

Crisis, Criteria, and Coercion—Beyond Half Measures: The US Marine Corps and Mass Atrocity Response Operations

A Monograph

by

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Abstract

Crisis, Criteria, and Coercion—Beyond Half Measures: The US Marine Corps and Mass Atrocity Response Operations, by Maj Jeffery L. Starr, US Marine Corps, 55 pages.

Scholars assert that preventive diplomacy is the preferred and most effectual approach to ending genocides, but empirical evidence suggests otherwise. Indeed, not a single genocide was ended through diplomacy, sanctions, or third-party intervention since the United Nations adopted the Genocide Convention in 1948. Several bureaucratic impediments have ensured the survival of genocide as a policy choice for despotic governments, including strict interpretations of international law, inability to generate international will, and a general unwillingness to “fight fire with fire.” When intergovernmental bodies fail to generate consensus for intervention and response, the United States must reserve the right to take unilateral action, with or without international approval, when its interests are at stake. Genocidal regimes do not wait for approval to begin operations, and neither should those who wish to stop genocides. Early intervention can deter genocides before they reach the point of no return, and one US military organization is specially constructed for this role. The US Marine Corps is purpose-built for crisis response. This study examines a role for the Marine Corps in Mass Atrocity Response Operations. The Marine Corps is task-organized, highly mobile, and constructed to shape the operational environment and set conditions for follow-on operations. The analysis suggests the Marine Air-Ground Task Force, designed for threat deterrence, crisis response, and power projection, is America’s most qualified and capable genocide response force.

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Author's Note

The research for this study began as an in-depth review of Marine Corps doctrine, the history and legal studies of humanitarian intervention, a broad review of genocide history, and the Carr Center's MARO framework. After months of scouring through numerous books, peer-reviewed articles, international treaties, legal texts, and military operating concepts, this study grew. What began as a modest proposal for Marine Corps employment in MARO evolved to include perspectives on just war; moral reflections on military intervention; the eternal, legal and ethical tensions between states and intergovernmental organizations; and the evolution of genocide and mass atrocity prevention. What the author did not anticipate at the outset was the

internal conflict—the inevitable tension between the moral authority and the requirements of successful political action—that made this project more difficult than anticipated.

The dark, cold truth is, some states kill defenseless people for obscure, senseless, and selfish reasons, and others may or may not set out to stop them. States are more benevolent towards the plight of others in this age of human rights reform, but benevolence must be tempered by domestic interests. Pragmatic governments do not seek state-international equilibrium. Power, influence, and freedom to act are essential to sovereignty, and not all actions—even the most heinous—will garner universal attention and counteraction. While values and ethics are certainly important, “foreign policy is not social work.”¹ But, when the stars align, when a government chooses to systematically exterminate a group within its borders and the United States chooses to respond with force, that force should be versatile. Versatile, meaning capable of providing security, resources, and support to governance, but at the same time, prepared to rain fire on the enemy—to vanquish him from the field of battle.

Why did the author choose this topic if he understands that the value of human life will most often give way to the national interest? As a Marine officer, the author feels compelled to provide “a way” to intervene, when the stars align. The task has not been easy—cognitively nor academically—but it was necessary. If developing an operating concept ends one genocide, saves one child, topples one despotic government, or makes one would-be perpetrator fear retaliation, it will have been worth the effort.

¹ Michael Mandelbaum, “Foreign Policy as Social Work,” *Foreign Affairs* 75, no. 1 (February 1996): 16-32.

Acronyms

ACE	Air Combat Element
AO	Area of Operations
ARG	Amphibious Readiness Group
CE	Command Element
CIMIC	Civil-Military Cooperation
CRO	Crisis Response Operation
DIME	(Instruments of Power) Diplomacy, Information, Military, and Economics
DoD	US Department of Defense
FDO	Flexible Deterrence Options
FM	Field Manual
CGE	Ground Combat Element
GMA	Genocide and other Mass Atrocities
ICISS	International Commission on Intervention and State Sovereignty
JTF	Joint Task Force
JWP	Joint Warfighting Publication
LCE	Logistics Combat Element
MAGTF	Marine Air-Ground Task Force
MARO	Mass Atrocity Response Operations
MCDP	Marine Corps Doctrinal Publication
MCWP	Marine Corps Warfighting Publication
MEB	Marine Expeditionary Brigade
MEF	Marine Expeditionary Force
MEU	Marine Expeditionary Unit
MPF	Maritime Prepositioning Force

NDS	National Defense Strategy
NEO	Noncombatant Evacuation Operation
P5	Permanent Five
PKO	Peacekeeping Operation
PKOSI	Peacekeeping and Stability Operations Institute
PD	Preventive Diplomacy
R2P2	Rapid Response Planning Process
R2P	Responsibility to Protect
RAF	Rwandan Armed Forces
RRF	Rapid Response Force
SG	Secretary General
SPMAGTF	Special-Purpose MAGTF
TTP	Tactics, Techniques, and Procedures
UN	United Nations
UNCG	UN Convention on the Prevention and Punishment of the Crime of Genocide
UNGA	United Nations General Assembly
UNIMAR	United Nations Assistance Mission for Rwanda
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
USMC	United States Marine Corps

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Introduction

The genocide that ravaged the small central African country of Rwanda from early April to mid-July 1994 demonstrates how quickly a state can mobilize a willing party to mass-murder, particularly when that state sets the necessary conditions beforehand. Many Westerners believe the Rwandan genocide was an unforeseeable event. The Arusha Accords had been a success, the environment was relatively stable, and there were no unanticipated flashpoints on the horizon.² This assessment of genocide indicates a fundamental lack of understanding of failed states. Autocratic governments prepare for the inevitable popular uprising because their survival depends on it. The Rwandan genocide was carefully planned and executed with precision, as evidenced by the “flash to bang” sequence of events. Two days before the carnage began, Rwandan Col. Theoneste Bagosora expressed to Lt. Gen. Romeo Dallaire and other members of the United Nations (UN) peacekeeping force, “the only plausible solution for Rwanda would be the extermination of the Tutsi.”³ Bagosora’s statement was a harbinger of things to come. Less than one hour after a rocket brought down President Juvenal Habyarimana’s plane near Kigali International Airport, a cordon was established, on-call execution squads were summoned, and the Tutsi were herded to the nearest church, school, or open field. The Rwandan genocide did not occur by happenstance. What ensued was a pre-planned, politically charged bloodletting—driven by the ruling elite—that wiped out over 75 percent of Rwanda’s Tutsi population.⁴ Such is the nature of genocide.

² Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the 20th Century* (Ithaca, NY: Cornell University Press, 2004), 180-86.

³ Kyrsten Sinema, *Who Must Die in Rwanda’s Genocide?: The State of Exception Realized* (London: Lexington Books, 2015), 114-16.

⁴ Valentino, 182-86.

Genocide is a particularly brutal crime that, once instigated, tends to escalate rapidly. Methods of execution are a matter of personal preference, but the goal for genocidal regimes is the same: to remove threats to power by killing as many people as possible, as fast as possible. During the one-hundred days Rwandan genocide, over 800,000 people—predominantly Tutsi, but also thousands of non-compliant Hutus—were massacred by the machete-wielding Interahamwe and the Rwandan Armed Forces (RAF).⁵ The UN peacekeeping force (UNIMAR), sent to see through the provisions of the Arusha Peace Accords, was unable and, in many cases, unwilling to stop the killing. In their defense, UNIMAR representatives were subject to Chapter VI mandates that rendered them powerless to intervene militarily. The UN Security Council (UNSC) passed Resolution 918 on May 14, 1994, and subsequently invoked its Chapter VII powers, but by that point, the death toll had reached 400,000. In the aftermath, the Clinton Administration was roundly criticized by domestic and international organizations alike for failing to act; this, despite an international political system opposed to unilateral military intervention. President Clinton openly expressed regret for his decision, but in the confines of the White House, his cabinet could not manufacture links between the situation in Rwanda and US interests.⁶ The events in Rwanda offer three considerations for the military professional and politically curious: (1) international cooperation is a fickle concept, (2) foreign policy is state-centric, and (3) genocidal regimes are not receptive to diplomatic negotiation.

Genocides rarely end through diplomacy and sanctions alone. The combination of diplomacy and a credible threat has proved successful at times, but the “threat means” must be capable of rapid response to achieve the desired “ends.” When diplomacy fails, the threat must be fast, versatile, lethal, and able to sustain operations until the Joint force forms. This study

⁵ Ibid., 184.

⁶ Ibid., 245-61.

examines the US Marine Corps' potential to provide this capability. The Marine Air-Ground Task Force (MAGTF) offers a task-organized, highly mobile, and rapidly deployable force to shape the operational environment and set the conditions for follow-on operations. The analysis suggests the Marine Corps' role as America's expeditionary force in readiness, designed for threat deterrence, crisis response, and power projection, can serve several purposes in mass atrocity prevention and response. The MAGTF can provide logistical support to affected groups, construct and secure safe zones, enforce no-fly zones, provide mediation, and if necessary, a tailor-made, forcible entry capability to engage threat forces and administer regime change.

Situation

Human rights norms reached a crescendo in the late 1990s. Genocides in Rwanda, Bosnia, Darfur, and a spate of human rights violations around the world ushered in notions of liberal interventionism and calls for a reinterpretation of the Westphalian system. The Brookings Institution's 1996 work, *Sovereignty as Responsibility*, enshrined as its thesis the principle of "contingent sovereignty."⁷ In the authors' opinions, sovereignty entails responsibilities as well as rights. Ostensibly, the traditional realist principles of inviolability of international borders and the monopoly of force within one's own territory had "yielded to state sovereignty that is contingent on the nature and behavior of a regime."⁸ Former UN Secretary General Kofi Annan openly endorsed intervention as a tool of the benevolent when responding to UNSC members on solutions to genocide. Annan's declaration brought about an ad hoc commission to research

⁷ Francis M. Deng, Sadikiel Kimaro, Terrance Lyons, Donald I. Rothchild, and William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996), 1-32.

⁸ "UN-Divided," *Council on Foreign Relations* 12, no. 4, January 2005, accessed March 3, 2017, <http://www.cfr.org/international-organizations-and-alliances/un-divided/p9434>.

options for an international response to human rights violations.⁹ In 2001, the Canadian government sponsored the International Commission on Intervention and State Sovereignty (ICISS). The Commission's outcome document, christened "The Right to Protect," quickly became the standard-bearer of the modern human rights movement; so much so that the UN General Assembly made the concept its central topic at the 2005 World Summit.¹⁰ The World Summit's outcome document, "The Responsibility to Protect," (R2P) expanded the concept to include the responsibility of "all states" to step in when governments manifestly fail to protect their citizens.¹¹

The Bush and Obama administrations showed their commitment by making the prevention of genocide a US "core national interest," incorporating genocide prevention in their respective National Security Strategies.¹² The Bush administration used a combination of new humanitarian intervention norms and the so-called "Bush Doctrine" (pre-emptive deterrence) as the groundwork for the 2003 Iraq invasion, declaring the existence of weapons of mass destruction in the hands of an autocrat a danger to global security. The North Atlantic Treaty Organization's (NATO) 2011 invasion in Libya was the first manifestation of R2P's "use of

⁹ Kofi A. Annan, *We the Peoples: The Role of the United Nations in the Twenty-First Century: The Millennium Report* (New York: United Nations, 2001), 48. In the aftermath of Rwanda, the members of the UN Security Council argued against humanitarian intervention on the grounds of Article 2(4) of the United Nations Charter. Kofi Annan responded in the form of a question, asking "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?"

¹⁰ Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, DC: Brookings Institution Press), 6.

¹¹ *Ibid.*

¹² See George W. Bush, *The National Security Strategy of the United States of America* (Washington, DC: White House, 2006), 17, and Barack H. Obama, *The National Security Strategy of the United States of America* (Washington, DC: White House, 2010), 48.

military force” language.¹³ Many argue whether NATO met the concept’s criteria in full (specifically the third pillar, rebuild), but the event was momentous nonetheless. Indeed, it appeared that the world had transitioned from the cold mechanics of realism to a liberal interventionist foreign relations model, allowing human rights protection and national interest to share the stage. However, radical changes to a system generally gives way to the natural order of things.

The Illogical Mandate

R2P’s survival is contingent upon a range of conditions that, in all likelihood, will never align. The international community must ensure R2P is applied to every mass atrocity event, no matter the region and no matter the conflict’s probability for success. The United Nations must ensure that its Security Council, comprised of citizens of the permanent five (P5) states, does not veto UNSC resolutions invoking Article VII of the UN Charter. States party to R2P must, at a minimum, consider the protection of fundamental human rights on par with their domestic interests. States must seek a multilateral approach to preventing and responding to genocide. Given the nature of international relations, economic considerations, and the importance of world order, it is unreasonable to believe that these conditions will align in force, in every event and at every location. This is not to say that states are not genuinely concerned about the plight of those populations at constant risk of suffering due to government neglect and brutality. States care, but the state-centric nature of the modern political system values a nation’s survival over protecting other’s populations.

R2P is a noble concept in theory, but it is not the panacea that many academics and world leaders predicted. The “human’s first” norm is a viable solution to the genocide problem when the

¹³ UN Secretary-General, Responsibility to Protect: Timely and Decisive Response: Rep. of the Secretary-General, UN Doc. A/66/874-S/2012/578 (July 25, 2012).

world's most influential states commit in force, but this does not comport with reality. Nonetheless, states continue to massacre, torture, rape, and starve, their populations. This is due to the inconsistent reaction of the international community and strict interpretation of international law. The UN stronghold on approving military force to slow or halt genocides limits effective response measures, allowing gross human rights violations to continue.¹⁴ To interrupt the cycle of violence, states must have the authority to use force against genocidal regimes, with or without the international community's approval.

While adherence to intergovernmental organizations and international law is essential to world order, they are fundamentally why the international community has consistently failed to prevent threats to security. By making the criteria for intervention exceedingly high, the conclusive evidence of clear intent to destroy a national, ethnic, racial, or religious group places intervening states on the proverbial horns of a dilemma. By the time genocide is apparent, it has already reached its advanced stages.¹⁵ Genocidal regimes do not wait for international approval to commence operations, and neither should those who seek to prevent genocides. For genocidal regimes, use of force is not the last option; it is the only option. If they are to be stopped, "interveners" must react in kind.

In 2008, the Obama administration released Presidential Study Directive-10 (PSD-10), establishing the Interagency Atrocities Prevention Board.¹⁶ PSD-10 engendered a partnership between the Carr Center for Human Rights, the John F. Kennedy School of Government, and the US Army Peacekeeping and Stability Operations Institute (PKSOI). Together, these organizations established the Mass Atrocity Response Operations (MARO) Project and later expanded their

¹⁴ Robert A. Pape, "When Duty Calls: A Pragmatic Standard for Humanitarian Intervention," *International Security* 37, no. 1 (July 12, 2012): 41-48.

¹⁵ *Ibid.*, 41-42.

¹⁶ Obama, 48.

research to include prevention (MAPRO).¹⁷ The project’s stated goal is to equip the US, regional, and international actors with military planning tools to prevent and intervene in mass atrocities.¹⁸ In 2010, the Carr Center released a military planning handbook to “operationalize” the UN’s emergent Responsibility to Protect (R2P) doctrine. While US military efforts thus far show progress towards the development of mass atrocity response doctrine, the legalities of intervention are problematic. To date, there is no scholarship on the application of MARO without United Nations Security Council (UNSC) approval. Further complicating MARO is the restrictive nature of the UN framework for military intervention, the principle of last resort, and, as previously stated, the sovereignty versus human rights norm dilemma. This study will address these concerns by researching the following questions:

- (1) Is the United States obligated to wait on UNSC approval to intervene, and do UNSC resolutions bind the United States to multilateral operations? A common observation among academics is the duplicity of expectations for the United States; viz. an international system that expects one nation to be a lead effort in every global crisis cannot reasonably expect that nation to “not intervene” without international approval in areas that support its interests. Thus;
- (2) Should the United States have the option to intervene when it deems intervention appropriate—when national interests are at stake—and with all instruments of national power at its disposal?
- (3) How does the principle of last resort prevent the cessation of genocide?

Some argue that the UN’s re-interpretation of international law, specifically the view that sovereignty implies the responsibility to protect one’s citizens is *contra proferentum*.

Additionally, last resort is one of the few consensus concepts in natural law. However, it has proved disadvantageous to humanitarian intervention. The author agrees—in most cases—that

¹⁷ Two types of mission parameters are developed by the situation as it unfolds. Prevention and intervention are defined as relative to each other. When there is time to identify and track the catalytic elements (e.g. the eight stages of genocide) of a mass atrocity before mass killing reports overwhelm the news cycle, then that is a preventative planning environment where greater choices are available.

¹⁸ Sarah Sewall, Dwight Raymond, and Sally Chin, *Mass Atrocity Response Operations: A Military Planning Handbook* (Charleston, SC: Createspace, 2010), 5.

peaceful efforts to resolve conflict should be made, but diplomacy alone rarely solves genocides. Decision makers do not face an all-or-nothing choice when determining which actions are best suited to stop human carnage. Certainly, there is no ironclad guarantee that armed intervention will be successful. However, when diplomatic negotiations break down, and consequently, “people would continue to die if no military action was taken,” or when hundreds or thousands of lives are lost every day to genocide “we cannot be expected to wait for every possibility other than effective violence.”¹⁹ Some may be concerned that a new norm towards intervention will lead to a new era of imperialism or cause a breakdown in world order. Responding to the claims, this study stresses that intervention in mass atrocities remains a last resort. However, this study also asserts that diplomacy backed by the credible threat presents a higher probability of success. Additionally, this study does not recommend that the United States refrain from humanitarian intervention where its interests are at stake. If the United States can reasonably meet the criteria for *jus ad bellum*, it should have the option to intervene.

Methodology

To answer the above questions and determine a Marine Corps concept of support, this study will first review genocide law and causal factors. Research in the thirty years following the Holocaust sought to explore the history and legal responses to genocide. Modern literature, while providing historical context, focuses on causation, psychology, punishment, and prevention. It is important for scholars and policy makers alike to understand the legal definition for genocide and how genocides transpire in order to understand why it is sometimes necessary to intervene through force. The review of R2P serves two purposes: (1) to appreciate how and why the normative shift towards the protection of fundamental rights became a global event; and (2) to

¹⁹ Jane Stromseth, “Rethinking Humanitarian Intervention,” in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, eds. J. L. Holzgrefe and Robert O. Keohane (New York: Cambridge University Press, 2003), 232-72.

outline its pitfalls. Reviews of natural law and national interests get to the heart of this study; the author's belief is that natural law hinders humanitarian intervention and the sometimes cold realities of how states make decisions. The second section of this study explains the links between conflict and genocide. All genocides derive from ethnic, religious, or political conflict, and most are the offspring of war. Many scholars consider genocides war, borrowing from the Clausewitzian definition as a theoretical framework for their argument. The author has an alternative view. War, per Clausewitz, is a struggle between two rival factions, usually state-based, who attempt to impose their will upon one another to achieve political ends. Genocide is a one-sided affair, most often directed at unarmed and helpless civilians whose identity does not mirror that of their armed aggressors.²⁰ Genocide is a crime; war a political instrument. The third section of this study provides an overview of Marine Corps capabilities and the various methods the service can employ in MARO. The fourth section of this study provides a short, notional scenario of how the proposed operational concept may manifest operationally. The last section provides conclusions and recommendations for future action.

A common theme throughout this work is the author's belief that mass atrocities may be the one form of conflict that would most benefit from early military intervention. In sanctioning the use of military force, the United Nations signaled a hard departure from historical norms; sovereignty no longer exclusively protects states from foreign interference. For some, this shift in international policy was long overdue; for others, it was an affront to an international political system that upholds sovereignty as the fundamental principle of international order.²¹ In the interests of compromise, the United Nations determined that states would use military force as a

²⁰ Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), 22.

²¹ "Problems and Prospects for Humanitarian Intervention," *Stanley Foundation*, accessed September 13, 2016, <http://www.stanleyfoundation.org/publications/archive/UNND00pb.pdf>.

means for humanitarian intervention only after failed diplomacy, as is the case in all matters of international relations. However, diplomacy can take months and sometimes, years to run its course. Given the rise of modern nationalism, advances in technology, and number of autocratic states susceptible, one must consider the notion that early military intervention may supersede conventional thinking.

Literature Review

Raphael Lemkin's works, historical and sociological texts, and organizational plans and policies represent the overwhelming majority of the sources used in this study. As the father of genocide scholarship, Lemkin's works were foundational to the evolution of genocide studies and humanitarian law. Lemkin coined the term "genocide" in his magnum opus, *Axis Rule in Occupied Europe*, to describe the coordinated strategy to destroy a group of people.²² For Lemkin, genocide was both the physical act of destruction and the creation of plans or intentions within a greater social policy. In his own words:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.²³

Here, Lemkin suggests that these "aims" and "objectives" would be the breakdown of "political and social institutions of culture, language, national feelings, religion and the economic existence of national groups, the destruction of personal security, liberty, health, dignity and even the lives of the individuals of such groups."²⁴ In demonstrating his pluralist objectives, Lemkin

²² Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Clark, NJ: Lawbook Exchange, 1944), 91.

²³ *Ibid.*, 79.

²⁴ *Ibid.*, 80.

asserts that genocide is an act directed against the group as an entity, and thus, for genocide to occur, the actions must be directed against individuals, not in an individual capacity, but as members of a group. For Lemkin, this means that total extermination is not required to constitute genocide, but rather that extermination or destruction requires the intent to cripple or destroy rather than the success and outcome. Genocides—per Lemkin—should be understood as a process. In his own words:

Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition in turn may be made upon the oppressed population which is allowed to remain or upon the territory alone, after removal of the population and the colonization of the area by the oppressor's own nationals.²⁵

Lemkin's final conception for genocide included the elements of barbarity and vandalism. Barbarity is the act of killing itself, or "the premeditated destruction of national, racial, religious, and social collectivities." Vandalism is the "destruction of works of art and culture, being the expression of the particular genius of these collectivities."²⁶ Vandalism—per Lemkin—is the erosion of a group's basic needs, which, when lost, destroys its culture. In *Axis Rule*, Lemkin suggests that the combination of these acts is "the actual conception of genocide."²⁷ Barbarism and vandalism in unison are catalysts that initiate a gradual process towards political disenfranchisement, economic expulsion, cultural undermining and control, the destruction of leadership, the separation of families, and the prevention of reproduction.

Lemkin's concept of genocide established the basis for the corresponding definition in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide Convention (UNCG), ratified by the General Assembly in December 1948. Resolution 96(I)

²⁵ Ibid., 79.

²⁶ Ibid., 25-56.

²⁷ Ibid., 91.

declares genocide “a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds—is punishable.”²⁸ Consisting of a preamble and nineteen articles, this landmark resolution formally defined genocide and its separate acts that when committed with the intent to eradicate a group, were punishable under international law. The first three articles addressed Lemkin’s primary concerns: that genocide be punishable whether committed in war or peacetime conditions, that the holistic conditions which constitute acts of genocide be codified, and that the explicitly punishable offenses be included in the UNCG. The detailed and technical definition is as follows:

Article I: The Contracting Parties confirm that genocide, whether committed in time of peace or time in war, is a crime under international law which they undertake to prevent and punish.

Article II: In the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures indented to prevent births within the group;
- (e) Forcibly transferring children of the group to another group;

Article III: The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.²⁹

²⁸ UN General Assembly, Resolution 260A(III) of 9 December 1948. All the formative Genocide Convention meeting reports can be found in, Hiram Abtahi and Philippa Webb, *The Genocide Convention: The Travaux Préparatoires*, vols. 1 and 2 (Boston, MA: Martinus Nijhoff Publishers, 2008).

²⁹ United Nations General Assembly, Resolution 260A(III) of 9 December 1948.

On the Genocide Definition

The UNCG was the first human rights treaty adopted by the General Assembly of the United Nations, and it focuses attention on the “protection of national, racial, ethnic and religious minorities from threats to their very existence.”³⁰ The United Nations asserts the Convention falls steadfastly “within the priorities of both the United Nations and the modern human rights movement, aimed at the eradication of racism and xenophobia.”³¹ The Convention’s role is not meant to be all-encompassing, but it emphasizes the responsibility of “criminal justice and accountability in the protection and promotion of human rights.”³²

While the UNCG demonstrated the international community’s commitment to ending large-scale atrocities, it has not been particularly effective in preventing genocide. The legal definition has confounded scholars and policy makers since its inception. Despite a wealth of scholarship on the subject, there is a lack of consensus on its meaning and application.³³ The most common criticism of the definition is that the UNCG is too broad, and thus, is indiscriminately applied. This is most likely due to the wide-ranging physical elements in the UNCG’s definition. Article II of the UNCG is comprised of both lethal and non-lethal acts, which expands the conception for those opposed to particular acts. For example, some refer to China’s one-child policy as genocide, which is a misallocation of the term; China’s policy was implemented to reduce its population, and limiting procreation does not constitute a human rights violation.

³⁰ William A. Schabas, United Nations Introductory Note on the Convention on the Prevention and Punishment of the Crime of Genocide, Audiovisual Library of International Law, accessed October 4, 2014, <http://legal.un.org/avl/ha/cppcg/cppcg.html>.

³¹ Ibid.

³² Ibid.

³³ See for example, Alex Alvarez, *Governments, Citizens, and Genocide: A Comparative and Interdisciplinary Approach* (Bloomington: Indiana University Press, 2001), 28-55; and Carrol Rittner, John Roth, and James M. Smith, *Will Genocide Ever End?* (St. Paul, MN: Paragon House, 2002).

Moreover, China's population is largely homogenous, so the Chinese government would be committing the act against its own culture.

In their work, *The History and Sociology of Genocide: Analysis and Case Studies*, Frank Chalk and Kurt Jonassohn suggest there is widespread application of the term to events that do not comply with the UNCG definition (for example, abortion, language regulation in schools, and the establishment of Indian reservations have all been referenced as genocide by some academics). The authors assert that, when improperly applied, "the term becomes devoid of all cognitive content and communicates nothing but the author's disapproval."³⁴ Chalk and Jonassohn have also pointed out that ethnocide is a different category of mass atrocity and thus, should not be included in the definition of genocide. They propose the following definition: "Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator." Per the authors, this definition clarifies genocide, distinguishes it from other forms of mass killing, and, by using the term "one-sided," emphasizes that genocides are devoid of reciprocity.³⁵ The importance of this distinction is that it both recognizes the need to include *mens rea* (intent to destroy), and it distinguishes between genocide and other mass atrocity crimes. These considerations are especially important to the author's study; genocidal regimes target vulnerable populations incapable of defending themselves, and modern genocides are defined in months, unlike the long-term, methodical genocides of the twentieth century. Because genocides tend to end with either the military defeat of the perpetrators or perpetrator victory, the use of military force must be a planned, if not primary option.³⁶

³⁴ Ibid., 23.

³⁵ Ibid.

³⁶ Alan Collins, *Contemporary Security Studies* (New York: Oxford University Press, 2016), 327-43.

In his work, *Genocide: A Comprehensive Introduction*, Adam Jones lists several scholars who have proposed alternative definitions for genocide. Sociologist Steven Horowitz defined the term as “a structural and systematic destruction of innocent people by a state bureaucratic apparatus.” Horowitz uses the terms “liquidation” and “mass murder” in his works, which are synonymous with genocide. Political scientist Barbara Harff recommended broadening the criteria for perpetrator designation to include not the only states who commit genocide, but those states that consent to genocides committed by non-state actors within state borders. Like Chalk and Jonassohn, psychologist Isreal Charney emphasized that genocides are distinct from other large-scale crimes because they target civilians, “when not in the course of military action against the military forces of an avowed enemy, under conditions of the essential defencelessness of the victim.” Philosopher Steven Katz recommended including national, political, and economic groups to the list of groups targeted by genocidal regimes to account for the mass killings that do not meet the UNCG definition.³⁷ Rudolph Rummel concurred, and created a new term to describe the broader category of mass killings by government.

Democide

Political scientist Rudolph Rummel coined the term “democide” in his 1994 work, *Death by Government*, to describe atrocity events that do not fit within the strict definition of genocide. Where genocide is the murder of people because of their permanent group membership, democide includes all variants of mass murder by government. Examples of democide cited by Rummel include the Stalinist purges and Mao Zedong’s Great Leap Forward. Among the subsets of democide are genocide, politicide (killing of groups because of their political or ideological beliefs), and mass murder (defined as the act of murdering a large number of people, typically

³⁷ All quoted in, Adam Jones, *Genocide: A Comprehensive Introduction* (New York: Routledge, 2006), 15-18.

simultaneously or over a relatively short period and in close geographic proximity). Per Rummel, democide-related deaths since the onset of the twentieth century is roughly three times that of the combined number of domestic and foreign combat-related deaths, and is the sixth leading cause of death since the turn of the twentieth century. Democide is recognized as a crime under international law, and like genocide, justifies the use of force under Article VII of the UN Convention.³⁸

Intent to Commit Genocide

To charge a perpetrator with the crime of genocide, prosecutors must prove the existence of two elements: the physical element and the mental element. While the physical element (a physical or biological annihilation of a group) is self-evident, the mental element (specific intent or *dolus specialis*) is particularly difficult to prove. As political scientist Guenter Lewy stated, “It is not enough that the perpetrator acted with knowledge that his actions contributed to the genocide in question.” He must have desired and specifically intended to commit genocide.³⁹ *Dolus specialis* is defined as, “the specific intention, required as a constitutive element of the crime, which demands that the perpetrator clearly seeks to produce the act charged,” or strictly speaking, has “the clear intent to cause the offense.”⁴⁰ In regards to genocide, this means the perpetrator commits the act while “clearly” seeking to destroy a group, in whole or in part.

The Draft Code of Crimes against the Peace and Security of Mankind under the UN International Law Convention states that proving “general intent” is not adequate, and that

³⁸ Rudolph J. Rummel, *Death by Government* (New Brunswick, NJ: Transaction Publishers, 1994), 28-55.

³⁹ Guenael Mettraux, *International Crime and the Ad Hoc Tribunals* (New York: Oxford University Press, 2005), 215.

⁴⁰ Prosecutor v. Jean-Paul Akayesu, Judgment, ICTR-96-4-T (2 September 1998), para. 498-518, accessed February 13, 2017. All ICTR documents can be found at <http://www.ictor.org/default.htm>.

genocide “requires a particular state of mind or a specific intent with respect to the overall consequence of the prohibited act.”⁴¹ In his work, *International Crime and the Ad Hoc Tribunals*, Guenael Mettraux supported this position in stating “genocide was adopted to sanction a very specific sort of criminal action. It would be regrettable to denature genocide for the sake of encompassing within its terms as many categories and degrees of criminal involvement as possible.”⁴² A prevalent argument for the specific intent requirement is that *dolus specialis* is not only what differentiates genocide from other serious crimes, it is also what makes genocide an offense punishable under international law. Without the specific intent to destroy, the act may fall into other criminal categories such as mass murder or crimes against humanity.

The challenge of *dolus specialis* is proving, beyond a reasonable doubt, that the perpetrator intended to destroy a group, in whole or in part. *Dolus specialis* refers to the mental state of a perpetrator, and unless he testifies to his mindset before and during the offense, it is difficult to prove his specific intent. In his work, *The United States and the Genocide Convention*, Lawrence LeBlanc offers perhaps the best description on the difficulty in proving intent:

The most prominent argument on the notion of intent was advanced by Jean-Paul Sartre. Pointing out, quite correctly, that the Genocide Convention “was tacitly referring to memories which were still fresh,” namely, to Hitler’s “proclaimed intent to exterminate the Jews,” Sartre asserted that not all governments, including that of the United States, would be as stupid as Hitler’s and proclaim such demonic intentions. The authors of such a genocidal plan would not necessarily be “thoroughly conscious of their intention.” This would be impossible to decide. We would have to plumb the depths of their consciences.⁴³

⁴¹ “Draft Code of Crimes against the Peace and Security of Mankind with Commentaries,” in Yearbook of the International Law Commission, UN Doc. A/CN.4/L.532 (1996), 44(17(5)).

⁴² Mettraux, 215.

⁴³ Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham, NC: Duke University Press, 1991), 256.

Proving *dolus specialis* may well be the greatest impediment to genocide prevention and punishment. As Lawrence LeBlanc so poignantly revealed, perpetrators of genocide are cognizant of the fact that admitting intent could interfere with realizing their objectives and are therefore unlikely to admit their intentions. Doing so would compel the international community to enforce the tenets of the UNCG which could not only lead to punishment but could also put an end to their genocidal acts.

Genocide and Mass Atrocities Studies

Several scholars have greatly contributed to the field of genocide studies. While history and law predominated genocide research from the dawn of the twentieth century through the mid-1970s, genocide studies is now a growing area of interdisciplinary analysis in the social sciences and humanities. One of the most important books on the topic is Samuel Totten and Stephen Jacobs' *Pioneers of Genocide Studies*, a compilation of autobiographical essays composed by several first-generation genocide scholars.⁴⁴ *Pioneers* features a helpful interpretation of Raphael Lemkin's unpublished autobiography, *Totally Unofficial Man*, which expounds on Lemkin's lifelong pursuit of genocide prevention and punishment.⁴⁵ Leo Kuper's work, *Genocide: Its Political Uses in the Twentieth Century*, is a sociological review of genocide covering the period from the Armenians through the Hutu massacre in 1970s Rwanda. Kuper's work traces the path of humanitarian law from the 1933 Madrid Conference through the 1948 UN Convention. Kuper recounts the post-war evolution of the Convention, including the East-West impasse on a provision to incorporate the destruction of political groups into the definition of genocide. Kuper dedicated many

⁴⁴ Samuel Totten and Stephen Leonard Jacobs, eds., *Pioneers of Genocide Studies* (New Brunswick, NJ: Transaction Press, 2002), xiv.

⁴⁵ *Ibid.*, 1-23.

pages to politics in his seminal work, most notably how the Cold War instigated the noninterventionist era, but his work was foremost a sociological study. Kuper's characterization of genocide as a function of structural conditions in ethnically pluralistic societies remains a widely held belief.⁴⁶

Modern genocide literature better incorporates the social sciences than twentieth-century texts, with a heavy focus on causal relationships and victim identity. Alex Alvarez's *Governments, Citizens, and Genocides* is the archetypal political science-sociology comparative study of twenty-first-century genocide literature. Alexander Hinton and James Waller composed several works focused on perpetrators. Waller's work, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*, discredits the common notion that ordinary people are incapable of genocide, and that the individual kills only as a member of a collective. Per Waller, groups sometimes provide motivation through competition, but groups are merely a "homogenous collection of individuals and generally take on the identity of individuals."⁴⁷ Waller further asserts that members of genocidal regimes rarely grasp the enormity of their actions until the killing has stopped, or when the war has ended.⁴⁸ Indeed, genocides end once a polity achieves its goals, it is merely the inquiry on how many deaths that remains.

In her work, *A Problem from Hell: America and the Age of Genocide*, Samantha Power asserts that every American president in office since the Nixon administration has faced tough decisions on the prevention and termination of genocide.⁴⁹ Power asserts the United States often

⁴⁶ Leo Kuper, *Genocide: Its Political Use in the Twentieth-Century* (New Haven: Yale University Press, 1981), 22-27.

⁴⁷ James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (New York: Oxford University Press, 2007), 32-54.

⁴⁸ *Ibid.*, 9-25.

⁴⁹ Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002), xvi.

refuses to intervene with force, opting instead to take the more diplomatically acceptable route of third-party arbitration and humanitarian aid, which Power believes is an ineffectual approach. She attributes this failure to an American government that is largely uninformed about the nature of violence in foreign states and promotes national interests over human rights.⁵⁰ Power suggests the United States has a moral interest in stopping genocides, but recognizes national interests drive state-decision making. Power was a source of influence for Madeleine Albright and William Cohen's 2008 work, *Preventing Genocide: A Blueprint for US Policy Makers*.

Albright and Cohen's work avows that genocide prevention and intervention are within the US national interest. The authors propose a sound leadership and a national commitment to prevention would result in better training, preparedness, and national will. Their work provides a detailed plan for intervention using the instruments of national power (diplomacy, information, military, economic (DIME)) sequentially, and support R2P's assertion that force is an option only when all other instruments fail. Albright and Cohen were largely responsible for establishing the Genocide Prevention Task Force (GPTF), a concept widely discussed in *Preventing Genocide*.

A host of academics focus on the causal relationships between genocide, its drivers, and its intrinsic connection to armed conflict. According to international security specialist Alex Bellamy, war and genocide go hand in glove. While not every genocide in the modern era derived from conflict, "the strong empirical correlation between the two phenomena implies a direct link."⁵¹ Bellamy applies to the theory that war should always be a last resort, but acknowledges that there can be no meaningful and effectual agenda for mass atrocity prevention that does not involve intervention. Bellamy's works were significant to the foundation of this study for two

⁵⁰ Ibid., xvii-xviii.

⁵¹ Alex J. Bellamy, "Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent," *Stanley Foundation*, February 2011, accessed January 21, 2017, <http://www.stanleyfoundation.org/publications/pab/BellamyPAB22011.pdf>.

reasons: prevention is more effective than cure, and prevention is more cost effective than intervention. The third pillar of the Responsibility to Protect norm is “rebuild,” one made easier in both human reconciliation and financial obligation when a state preempts mass killing. Like Bellamy, sociologist Martin Shaw’s comprehensive work, *What is Genocide?* considers the origins and development of the concept and its connection to armed conflict. As with Chalk, Jonnassahn, and Charny, Shaw argues that genocide is one-sided. In his work, Shaw describes genocide as:

A form of violent social conflict or war, between armed organizations, that aim to destroy civilian and social groups and those groups and other actors who resist this destruction. Genocidal action is action in which armed power organizations treat civilian social groups as enemies and aim to destroy their real or putative social power, by means of killing, violence and coercion against individuals whom they regard as members of the groups.⁵²

Bellamy, Shaw, and others touch on an often overlooked truism that sometimes gets lost in discussions on just war and international law: genocides are frequently the byproduct of armed conflict. The structural conditions that give rise to armed conflict are similar to those that give rise to genocide. The next section will review the drivers of genocide to establish the link between causality, indicators, and intervention.

Drivers of Instability

Listing and describing every conceivable development that may convince governments or non-state actors to mass-murder their citizens would be an effort best saved for a book. Several authors have posited theories ranging from ethnic and religious discord to the impacts of decolonization in the post-war period. Sarah Sewall suggests there is no consensus of the underlying causes of genocide, nor is there “one commonly agreed upon theory that sufficiently

⁵² Martin Shaw, *What is Genocide?* (Cambridge, UK: Polity, 2007), 154.

explains the key catalysts, motivations, and mechanisms that leads to them.”⁵³ Nonetheless, academics have put forth theories, including deeply divided societies, moral exclusion, politics and war, and economic disparity. Ervin Staub applied psychologist Henri Tajfel’s “us versus them” identity to his studies on genocide causation. Tajfel suggested group identity plays a significant role in divided societies, as the groups which people belong to are an important source of pride and self-esteem. To increase one’s image, one may elevate the status of the group to which he belongs, and conversely, devalue other groups. For example, the Hutus were devalued by the Tutsi in the mid-twentieth century, and used a combination of revenge and elevated status to justify killing an undesirable population.⁵⁴

Staub noted that economic crisis is present in most genocidal events. As with war, during times of recession, people are inclined to blame others for their hardships. David Hamburg said a feeling of personal wealth has long been established on one’s sense of belonging to a valuable group. According to Hamburg, “a sharp economic downturn can create a sense of crisis that makes a population ready to scapegoat a vulnerable out-group and softens popular reluctance to kill others.” Corrupt leaders have learned that these mindsets can be easily manipulated to achieve their goals, which may be the liquidation of an undesirable. Victims are often depicted as wealthy and willing to take advantage of other groups, which can lead to the belief that killing is justified.⁵⁵ Hamburg posited that identity (religion, nationality, ethnicity, etc.) plays a role in genocide, especially in ethnically and religiously pluralistic areas where groups have been exposed to each other for long periods and old rivalries have intensified and emboldened through

⁵³ Sarah Sewall, “From Prevention to Response: Using Military Force to Oppose Atrocities,” in *Mass Atrocity Crimes: Preventing Future Outrages*, ed. Robert I. Rotberg (Washington, DC: Brookings Institution Press, 2010), 163.

⁵⁴ Ervin Staub, “The Origins of Genocide and Mass Killing: Core Concepts,” in *The Genocide Studies Reader*, eds. Samuel Totten and Paul R. Bartrop (New York: Routledge, 2013), 97-107.

⁵⁵ David A. Hamburg, *Preventing Genocide: Practical Steps Towards Early Detection and Effective Action* (Boulder, CO: Paradigm, 2008), 19-36.

war. For example, the Bosnian and the Orthodox Christian Serbs shared territory in Yugoslavia for a century prior to the 1995 Bosnian genocide. Moreover, anger and revenge played a key role in the Bosnian genocide. The Bosnians committed atrocity crimes against the Serbs six decades prior to the Bosnian genocide.

War and Genocide

There is perhaps no better indicator than war to predict a genocide, and since the onset of the twentieth century, war is a pervasive feature of the international landscape. According to political scientist Charles Tilley, “more collective violence was visited on the world in the past century than in any century in the previous ten thousand years.”⁵⁶ The last decade of the twentieth century alone produced over 120 wars, most of them intrastate.⁵⁷ From this information, one can make a reasonable assessment that intrastate war is a breeding ground for human atrocities.

There exists a large body of scholarship on the relationship between war, politics, and occasions of genocide.⁵⁸ State-on-state (interstate) war declined rapidly after World War II (WWII) with the formation of the United Nations. The Allied Powers established the United Nations in 1945 to accomplish what the League of Nations could not—prevent wars between states—by identifying and addressing threats and breaches of the peace, and use of force or acts of aggression.⁵⁹ However, interstate warfare has been replaced by “wars between the people,” or intrastate wars, which often spawned genocides.⁶⁰ Several prominent sociologists see genocide as

⁵⁶ Charles Tilley, “Violence Terror and Politics as Usual,” *Boston Review* 27, no. 3 (March 2002), accessed December 26, 2016, <http://bostonreview.net/archives/BR27.3/tilly.html>.

⁵⁷ *Ibid.*

⁵⁸ See Alexander B. Downes, *Targeting Civilians in War* (Ithaca, NY: Cornell University Press, 2008); Ernesto Verdeja, “On Situating the Study of Genocide with Political Violence,” *Genocide Studies and Prevention* 7, no. 9 (April 2012): 81-85; Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (New York: Cambridge University Press, 2007).

⁵⁹ Charter of the United Nations.

⁶⁰ Chalk and Jonassohn, 12-22.

a strategic outcome of civil war; due to identity-based solidarity and/or state manipulation, the tendency of civil war to collapse into genocide is the result of an effort to reconstruct states along ethnic lines.

Martin Shaw suggests that genocides are made easier during war, because the necessary conditions for their occurrence are already in place.⁶¹ Populations are living under conditions of fear and are desensitized to mass violence, group distinctions are evident, ruling elites are likely to choose drastic strategies to achieve their aims, and state resources are already mobilized for war.⁶² The transition from interstate war to war amongst the people is significant to understanding the drivers of genocide.

To what degree are genocides committed within a setting of armed conflict? According to a 2010 study directed by the Stanley Foundation, of the 107 mass atrocity events witnessed since 1945, seventy-two (68 percent) occurred within or immediately following conflict, and thirty-five (32 percent) took place outside the framework of armed conflict.⁶³ Per the former Asia-Pacific Director for R2P, Alex Bellamy, all but eight of the peacetime cases took place before 1980, and since then, only 15 percent of new episodes transpired outside of armed conflict.⁶⁴ From this evaluation, there is clearly a strong connection between armed conflict and cases of mass atrocity, especially in the years following WWII. Armed conflict enables genocide. Yet, there exists

⁶¹ See Martin Shaw, *War and Genocide* (Cambridge, UK: Polity Press, 2003); Christopher R. Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939-March 1942* (Lincoln: University of Nebraska Press, 2004); Manus Midlarsky, "The Demographics of Genocide: Refugees and Territorial Loss in the Mass Murder of European Jewry," *Journal of Peace Research* 42 (July 2005): 375–91.

⁶² Shaw, 375-91.

⁶³ See Bellamy, "Mass Atrocities and Armed Conflict." Bellamy defines a mass atrocity event as one in which a minimum of 5,000 civilians are killed intentionally.

⁶⁴ *Ibid.* Bellamy's information covers from 1945 – 2011; hence, it does not consider Russia's invasion of Ukraine nor the Syrian crisis.

dissension among the international community and within UN leadership on what role the use of force should play in humanitarian intervention.

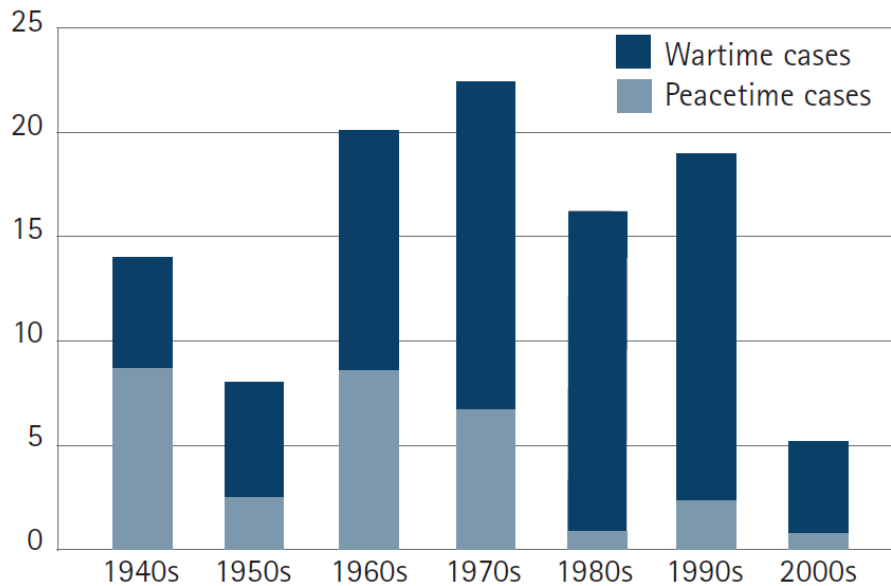


Figure 1. Peacetime and Wartime Cases of Mass Killing. Alex J. Bellamy, “Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent,” *Stanley Foundation*, February 2011, accessed January 21, 2017, <http://www.stanleyfoundation.org/publications/pab/BellamyPAB22011.pdf>.

Kofi Annan believed prevention “should be incorporated wholesale” into the R2P agenda, whereas current UN Secretary General, Ban Ki-moon, asserted that “the prevention of armed conflict and genocide ought not to be conflated.”⁶⁵ Ban Ki-moon suggested that armed conflict and atrocity violence are divergent problems, evidenced by the fact that mass atrocities occur both within and outside the context of armed conflict. While Ban Ki-moon’s assessment is true, the evidence points to a causal link between genocide and conflict, one that has increased since the publishing of Bellamy’s report. Bellamy stresses that while not all genocides and mass

⁶⁵ Ibid.

atrocities are born of conflict, one should not assume that the occurrence of mass atrocities can be reduced without active intervention.⁶⁶

At the urging of the UN Security Council, Bellamy conducted an in-depth review on genocides and mass atrocities outside the scope of conflict, and not surprisingly, the clear majority of such events took place either post-war or within the context of political turmoil. Bellamy divided peacetime genocides and mass atrocities into three categories: those that occur as a result of state-directed suppression, those resulting from communal violence, and events spurred by post-war retribution. State-directed suppression atrocities are committed by nondemocratic states against opponents or marginalized ethnic groups, and are the most common type of peacetime atrocity. This category of peacetime atrocity almost always begins after a forced regime change (Pinochet in Chile) or attempted change (1965-1966 Indonesian massacres).⁶⁷

Communal violence atrocities are those committed by non-state sponsored groups, or organized militias working on behalf of the state. Communal violence atrocities are often instigated by state politicians without the state's knowledge. One example would be a provincial governor who organizes an allied militia to commit atrocities against an ethnic or religious group that poses a threat to power. Post-war retribution events are committed by both state and non-state actors in the immediate aftermath of conflict, and are most often a retributive act. Adam Jones suggests that "war stokes grievances and desire for revenge." Slobodan Milosevic built his presidential platform on Serbian subjugation during the 1930s, which was an underlying catalyst for the 1995 Bosnian Genocide. The Khmer Rouge were motivated in part by revenge against a

⁶⁶ Bellamy.

⁶⁷ In Bellamy, "Mass Atrocities and Armed Conflict," the Political Instability Task Force identified "transitions" and "adverse regime changes" as periods of elevated risk. See <http://globalpolicy.gmu.edu/pitf>.

Sihanouk government that allowed the United States to carpet bomb North Vietnamese lines of communication inside the eastern Cambodian border between 1965-1973. Codenamed Operation Menu, US B-52 Bombers dropped nearly three million tons of ordinance during the campaign, killing over five thousand Cambodians.⁶⁸

R2P, Politics, and the Delusion of Prevention

Before proceeding with this section of the study, the author wishes to express that challenging “the use of force as a last resort principle” is in no way an insinuation that moral imperatives should play a role in how a state constructs its foreign policy agenda.⁶⁹ As previously mentioned, the author’s position is that the United States reserves the option to leverage the elements of national power, with or without international consent, in pursuit of its strategic interests. Should the United States choose armed intervention, it is within its interest to ensure the intervention is rapidly pursued and quickly ended. The longer the intervention, the higher potential for casualties and the larger the bill. Half measures, which the author defines as either a state or an intergovernmental authority limiting the tools of national power, serves only to prolong the event and increases the costs. The author disagrees with the conventional belief that a state cannot be effective in genocide prevention if its justification for intervention has political undertones. Intervention, whether UN-sanctioned or not, will always have a degree of political motivation. Several academics and policy makers, including Albright and Cohen, assert that genocide prevention is within the US national interest because global stability is important to maintaining world order. This consideration is inherently political in nature, and while US efforts

⁶⁸ Jones, 49-50.

⁶⁹ *MacMillan Dictionary Online*, s.v. “moral imperative,” accessed March 1, 2017, <http://www.macmillandictionary.com/us/dictionary/american/moral-imperative>. Moral imperative is a Kantian concept defined roughly as doing something because it is the right thing to do.

to end a genocide will invariably include moral considerations, such considerations are secondary to pursuing political ends.

The Responsibility to Protect

The seeds of R2P were planted in the late 1990s by humanitarian advocates who envisaged the protection of basic human rights an international responsibility. R2P's formative document, the ICISS report, appeals to the international community to reconcile the tension between established political norms, natural law, and the safeguarding of human rights. The ICISS report suggests that the fundamental principle of the Westphalian System, the state's inherent right to sovereignty, is contingent upon the state's responsibility to protect its citizens.⁷⁰ Should the UNSC determine a state government is itself responsible for or is allowing an armed group to commit acts of violence against state citizens, the international community has the "right" and the "responsibility" to intervene on behalf of those citizens, up to and including the use of military force.⁷¹ The ICISS report is built within the just war framework, and outlines the criteria under which force may be used against offending states (just cause, right intention, last resort, proportional means, and reasonable prospects of success). R2P is a three-pillared process: the responsibility to prevent states or groups from harming their citizens; the responsibility to react to situations of compelling human need with appropriate measures; and the responsibility to rebuild infrastructure and governance post-intervention so to avoid further hardships on the part of citizens of the afflicted state.⁷² Practical objections to R2P are many and varied. The most common objections are as follows:

⁷⁰ Evans and Sahnoun, 11-16.

⁷¹ Ibid., 29-35.

⁷² Ibid., xi.

- (1) Contingent sovereignty is a fallacious concept created to see through the liberal interventionist's agenda (the execution of a new norm), and thus;
- (2) R2P violates the sanctity of national sovereignty as outlined in the Treaty of Westphalia and Article 2(4) of the UN Convention;
- (3) R2P enables imperialism;
- (4) R2P is prone to selective application by the P5 states;
- (5) R2P is humanitarian intervention disguised;
- (6) R2P is misleading because humanitarian intervention requires its practitioner to intervene for wholly didactic reasons;
- (7) R2P requires ambitious nation-building post-conflict;
- (8) R2P is a binding obligation that could overextend state resources.

Each of these objections is reasonable and rational; however, none is truly relevant. R2P is a non-binding concept, as none of its documents conform to the sources of international law identified in Article 38 of the International Court of Justice.⁷³ This observation of fact does not suggest that states should ignore the virtues of international cooperation when shared values and interests align. Mass murder and inflicting human suffering is wrong by any measurable system. Concerns about post-conflict nation-building and notions of imperialism are international concerns that should be addressed prior to executing any intervention, and overstepping UN Charter and natural law is an activity that cannot be entered without serious forethought. This said, the glaring issue concerning R2P is perhaps the least researched and the most overlooked. R2P does not work, *ille est*, it cannot do what it sets out to do. R2P is a flawed concept because it ignores the very nature of politics and state decision-making. One could provide several moral arguments for why a state should expend resources, expose its service members to danger, and jeopardize its place among the global hierarchy to defend foreign populations, but foreign policy is not an enterprise of the moral conscience. Despite the affront to liberal institutionalism, the United States does now, and will continue to construct foreign policy agendas that pursue vital national interests.

⁷³ United Nations, "Concept Note on the Responsibility to Protect Populations from Genocide, Office of the President of the General Assembly (July 17, 2009): 1.

Some may question the US government's approach to foreign policy, but the author of this study points out that all the major powers set their foreign policy agendas in a similar fashion. Realizing this fact is important to understanding the shortfalls of R2P and why it is at odds with a fundamental principle of the international community—namely, the decisive legal deference to national sovereignty as determined by the members of the UNSC. The Security Council may approve of the R2P concept in principle, but it has yet to generate a consensus vote on any proposed resolution to intervene in a genocide. The United States has been roundly criticized for “failure to act” against the Assad regime in Syria, but Russia's opposition would almost certainly result in failure to pass a resolution. Russia's opposition to a Syrian intervention reveals that no matter what Moscow may think about the value of R2P and protecting foreign populations, it will not adhere to its principles if, in doing so, it violates Russia's national interests. This process played out several times during the Cold War, where human rights violations often went unabated because the United States and the Soviet Union “marginalized humanitarian aims in order to prioritize national security agendas.”⁷⁴ Lemkin's one-man effort, while a monumental achievement, has “essentially lain dormant through seven decades of state sponsored violence against persecuted groups.”⁷⁵

After World War II, the threat of mutually assured destruction and a superpower rivalry between the permanent five (P5) all but assured a stalemate or veto of any proposed UNSC resolution. Civil wars erupted in decolonized states as sectarian groups challenged established governments for control.⁷⁶ Civilian populations were often caught in the middle, became targets

⁷⁴ Alex Alvarez, “The Prevention and Intervention of Genocide During the Cold War Years” in *The Prevention and Intervention of Genocide: A Critical Bibliographic Review*, ed. Samuel Totten (New Brunswick, NJ: Transaction Publishers, 2008), 1-18.

⁷⁵ Sewall, 159.

⁷⁶ Tilley, “Violence Terror and Politics as Usual.”

of violence based on old grudges and ethnic or religious identity, or were simply deemed a threat to order. Genocide was a pervasive feature during the Cold War, with events taking place in Cambodia, East Timor, Uganda, Bangladesh, the Democratic Republic of the Congo, Iraq, and several other locations.⁷⁷ The end of the Cold War was thought to be the necessary step to heralding a new world order promoting international cooperation and communal responsibility to end human suffering, but this proved a falsehood.⁷⁸ The United Nations passed resolutions to enact Chapter VII of the UN Charter in Somalia, Rwanda, and Yugoslavia, but the slow hand of bureaucracy doomed them all to failure.⁷⁹ The closest the international community came to something of a successful intervention was Operation Deliberate Force, but NATO's precision airstrikes were implemented only after the Srebrenica massacre had claimed almost ten-thousand Bosnian Muslims.⁸⁰ The R2P era is marked by current failures to end genocides in Darfur and Syria, and the only successful intervention was instigated by a single nation-state—the United States—who dragged a reluctant international community into the effort.⁸¹

Prevention

As a concept, prevention is simultaneously vague and all-encompassing. Per the Genocide Prevention Task Force, “Prevention is the single most important dimension” of R2P. Yet, by its own admission, there is no consensus on the causes of genocide.⁸² Preventing a

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Waller, 36-54.

⁸⁰ Ibid., xxi-xxiii.

⁸¹ Micah Zenko, “The Big Lie About the Libyan War,” *Foreign Policy*, April 18, 2016, accessed February 7, 2017, <http://foreignpolicy.com/2016/03/17/europes-free-speech-apocalypse-is-already-here-france-germany-spain/>.

⁸² International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Center, 2001), xi.

problem before it manifests to action is certainly a prudent approach, but if the causes are unclear, how can one develop a plan to prevent the problem? This is one of the many logical fallacies of prevention. The United Nations promotes the ideals of prevention over response, but its definitions and guidelines for prevention create more questions than they answer. Prevention is seemingly a proactive approach to stop genocides, but the restrictive nature of international law prevents prevention. Take for example, the author's third commonly espoused objection to R2P (R2P enables imperialism). Many developing countries fear imperialist intentions on the part of the intervenor, so it is not uncommon for the United Nations (and the United States) to seek a multilateral intervention to alleviate these fears and, thereby, "legally" gain access to the afflicted nation through invitation. But what is the recourse if one of the P5 states vetoes a resolution? The United States can choose to intervene unilaterally or appeal to the UNSC, neither of which is a timely option. While multilateralism is the international norm, the United States cannot wait to act in areas where its national interests are at stake.

There is a tendency for prevention advocates to ridicule early "response" as a reasonable option. But one cannot discount the potential for escalation that necessitates armed response, which is an option of R2P.⁸³ Most contemporary genocides escalate rapidly, as described in the Rwanda situation, and force is often the only humane response. The fundamental question in this scenario then, is, force now or force later? It would be easy to assume that negotiation, arbitration, engagement, etc., will de-escalate a situation, thereby avoiding a need for military force, but this is wishful thinking. Prevention is a starting point, but as Sarah Sewall suggests, "prevention alone risks becoming a contributor to political and operational paralysis."⁸⁴ In her own words:

⁸³ Madeleine Albright and William S. Cohen, *Preventing Genocide: A Blueprint for US Policymakers* (Washington, DC: American Academy of Diplomacy, 2008), xxii.

⁸⁴ *Ibid.*, 160.

To prevent the escalation of violence, states must take strong, early action. Yet, national leaders face powerful political incentives to delay controversial decisions until the last possible moment. In the case of mass atrocities, the prevention curve and the political calculation curves are inversely related. We know that acting early is likely to be more effective and efficient. Yet, time and time again, states and leaders avoid acting, delay choosing among uncertain and costly options, and wait until the costs of not acting become higher than those of acting.⁸⁵

Indeed, the international community continually gets trapped in a bureaucratic morass of definitions, competing priorities, and budgetary constraints, and above all else, the hope that genocides can be avoided through diplomacy.

The United Nations and R2P advocates suggest that preventive or “quiet” diplomacy (PD) can play a key role in stopping genocides before they begin by ending conflict before or shortly after commencement.⁸⁶ The purpose of PD is to provide third party mediation in a controlled environment so that groups or states on the verge of conflict might come to a peaceful resolution.⁸⁷ The tenets of PD are founded on Chapter VI, Article 33 of the UN Charter, which international relations experts refer to as the last option for nonviolent resolution. Per the UN Charter, methods for peaceful resolution include: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies, or other peaceful means of the opposed parties choice.⁸⁸ PD has proved effective in interstate warfare on at least one occasion, but it has

⁸⁵ Ibid., 163.

⁸⁶ Ban Ki-moon, *Preventive Diplomacy: Delivering Results* (New York: United Nations, 2011), 2.

⁸⁷ Ibid., 6.

⁸⁸ Charter of the United Nations, Article 33(1).

yet to fashion a peace settlement between warring factions within a single state's borders.⁸⁹

Whether Article VI can be applied to a non-state actor is a question that is, thus far, unanswered.

An additional challenge of the PD approach to preventing genocides is the un-confining nature of Article VI resolutions; they are unbinding, and therefore, are non-enforceable under international law. Assuming the United Nations is successful in convincing a state's government to end a conflict, there is no guarantee that the state will keep its promise, nor is there a provision to punish the state. Furthermore, even if the state abides by the resolution, there is no guarantee that it will not execute a pre-planned genocide, or continue an ongoing genocide. Most concerning is the potential for a state—after agreeing to an Article VI resolution—to question UN credibility should it pass a Chapter VII resolution to forcibly invade under the provisions of R2P, after having negotiated a “peaceful settlement” under Article VI.

Despite ICISS and academic research suggesting diplomacy is the most effective means to stop genocides, research says otherwise. In a 2006 Social Science Research Council study, Alex de Waal and Bridget-Conley-Zilkic reviewed the causes of cessation for nineteen genocides since 1945. Their findings concluded that fourteen events ended when “commanders decided ‘we have killed enough,’” two ended with the death of a state leader, and two ended through armed intervention (the Holocaust and Cambodia).⁹⁰ If Waal's and Conley-Zilkic's research is accurate, not a single genocide has ended through diplomacy or sanctions since the United Nations adopted

⁸⁹ United Nations Security Council Resolution 242 (S/RES/242), composed in the aftermath of the Six-Day War, was unanimously accepted by the UN Security Council on November 22, 1967. Under the provisions of R242, all warring parties (Israel, Egypt, Jordan, and Lebanon) agreed that the “inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in the Middle East in which every State in the area can live in security.” UNSCR 338 (S/RES/338) called for the ceasefire in the Yom Kippur War. Signatories on both sides violated the “non-binding” agreements for each resolution in the years following the resolutions' passing.

⁹⁰ Alex de Waal and Bridget Conley-Zilkic, “Reflections on How Genocidal Killings are Brought to an End,” *Social Science Research Council*, December 2, 2006, accessed January 3, 2017, http://howgenocidesend.ssrc.org/de_Waal/.

the UNCG.⁹¹ Diplomacy does not deter perpetrators; it normally results in “frozen interagency debates as policy makers struggle to compose a best possible response and to explain the situation to multiple audiences simultaneously.”⁹² This is not to say that states should abandon diplomacy in favor of wanton military intervention, but it is naïve to think that just because diplomacy, sanctions, and mediation are underway with a state known to be in the planning or execution stages, that the perpetrators will suspend their genocidal activities.

Opponents of using force to end genocides appeal to international law as the underlying reason for diplomacy and sanctions. Indeed, it is widely held that as a matter of international law, the use of armed force by one state against another is prohibited except in defense of one’s own territory or when authorized by the UNSC.⁹³ However, this is the same UNSC that was paralyzed by P5 vetoes during the Cold War and forbade its peacekeeping force from taking aggressive action to stop the 1994 Rwandan massacre. Proponents of diplomacy use as a point of contention the exorbitant costs associated with military intervention; but it is not unreasonable to suggest that preventive diplomacy may be just as, if not more, costly than military intervention. Preventive diplomacy requires that a score of diplomats, professional arbitrators, and security forces be on site during the negotiation. The United Nations, in all likelihood, would cover the logistical costs for the conflicted parties as a “deal sweetening” technique to compel belligerents to the negotiating table. Security or peacekeeping forces would almost certainly be a pervasive feature in the afflicted region for the period necessary to see through the provisions of any agreement, as was the case with UNIMAR. Even then, there is no guarantee for success.

⁹¹ Ibid.

⁹² Donald Thieme, “Putting the Force in MAPRO: Options for National Decision Makers,” *Marine Corps University Journal* (Spring 2015): 41-69.

⁹³ Charter of the United Nations, Article 2(4).

The evidence suggests prevention, diplomacy, and sanctions alone are ineffective in stopping genocides. It also suggests that the only means proven to end genocide is immediate, rapid, and violent force. The Allied Powers ended Hitler's killing machine by annihilating his military. The Vietnamese ended the Pol Pot's reign of terror in the killing fields of Cambodia by overthrowing the Khmer Rouge and restoring benevolent governance in Phnom Penh. In each case, political order was restored, lives were saved, and global threats were eradicated. Military force comes with its costs, both monetarily and in lives, but waiting on UNSC approval, chancing resolution vetoes, and investing in methods that do not result in the procurement of strategic ends costs more lives, more money, and, for the United States, credibility. Force must be an option, and that force must be versatile, fast, and lethal.

Analysis

This section of the study is comprised of three parts. First, this section reviews the history of MARO and the MARO handbook to provide context on its purpose and a baseline understanding on how planning and execution occurs within the MARO framework. The second section reviews US Marine Corps roles, missions, structure, and capabilities to depict where MARO and the Marine Corps might align. The last part of this section provides a short, hypothetical scenario of Marine Corps support to Flexible Deterrence Options (FDO), using the MARO handbook as a lens for analysis.

Mass Atrocity Response Operations

The Carr Center for Human Rights and PKOSI authored the MARO handbook to assist commanders and staffs in planning operations to respond to genocides and other mass atrocities. The handbook was built with two broad considerations in mind: compelling US leadership to take decisive action against genocidal regimes, and describing genocide intervention in a common

military planning language.⁹⁴ Unlike conventional peacekeeping operations (PKO), MARO is constructed specifically to protect civilian populations through deterring and defeating perpetrators (hereafter, the enemy). While the handbook adheres to tenets of international law and just war theory, the Carr Center suggests an immediate military response because genocidal regimes are not susceptible to diplomatic resolution.⁹⁵

The process outlined in the handbook adopts the Joint Operations Planning and Execution System (JOPES) for ease of use, and is “tailored for the unique requirements of responding to genocide mass atrocity.”⁹⁶ The handbook is divided into three sections: the features of MARO, military planning considerations, and future research areas and ways forward for military intervention. The military planning section provides suggested criteria for course of action development and selection, ranging from Flexible Deterrent Options (FDO) to a complete regime removal. FDOs employ the full spectrum of national power (DIME) during Phase 0 (shaping operations) and Phase 1 (deterrence operations) of the joint operational continuum. The handbook’s assumptions guide states that all FDO efforts should be exhausted prior to intervention. Should FDO efforts fail, the handbook offers seven operational approaches for a direct military intervention, each tailored to the severity of the event, friendly forces available, and threat capabilities.⁹⁷

The MARO handbook stresses the criticality of rapid response to impending and ongoing genocides. The rapid escalation of genocides presents serious challenges for an intervening force. Sarah Sewall asserts that the slow pace of bureaucratic decision making—which tends to be more

⁹⁴ Stephen F. Burgess, “Comments on the Mass Atrocity Response Operations (MARO) Handbook,” *Genocide Studies and Prevention: An International Journal* 6, no.1 (May 2011): 66.

⁹⁵ *Ibid.*

⁹⁶ Sewall, *Mass Atrocity Response Operations*, 2.

⁹⁷ *Ibid.*, 70-86.

pervasive in multilateral efforts than with individual states—can obstruct a response effort. Even when states choose to intervene, “their approach tends to be gradual, as more potent measures are only adopted after it becomes apparent that lesser measures are not working.”⁹⁸ Clint Hinote suggests the asymmetry between a rushed genocide and the response has significant—and somewhat conflicting—implications for intervention (see Figure 2). According to Hinote, “the asymmetry works against those who want to stop mass atrocities,” so the best chance for success requires “a model of military intervention.”⁹⁹ The MARO handbook stresses speed over mass if one is forced to make a choice, as speed of response can determine overall success.¹⁰⁰ The US Marine Corps frees decision makers from making this choice, as the organization is built to provide both. As America’s “middleweight” fighting organization, the US Marine Corps is light enough to get to the fight quickly, but “heavy enough to carry the day upon arrival.”¹⁰¹

⁹⁸ Sarah Sewall, “Do the Right Thing: A Genocide Policy that Works,” *Boston Review*, September 2009, accessed November 26, 2016, <http://bostonreview.net/archives/BR34.5/sewall.php>.

⁹⁹ Clint Hinote, *Campaigning to Protect: Using Military Force to Stop Genocide and Mass Atrocities* (Cambridge, MA: Harvard University Press, 2008), 5.

¹⁰⁰ Sewall, *Mass Atrocity Response Operations*, 23.

¹⁰¹ Headquarters, US Marine Corps, *US Marine Corps Concepts and Programs: America’s Expeditionary Force in Readiness* (Washington, DC: Department of Defense, 2013), 1.

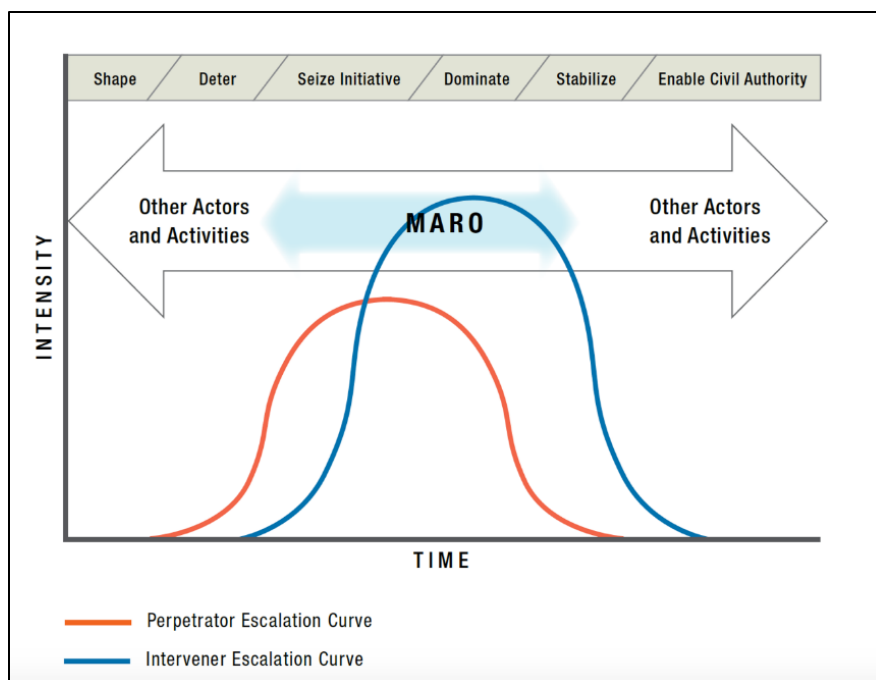


Figure 2. Perpetrator Escalation Curve. Sarah B. Sewall, *Mass Atrocity Response Operations: A Military Planning Handbook* (Cambridge, MA: Harvard University Press, 2010), 33.

US Marine Corps

All Marines know there may come a time when they are the first called upon to fight in defense of our nation and its interests. Marines are ready at a moment's notice because they are trained, equipped and organized to respond with sound judgement and appropriate force. From combat engagement to humanitarian missions, Marines are our first responders—our nation's 911 force.

— US Marine Corps

The smallest of the four US Department of Defense (DoD) services, the Marine Corps was originally established by the Second Continental Congress to assist the Navy with shipboard security and to serve as an infantry landing force.¹⁰² Its mission has since evolved with changing military doctrine to include amphibious, ship to shore landing, forcible entry from air and sea,

¹⁰² Allan R. Millett, *Semper Fidelis: The History of the United States Marine Corps* (New York: Free Press, 1991), 3-25.

and, if necessary, sustained land operations.¹⁰³ Noted for its flexibility and adaptability, the Marine Corps is an asymmetric fighting force capable of conventional, irregular, and hybrid warfare. While the Marine Corps does not claim dominion over any one of the five warfare domains, it is the proverbial “jack of all trades,” operating in air, on land, sea, and in cyber realms with equal efficacy.¹⁰⁴ The Marine Corps is the only member of the US Armed Forces specifically designed for independent operations, albeit in short duration. After setting the necessary conditions through early entry and stabilization, a Marine unit can either assimilate into the joint force construct, or return to its amphibious basing at sea where it can serve as an asymmetric maneuver element.¹⁰⁵

Organization and Structure

The Marine Air-Ground Task Force (MAGTF) is the service’s principal warfighting construct, task-organized and equipped to fit the mission and the environment.¹⁰⁶ Although MAGTFs differ in size and capability, the function for all is the same: to provide the Joint commander a versatile, combined arms force that is rapidly deployable by air or sea. All MAGTFs consist of four elements: a command element (CE), a ground combat element (GCE),

¹⁰³ Ibid., 261-67.

¹⁰⁴ See, Joint Publication (JP) 2-14, *Space Operations* (Washington, DC: Government Printing Office, 2013), IV-7, for Marine Corps support to space operations. Marine Corps Forces Strategic Command (MARFORSTRAT) is the USMC Service component to USSTRATCOM and represents USMC capabilities and space interests. Marine Corps requirements for space exploitation and space force enhancement are supported through MARFORSTRAT. MARFORSTRAT brings resident knowledge and access to Marine Corps capabilities that can support USSTRATCOM mission areas and advises CDRUSSTRATCOM on proper employment and support of USMC forces. During planning and execution, MARFORSTRAT informs the CDRUSSTRATCOM of changes in space capabilities that would significantly affect operational capabilities or mission sustainment. MARFORSTRAT assists in developing joint OPLANs and provides necessary force data to support all assigned missions to include deliberate or crisis action planning.

¹⁰⁵ Headquarters, US Marine Corps, *Concepts and Programs*, 6.

¹⁰⁶ Marine Corps Doctrinal Publication (MCDP) 1-0, *Operations* (Washington, DC: Government Printing Office, 2011), 2-6.

an aviation combat element (ACE), and a logistics combat element (LCE). The modular construct of the MAGTF makes training, operational planning, and execution of missions a “matter of routine.”¹⁰⁷ MAGTFs operate in an integrated manner, meaning each element relies on the others to fully maximize organizational capabilities. The MAGTF is an ideal organization for early response in MARO, as it can expand or contract based on the enemy, the size of the operating environment, and the time constraints associated with the mission. Moreover, a smaller MAGTF—best used for crisis response—can be reinforced to provide continuity for the latter stages of operations. The Marine Expeditionary Force (MEF) and the Marine Expeditionary Brigade (MEB), while larger organizations, are less mobile than the Marine Expeditionary Unit (MEU) and Special-Purpose MAGTF (SPMAGTF).

MEUs are embarked aboard Navy Amphibious Ready Groups (ARG) to form the MEU/ARG team (hereafter, MEU). MEUs are particularly suited for security cooperation and crisis response. A lead echelon organization, the MEU is DoD’s “door kicking” force, designed to move quickly, gain forcible entry, and set phasing conditions ashore.¹⁰⁸ The SPMAGTF provides a similar capability, but on a smaller scale. SPMAGTFs are tailored to support specialized missions and are in a high state of alert and readiness “at all times.”¹⁰⁹ The SPMAGTF is the optimal choice for MARO based on readiness and its ability to create training packages focused on genocide response; however, they generally maintain no forward presence (e.g., SPMAGTFs are not “on cycle” organizations).¹¹⁰ The MEU, however, deploys on six- to eight-month cycles, is positioned based on anticipated threat areas, and thus, can arrive to “hot spots” within hours of

¹⁰⁷ Ibid.

¹⁰⁸ MCDP 1-0, 2-14.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

orders receipt. Additionally, the MEU can operate independently for a minimum of fifteen days, and with the support of a Maritime Preposition Force (MPF), can extend time on station depending on available resources. Both organizations arrive “ready to fight” and deter the enemy, but the MEU’s operational cycle, ideal size, and versatility makes it the early response organization of choice.

Operating Concept

The Marine Corps’ baseline operating concept is cross-domain, combined arms maneuver warfare. The service is organized, trained, and equipped at all echelons to accommodate maneuverability, whether operating independently, as a combined Navy-Marine team, or as a member of the Joint force. Marines define maneuver as:

A warfighting philosophy that seeks to shatter the enemy’s cohesion through a variety of rapid, focused and unexpected actions to create a turbulent and rapidly deteriorating situation with which the enemy cannot cope.¹¹¹

Marines practice maneuver warfare through a combined arms approach to generate the maximum combat power necessary for simultaneity of action. MAGTF conducts maneuver warfare in the physical and cognitive dimensions of conflict to exploit psychological, technological, temporal, and spatial advantages over the enemy. According to the MARO handbook, maneuverability from sea, land, and air—which is a baseline capability of the MAGTF—is an important feature in FDOs because it allows response forces to traverse in and around the battlespace without violating state sovereignty.¹¹²

¹¹¹ Headquarters, US Marine Corps, *Marine Corps Operating Concept: How the Expeditionary Force Operates in the 21st Century* (Quantico, VA: 2016), 8-9.

¹¹² Headquarters, US Marine Corps, *Concepts and Programs*, 6.

Applicability to MARO

If FDO is too benign to achieve the desired results, Marine forces can pursue active intervention, whether required to engage the enemy or apply non-combat measures. MAGTFs, large and small, bring the full capability set to crisis operations. Marine engineers can train and conduct mine clearing operations; the ACE can readily enforce no fly-zones; Law Enforcement Detachments—comprised of military police, forensics professionals, military working dog teams, and Navy Criminal Investigation Service agents—can enforce rule of law and collect evidence for future prosecution; and Marine Special Operations Forces (SOF) can organize resistance within the local population, provide boarder security, and enforce counter-proliferation measures. Additionally, all MAGTFs are trained to support Noncombatant Evacuation Operations (NEO), which, if pursued, could limit the effects of refugee flow across borders and provide health and comfort to displaced persons.

Missions

Due to its hybrid and broadly focused construct, Marine Corps missions are many and varied. First and foremost, the Marine Corps is a warfighting organization, devised to take the fight to the enemy and defeat him rapidly and violently, “today.”¹¹³ Other Marine Corps missions include: deterrence through forward presence and seabasing, forcible entry from the sea to ensure littoral and land access for follow on forces, amphibious assault, crisis response, power projection, and readiness.¹¹⁴ Seabasing is particularly advantageous to MARO, as it provides a “connector” between deterrence and intervention. By conducting operational maneuver from the sea, the combined Navy-Marine team can operate for extended periods “near” the threat area while also adhering to Article 2(4) of the UN Charter and respecting commercial shipping.

¹¹³ Headquarters, US Marine Corps, *Concepts and Programs*, 6-7.

¹¹⁴ *Ibid.*

Should deterrence fail, a MARO mission can progress to active intervention efforts without delay. Moreover, the on-site, Maritime Prepositioning Force (MPF) offsets the logistical constraints of a MAGTF while simultaneously decreasing lines of communication. Genocidal regimes historically stop the killing when threat forces are in the area, and resume once threat forces depart. The MAGTF + MPF construct equals extended time on station, which further deters the enemy and allows joint force commanders additional time for planning.



Figure 3. Illustrated Example of Seabasing. “The Coalition Operation in Misrata,” *Human Rights Investigation*, June 21, 2011, accessed April 2, 2017, <https://humanrightsinvestigations.org/2011/06/21/the-coalition-operation-in-misrata/>.

Planning

The Marine Corps is unique, in that it employs a planning process for both deliberate and rapid response operations. The Marine Corps Planning Process (MCP) is staff level planning

that—similar to the Army’s six-step Military Decision Making Process—is designed to promote understanding among commanders, staffs, and subordinate commands regarding the nature of a problem and options for resolution.¹¹⁵ When time does not permit for deliberate, six-step planning, commanders and planners employ the Rapid Response Planning Process (R2P2). R2P2 is a time constrained planning process that enables the MEU and the SPMAGTF Crisis Response Force to plan and begin execution of tasks within six hours of receiving a warning order. Through R2P2, the MEU and SPMAGTF can offer MTF commanders a critical capability: a task-organized, combined arms, rapidly deployable force built to deter or depose the enemy in a period of hours, not weeks. Given the rapid escalation of genocides, the efficacies of this capability would be measured in economic efficiency, national credibility, and lives saved.

MARO Scenario

Date: June 1, 2025

Location: Republic of Kikonga, Southern Africa

Situation: In January 2017, the Unitary Gathering of the National Effete (UGoNE) deposed President Jaffe Joffer Sanjuka after a three-year civil war. UGoNE leader, Jonas Duarte, assumed the presidency, immediately placed Kikonga under military rule, and outlawed immigration. In June 2019, Duarte signed the Kigongan Prohibition Act, legalizing government appropriation of all Sanjuka business holdings, and established a minimum twenty-year prison sentence for business owners who hired, or retained on staff, any member of the Sanjuka people. The European Union (EU) and the UN attempted to appeal to Duarte, but he publicly denounced each as tyrants and imperialists. In January 2020, Duarte passed the National Dispensary Act, requiring all Kikongan hospitals to place a 200 percent excise tax on medical care to Sanjukas. By 2022, the life expectancy of a Sanjuka had decreased from 59 years to 37 years, and suicide rates within the Sanjuka population increased by over 30 percent. In 2023, existing tensions between Kikonga and the African Union (AU) reached a boiling point when Duarte began assigning Sanjukas to forced labor camps and subsequently ordered a study on sterilization. In May 2023, several states began economic sanctions against Kikonga, which failed to produce change.

27 May 2025: US Director of National Intelligence (DNI) informed POTUS during a White House briefing that the Intelligence Community had definitive evidence of Kikongan government plans for liquidation of the Sanjuka people. POTUS informs the UN Secretary General.

¹¹⁵ Headquarters, US Marine Corps, MCDP 5-1, *Marine Corps Planning Process* (Washington, DC: Government Printing Office, 2010), 1-2—1-3.

29 May 2025: UN requested Chapter VII enforcement through the UNSC due to the severity of the situation. The Security Council has agreed in principle, but does not anticipate voting until next month's formal sitting.

30 May 2025: DNI informs POTUS that the Kikongan government plans to begin executions on 5 June. After failed attempts to produce a UN resolution, POTUS requests Congressional approval for US military response. Congress cannot determine whether the situation in Kikonga meets the UNCG or R2P criteria for action.

31 May 2025: POTUS exercises executive authority, confers with the Joint Chiefs of Staff. Commandant, US Marine Corps receives order to deploy a force, and determines 24 MEU is within ten hours travel time from the coast of Kikonga.

1 June 2015, 0800 GMT: 24 MEU Commander convenes his operational planning team, which begins the six-hour window for planning. By 1500 GMT, 26 MEU departs for Kigonga.



Figure 4. Task Organization of a MEU/ARG. Marine Corps Concepts and Programs, *Multi-Mission Capable MAGTF*, January 3, 2015, accessed April 2, 2017, <https://www.marinecorpsconceptsandprograms.com/organizations/marine-air-ground-task-force/multi-mission-capable-magtf>.

24 MEU GCE is comprised of Battalion Landing Team 3/6 (BLT), supported by an Air Naval Gunfire Detachment (ANGLICO), a tank platoon, a reconnaissance platoon (forward observation and surveying), a Light Armored Reconnaissance company (mobile reconnaissance),

and a Counterintelligence/Human Intelligence Detachment (CHD). The ACE is comprised of fixed wing (F-35 Lightning), rotor (AH-1Z Viper attack, UH-1Y Venom troop transport, and CH-53K Super Stallion heavy transport), tilt-rotor (V-22 Osprey), and Aerial Reconnaissance (RQ-21A) assets. The GCE is comprised of a maintenance detachment, a law enforcement detachment (forensics collection, working dog teams, and partnering), a medical detachment, an engineer platoon (mobility and counter-mobility), a supply detachment, an explosives ordinance disposal detachment, and a landing support team. 24 MEU CE provides command, control, communications, and intelligence (C3I) of all MEU assets. Additionally, the CE manages the Civil Affairs (CAG) and Public Affairs sections. Supporting MAGTF operations is an MPF, capable of extending time on station to 60 days without resupply. Commander, US Africa Command (USAFRICOM) is prepared to provide further resupply and nominal surge support should efforts escalate to conflict, but has been informed by his principle staff that planning and deployment of a Joint Task Force (JTF) requires a minimum of thirty days' preparation and execution. Planning is underway as of this morning.

POTUS has limited initial operations to FDO measures only, with authorization for forcible entry under five conditions: credible evidence of genocide escalation, enemy targeting of friendly forces, aggression against bordering states that may further destabilize the region, threat or use of weapons of mass destruction, and in the event of a host nation (HN) government collapses. The Republic of Kikonga is not nuclear capable, but there exists reasonable evidence that Duarte's government has stockpiled weaponized chemical nerve agents. The JCS has authorized the MEU Commander to enter Kikongan territory during FDO to provide basic provisions (food, water, medical supplies and other comfort items) by Kikongan government request only. The JCS must be informed prior to any landings on Kikonga's sovereign territory. The EU has sought and received permission from bordering states to use their territories for overpass, basing, and to establish refugee camps.

On 020300ZJUN25, 24 MEU and the USS Guam (LPH-9) ARG arrives near the Kikongan coast and begins Phase 1 operations. Phase 1 consists of deterring the Kikongan government by demonstrating capability and resolve “to apply force in pursuit of US interests.”¹¹⁶ Additionally, show of force reassures to allies and neutral states that the United States is committed to providing security and stability to destabilized regions.¹¹⁷ During Phase 1, the ACE conducts high elevation aerial reconnaissance over Kikongan territory to determine enemy threat composition and disposition, and to monitor forced labor camps to regulate and collect on enemy treatment of the Sanjuka population. The GCE and LCE begin coordination with neighboring countries to establish regional basing arrangements, transport and prepositioning of equipment, and to determine locations for refugee camps. The CI/HUMINT Detachment and a reconnaissance team are transported to the US Embassies in neighboring states to begin developing a NEO plan and to obtain existing intelligence estimates. MEU SOF personnel depart ship to coordinate with neighboring country military and law enforcement agencies to begin planning cross-border operations. The MEU intelligence section begins jamming operations to interrupt Kigongan government communications.

On 120630ZJUN25, Human and Signals Intelligence teams collect credible information that the Kikongan military intends to escalate the government’s liquidation plan. Joint Analysis Center Molesworth confirms the information, and the MEU Commander informs Commander USAFRICOM. FDO efforts have successfully prevented escalation to date, but have not convinced President Duarte to deviate from his position. The UNSC—having recently been informed on the situation—approves a multilateral intervention, which triggers USAFRICOM to deploy a JTF to Kikonga, with an anticipated arrival date of 28 June. POTUS approves a

¹¹⁶ Headquarters, US Marine Corps, *Marine Corps Operating Concepts for a Changing Security Environment* (Washington, DC: Government Printing Office, 2006), 7.

¹¹⁷ *Ibid.*, 14.

transition from deterrence to intervention, but decides against regime change. MEU personnel are ordered to immediately conduct a ship to shore movement to establish security zones to separate civilian populations from the Kikongan military. After reviewing the seven approach options outlined in the MARO handbook, the MEU Commander selects Option-6 (containment). Containment offers the greatest amount of flexibility and security while also adhering to POTUS guidance.

Containment in MARO posits use of air, maritime, and cyber power to strike perpetrators or isolate them by establishing blockades and no fly zones.¹¹⁸ The MARO handbook advises against overly aggressive attack; but if an enemy unit initiates genocidal activities, the handbook suggests offensive action to preempt such activities as punishment, “to deter actions and facilitate future JTF operations.”¹¹⁹ Option-6 is best used against an established and capable enemy force that is distinguishable from civilian populations, so to avoid collateral damage. Through Option-6, air, maritime, and SOF forces quickly dominate the battlespace to facilitate ground force operations. Speed is key to successful containment operations, so the MEU must quickly control the environment to avoid a last minute “killing frenzy.” The primary advantages of containment is this approach “capitalizes on US strengths such as stand-off, strike capability, ISR, aerospace power, and maritime power” and provides incentive for rational perpetrators to refrain from escalation. If a state leader is informed that he will be deposed if he refuses to comply, he may be more likely to end the killing.

During prevention operations, the ACE enforces no fly zones and strikes enemy targets engaging in the killing civilians. Ground forces establish and guard refugee camps, conduct wide-area patrols, and enforce buffer zones. LCE personnel deliver provisions to affected civilian

¹¹⁸ Sewall, *Mass Atrocity Response Operations*, 82.

¹¹⁹ *Ibid.*, 82-84.

populations while medical officers provide aid and counseling. The CE must continue to monitor the situation, keep the COCOM Commander apprised of ongoing operations, and begin preparing the battlespace for sustained JTF operations.

This scenario provides a brief synopsis of Marine Corps capabilities and efficacies in to deter, interdict, and intervene in potential or ongoing genocides. While the MAGTF does not “provide the punch” that a four-service, robust JTF brings to the fight, it is an ideal force for early response to curb enemy action and to set the necessary conditions for the larger humanitarian effort.

Conclusion

The objective for this study was to argue a role for the US Marine Corps in Mass Atrocity Response Operations. The analysis suggests that the Marine Corps’ operational approach is uniquely suited to “first response” through deterrence and, if necessary, early intervention. The Marine Corps is not constructed or resourced to meet the third pillar of R2P (rebuild), so the service’s role will be limited to first the three phases of the Joint operational continuum (shape, deter, and dominate). As a crisis response force, the Marine Corps’ value to the Joint commander is its ability to create “decision-making space.” By stabilizing the operating environment, the Marine Corps allows the commander to facilitate the long-term planning effort and prepare the Joint force for sustained operations.

The Marine Corps is purpose-built for crisis response. After more than a decade of serving as a secondary land force in Afghanistan and Iraq, the Marine Corps is fundamentally changing its focus to address the contemporary realities that—while unsightly—are more in keeping with its traditional mission sets. The world is beset by increasing instability, failed states, transnational terrorism, and despotic governments who target and kill their citizens with reckless abandon. Aligning national interest to genocide intervention was but a small part of this study, but one must consider where US credibility, as “the” actor on the world’s largest stage, may

suffer do to indecision and perceived apathy. If genocide intervention fits within the US national interest, it fits along the fault lines of national credibility. Some may ask, where are the risks, and do the “intangible” risks of nonintervention outweigh and the “tangible” outcomes? Intervention is an invite to conflict, if not a precursor to war. War is costly, in time, money, and lives. Why should American service members be put at risk to save populations in “some far-off land” with no resources and non-existent strategic alliances. We cannot even connect the dots with these states to states that matter.

The answer to these questions can be found in the recent past. The world’s population is growing and more populations are at risk—populations ripe for exploitation by rogue states, non-state actors, and transnational criminal networks. The West, including the United States, is in large part responsible for the formation and radicalization of extremist groups. These groups now seek to attack, disrupt, and undermine America’s credibility. One might say that this is irrelevant, but relevance is a term open to interpretation. The Bush administration saw terrorism as relevant enough to invent a new phrase that, in no small part, ushered the United States into a costly, fifteen-year, two-front war in the Middle East. The Obama administration believed the Islamic State relevant enough to actively target and reduce its global influence. State, non-state, and criminal organizations alike have mastered the art of rhetoric, and subjugated, maligned populations are susceptible to rhetorical coercion. America’s unrivaled global power makes it a magnet for terrorism, and “America’s power animates both the terrorist’s purposes and their choice of tactics....Political culture and power makes the United States a target for those who blame it for their problems.”¹²⁰

¹²⁰ James M. Lindsay and Maurice R. Greenberg, “The Globalization of Politics: American Foreign Policy for a New Century,” *Council on Foreign Relations*, 2002, accessed April 14, 2016, <http://www.cfr.org/world/globalization-politics-american-foreign-policy-new-century/p6330>.

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