio and Television address, 17 January 1961
2. Legal Constraints

Domestic law (e.g.)
- USA: Constitution, Congressional legislation
- Japan: Constitution

International law
- UN Charter
  - Articles 2(4) and 42
- Laws of Armed Conflict (LOAC)
- Arms control treaties
- Implementation: ICJ and ICC
“Commanders at all levels are responsible for the correct and comprehensive application of both bodies of law [domestic and international] in planning and conducting operations, since the interpretation of these laws will affect the definition of the operation's mission and its execution.”

- Canadian Forces Operations, B-GG-005-004/AF-000, 2000-12-28, p.5-4 (emphasis added)
UN CHARTER: Articles 2(4) and 42

2(4). All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state …

42. … [Security Council] may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.

• actions may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.
Article 51: Self-defence

51. Nothing in the present Charter shall impair the inherent right of individual or collective self-defence
   ♦ if an armed attack occurs against a Member of the United Nations
   ♦ until the Security Council has taken measures necessary to maintain international peace and security.

[Measures] immediately reported to the Security Council
Use of Force: Modern Law

Use of Force Prohibited (2(4))

except for …

1. Self-defence
   • Charter (Art. 51) & limitations

2. Enforcement
   • UN authorized enforcement operations (Charter VII)

Prohibited: aggression, retaliation
Other Constraints

3. Social
4. Practical/Operational

5. Moral/ethical

“The moral is to the physical as three is to one.”

- Napoleon Bonaparte

… Just War Theory
5. Moral/ethical

When is the use of force **justified**?

• Unjust action is an fundamental **constraint** on military power
• Importance of wide-ranging military advice to policy makers
• Principles applying to the strategic, operational, tactical
Just War Theory

- Ancient civilizations
  - Indians, Romans and Greeks

- Catholic theologians
  - St. Augustine (4th Century): Jus Ad bellum
    - Right (Just) cause
    - Right intention
    - Right authority
  - St. Ambrose, Thomas Aquinas

- Hugo Grotius
Just War Criteria / Constraints

1. Just Cause
2. Right Intention
3. Competent Authority
4. Last Resort
5. Net Benefit
6. Proportionality (of means)
7. Non-combatant Discrimination
Just War Criteria

1. *Just Cause*
   - Protection and preservation of values; real and present danger to innocent life, to conditions necessary for life or securing basic human rights

2. *Right Intention*
   - Force used for declared cause, not for ulterior motives

3. *Competent Authority*
   - Originally: sovereign body; not private groups / indiv
   - Democratically representative
   - Authority based on treaty and custom

4. *Last Resort*
   - All peaceful means exhausted
5. *Net Benefit*

- Benefit must be greater than the costs (suffering inflicted)

6. *Proportionality (of means)*

- Minimum force necessary to achieve objectives

7. *Non-combatant Distinction*

- Avoid civilian casualties/damage
- Military necessity not an excuse
Just War Theory Applied

Seven possible values: -3 to +3
Seven Components:

Cause, Intent, Authority, Last Resort, Benefit, Proportionality, Discrimination
Comparing Gulf War I and II: Walter Dorn’s evaluation (2008)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Just Cause</td>
<td>2</td>
<td>-1</td>
</tr>
<tr>
<td>2. Right Intention</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>3. Competent authority</td>
<td>3</td>
<td>-2</td>
</tr>
<tr>
<td>4. Last Resort</td>
<td>2</td>
<td>-2</td>
</tr>
<tr>
<td>5. Net Benefit</td>
<td>2</td>
<td>-2</td>
</tr>
<tr>
<td>6. Proportionality of Means</td>
<td>2</td>
<td>-2</td>
</tr>
<tr>
<td>7. Non-combatant Distinction</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>2</strong></td>
<td><strong>-1.1</strong></td>
</tr>
</tbody>
</table>
Comparing Gulf War I and II:
Results of a survey of over 100 “experts” (Ph.D.s working in international affairs)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Just Cause</td>
<td>+1.9</td>
<td>-1.7</td>
</tr>
<tr>
<td>2. Right Intention</td>
<td>+1.6</td>
<td>-1.3</td>
</tr>
<tr>
<td>3. Competent authority</td>
<td>+2.2</td>
<td>-0.6</td>
</tr>
<tr>
<td>4. Last Resort</td>
<td>+1.2</td>
<td>-1.5</td>
</tr>
<tr>
<td>5. Net Benefit</td>
<td>+1.4</td>
<td>-1.7</td>
</tr>
<tr>
<td>6. Proportionality of Means</td>
<td>+1.1</td>
<td>-0.9</td>
</tr>
<tr>
<td>7. Non-combatant Distinction</td>
<td>+1.1</td>
<td>-1.0</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>1.5</strong></td>
<td><strong>-1.2</strong></td>
</tr>
</tbody>
</table>
Other survey results

- Wars & conflicts fought by the US
- Wars & conflicts fought by Canada
Criticisms of Just War Theory

- Pacifist: too permissive
- Militarist/realist: too constraining
- Internationalist: insufficient
  - Not sufficiently like standards of national justice
  - Lacks impartiality, automaticity, individual accountability
  - Need an international force
- Spiritual/religious: ignores “higher authority”
Intellectual Critique of Model

Vague criteria
- Subjective
  - Interpretation and values stretched
  - Whose perspective? National or universal interest?
- Weighting of criteria? Equally?
  - One good reason
- Different stages of war evaluate differently
- Justifications - how far back in history?
- Hard questions not answered: real distinguishing characteristics

Additional criteria to add?
- Aftermath of war
- Probability success
- Consent of the people
- Individual accountability
Other Issues (cont’d)

Problem of reciprocity
- One-sided constraints

What is “acceptable” level of collateral damage?

How just does an operation need to be?
- UN Charter comparison

Application
- Can it be applied to non-wars, military operations?
- Can it be applied to tactical & operational levels as well as strategic?
- Applied as international, as well as national levels?
THE RESPONSIBILITY TO PROTECT

Synopsis

Gareth Evans & Mohamed Sahnoun (Co-chairs)
Humanitarian Intervention?

• Is there a “right of humanitarian intervention”?  
• What threshold?  
• When to use force and when NOT to use force?

(…report-fr.asp for French version)
R2P CORE PRINCIPLE

- Sovereignty implies responsibility

- Primary responsibility for the protection of its people lies with the state itself.

- When state is unwilling or unable to halt or avert serious suffering, non-intervention yields to the international responsibility to protect.
Threshold for Military Intervention

*Just Cause*

“serious and irreparable harm occurring to human beings, or imminently likely to occur” of the following kind (actual or apprehended):

**A. large scale loss of life**

Product either of deliberate state action, or state neglect or inability to act, or a failed state situation

**B. large scale ‘ethnic cleansing’**

Whether carried out by killing, forced expulsion, acts of terror or rape
“Precautionary Principles” of Intervention

A. Right intention:
   • primary purpose: to halt or avert human suffering.
   • better assured with multilateral operations, clearly supported by regional opinion and the victims concerned

B. Last resort: every major non-military option has been exhausted
   • reasonable grounds for believing lesser measures would not have succeeded.
C. Proportional means: scale, duration and intensity of intervention minimum necessary to secure objective.

- Cf. Powell doctrine of “overwhelming force”

D. Reasonable prospects of success

- Consequences of action better than of inaction
Right Authority

Security Council …

A. … the most appropriate body
   • Task to make SC work better

B. … authorization should in all cases be sought
   ✷ Through formal request or UN Secretary-General

C. … should deal promptly requests
   • SC should seek verification of facts on the ground
     that might support a military intervention

D. Permanent Five should agree not to apply veto
   ✷ “in matters where their vital state interests are not involved”
E. If Security Council fails to deal with case, alternative options are:
   I. General Assembly in
      ◆ Emergency Special Session under “Uniting for Peace”
   II. Regional or sub-regional organizations
      ◆ Charter Chapter VIII, “subject to their seeking subsequent authorization from the Security Council”

F. Other means
   ◆ if SC fails to discharge responsibility
   ◆ action by concerned states not ruled out, though UN stature and credibility may suffer
CONCLUSIONS
Constraints on Military Power

Military power as a spectrum
- Soft power is still power; Hard and soft power can enhance each other; “smooth power” to move along spectrum but drawbacks

Constraints are political, legal, social, moral and practical

Use of force (hard power): constrained morally
- Also on a spectrum

Just War Criteria/Constraints
- Critique

Towards a more just world
- Powers of enforcement
Finding the Balance

“Look, I'd like to avoid overkill, but not at the risk of underkill.”
QUESTIONS?