Unilateral Legitimacy of the U.S. Use of Force through a Globalized world

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Introduction

International Relations seem to be governed by various clashes which shape the network among states and projects uncertainties on various levels. In the aftermath of September 11, the US has vowed to lead the world through a safer place, but unfortunately things do not always appear the way they ought to be. States' relations have appeared to be so complicated especially when two divergent schools seem to be governing two unbalanced entities. This thesis aims at answering the question of the U.S. realist foreign policy in a globalized political system governed by US unilateralism. The proceedings of this thesis should unveil many existing gaps among unconsidered relations; for instance, U.S. foreign policy revealed a U.S. domestic conflict on who the real decision makers in the White House are; the U.S. preemptive and preventive policies shed the light on another important issue, that of legitimacy therefore creating another gap among international law and politics; and finally U.S. invasion of Iraq unveiled numerous miscalculations, enough to fill in the gap between the factual intentions and the clichés ones. These entire gaps revolved around certain measurements, scientific enough to prove that the clash of civilization which was raised by Samuel Huntington has been broken down into sub-clashes

thus transforming international politics into a network of conflict between realism and complex interdependence.

The U.S. has appeared to be in the aftermath of September 11 diverting its military powers to preempt and prevent. Our attempt to answer this paradox lies in the challenges of U.S. unilateral preemptive and preventive use of force with the international legitimacy after 9-11. It is important to understand however, that preemption and prevention are two closely similar reactions to two different kinds of actions. As defined by Richard N. Haas, in his foreign affairs article regime change and its limits, a preemptive attack should occur when the "intelligence assessment of the threat must be near 100 percent accurate, and when confirming that the danger is in fact imminent and that there are no other available means to stop it"[1], whereas, prevention occurs when "the threats are uncertain and in no way clearly imminent, and the military option is but one of several policies available"[2]. In sum, preemption is a reaction for a certain action, and prevention is a reaction for an action that is based on uncertain predicates.

Chapter one will set the theoretical framework for our research paper in an attempt to create the necessary mindset that has been driving the hidden clash of ideologies between the American realism and the World's

[1] Richard N.Haas, regime change and its limits, foreign affairs,
http://www.symisymposium.org/symi/files/discussion_societies_readings.doc
[2] Richard N. Haas, Ibid

complex interdependence. We will debate the merits and pitfalls of both theories separately, and then explore the clash among both ideologies.

Chapter two will critically analyze the American foreign policy through the theoretical framework, by referring to the determinants of this policy and further more by shedding the light upon the different stages through which the policy has gone through before, during and after September 11. Parallel to this analysis we will witness the birth of the U.S. national security Strategy (NSS).

Chapter three will investigate the neo-culture in U.S. foreign policy in order to comprehend the purposes behind the neo U.S. foreign policy. This chapter will look into the personality of George Bush, as well as the ideology of Conservatism. Having done this, we will be enabled to answer the following: Who shapes the Neo-U.S. foreign policy.

Chapter four will provide an explanation of how the Neo U.S. foreign policy has led to the development of related definition through the paradigm of the use of force. Thus we will be able t o shed the light upon the Bush doctrine within the clash between realism and complex interdependence.

Chapter I: Clashing Theories: Realism VS Complex Interdependence

The United States has been enjoying ever since the demise of the Soviet Union supremacy of unilateral and unparalleled power. Over time it has succeeded in gaining the status of the sole source of democracy, international judge, and peacekeeper. But, the attempts of the U.S. to change the world order is hindered by the international community's skeptical and confused attitude addressed toward Washington. The U.S. seems keen on scattering democracy and transforming societies into democracies regardless of their cultural and historical background.

The attacks of September 11 have reshuffled many items on Washington's agenda and interests since they signaled a deep infiltration within the core of the United States' civil society and security. These attacks have in fact revealed a hidden reality that not all people around the globe appreciate and sponsor the United States' values particularly some Middle Eastern. Thus, shedding the light upon a clash unlike that of civilizations like Samuel Huntington called it, but rather a clash over the United States foreign policy towards the Middle East, an area that has,

ever since September 11, become an arena for clashes of opposite and competing ideologies.

Questioning the failure of Washington, from its inability to defend or to protect the United States from the Attacks of September 11, invites us to underline major points of pitfalls that lie not within the U.S. policy itself alone, but rather within the framework of analysis within which it operates. Bearing this in mind, this chapter will form a theoretical mindset in order to, most importantly; understand that the course of the international politics is highly manipulated by hidden, clashing forces. The core aim of this chapter in fact is to show how the International system operated via networks of theories which clash with one another forming a platform for conflicts, miscalculations because of different conflicting points of focus. These points are common assumptions that are shared by Realism, the U.S. foreign policy skeleton, and Globalization, that is operating through the complex interdependence system.

1.1 – Realism

The realist philosophy goes back to as far as the pre Socratic thinkers of ancient Greece. Moreover, in the famous classic history of the Peloponnesian War Thucydides stated that "the standard of justice depends on the equality of power to compel and that in fact the strong do what they have to do and the weak accept what they have to accept"[3].

International relations come in many images, among them Realism. The assumptions adopted by realism revolve around the fact that state is the principal, unitary and rational actor. It focuses on the action and interaction of the states. It also emphasizes on the importance of security interest, objective, as key components of realism[4]. Realists, consider states as the principal actors. Given the fact that the mere focus revolves around the importance of the state and interstates relations, the study of international affairs becomes limited to the above mentioned assumption inter alia.

[3] Frankel. B, Roots of Realism. Frank Crass: London, (1996), p. 250
[4] Viotti, P.R, & Kauppi, M.V. International Relations Theory: Realism, Pluralism, Globalism and Beyond. Needham Heights: Library of Congress (1990), p.490

This school of thought, in fact, is based upon four major assumptions; first the principal and most important units are states as mentioned. "Terrorist groups, and other transnational and international organization are frequently acknowledged by realists but the position of these non state actors is always one of lesser importance"[5]. Second, Realist view states as a unitary actor because despite any disagreement among a state's political leaders, a unique voice is spoken.[6] Third, realists make the "assumption that the state is essentially a rational actor. A rational foreign policy decision-making process would include a statement of objectives, consideration of all feasible alternatives in terms of existing capabilities[7]". Fourth, "realists assume that within the hierarchy of international issues, national security tops the list. A realist focuses in actual or potential conflict between states actors and the use of force"[8]; therefore power becomes a key concept. To the realists, military security or "strategic issues are sometimes referred to as high politics, whereas economic and social issues are sometimes viewed as low politics"[9].

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[5] Viotti, P.R, & Kauppi, M.V, Ibid, p.6
[6] Viotti, P.R, & Kauppi, M.V, Ibid, p.56
[7] Viotti, P.R, & Kauppi, M.V, Ibid, p.6
[8] Viotti, P.R, & Kauppi, M.V, Ibid, p.6
[9] Viotti, P.R, & Kauppi, M.V, Ibid, p.7

Realism is criticized in its classical formulation that is based on the traditional paradigm of international relations. Politics defined as power in a system that revolved around the concept of State, where the separation of foreign policy is well established from domestic policy does not meet the current international system. In place of the Eurocentric realist paradigm came an international system global in scope and containing an unparalleled number of states and nonstate actors. Hence reversing the formula and shedding the light upon the inflicted role that domestic politics have in shaping and outlining foreign politics.[10]

The state is the center of the realist work. The criticism however is that the focus on the state disregards other actors, such as multinational corporations, banks, terrorists, and international organization related to the maintenance of state security.

Also, realists are criticized for their efforts to draw from the Eurocentric system of the past, a series of political concepts in an attempt to analyze vastly different contemporary global international system.[11]

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[10] Daugherty E. J., <u>Contending Theories of International Relations,</u> Harper Collins: Library of Congress (1990), p.124

[11] Daugherty E. J., Ibid, p. 125

In sum, the focus on national security and the state transfer other issues to secondary importance. Realist theories are concerned with explaining state behavior thus focusing on states, not multinational corporations or terrorist groups. Similarly, a concern with national security issues by definition makes it unlikely that global welfare and humanitarian issues will receive the same degree of attention.[12]

The realists have in fact furnished a solid ground for the formation of what is termed a neorealist approach to international relations theory. Neorealist, not too different from the realists, are also criticized for disregarding history as a process that is continually undergoing redefinition, in which individuals contribute to the structuring of each successive era.[13]

Where does the United States stand among this theory? Many, in fact, accuse the U.S. of following to the word, the philosophy of power and dominance in its conduct and objectives of foreign policy. It has been, in fact playing the role of the strong over the weak. For realists in fact, right is achieved with power. Hans J. Morgenthau stated that "internal politics, like all politics, is a struggle for power; power is always the ultimate aim"[14].

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[12] Viotti, P.R, & Kauppi, M.V, Ibid, p. 84
[13] Daugherty E. J., Ibid, p. 126
[14] Viotti, P.R, & Kauppi, M.V, Ibid, p. 57

Therefore, the U.S. tend to operate realistically in a world shaped by a complex interdependence that explains globalization.

1.2- Explaining Globalization: Complex-Interdependence

When students are asked about the definition of globalization, commonly they will interpret within the uniformity and standardization of the world. Some might go further in linking it to the technological progress that characterizes globalization as the new era of modernity. Jen Nederveen Pieterse in his book on Globalization as hybridization, referred to globalization as "all those processes by which the peoples of the world are incorporated into a single world society, global society"[15]. Taking his definition as a framework for the operation of the international political system, one will only have to replace the Human factors into the Governmental dynamic, hence understanding that globalization is also about increasing the volume of interstate relations and the development of global politics. This flexibility in the definition of globalization gives it a multidimensional aspect[16].

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[15] Nederveen pieterse, Jan, "Globalization as Hybridization" from M. Featherstone et al. (eds), global modernities (sage publications, ltd, London, 1995)
[16] Ibid, Jan Nederveen Piertse

To further explain this phenomenon, complex interdependence appears to be the closest in setting the theoretical mindset. This school of thought, is the other extreme of realism, it is even more realistic than realism itself. Complex interdependence has three main characteristics; first, the theory reveals an assertion that societies on all levels should be on a transgovernmental level and transnational level connected. Such process is defined through multiple channels, and it reduces the role of states as the sole unit. As a matter of fact, the reinforcement of transnational communication between governments has switched the formula where domestic politics influences foreign policies, and converted it into a foreign policy influence on a domestic policy.

Second, unlike realism, complex interdependence holds not a clear agenda issues. This absence of hierarchy among issues does not always place the military security issue on the top of the list like realism. Up to this point, the thin line between domestic politics and foreign policy becomes almost blurry. As a matter of fact, having more than one issue on an agenda is normal, but the point is that these issues threatened groups and not a nation. This observation makes it even harder to formulate a coherent foreign policy.

Third, the complex interdependence theory, and in a less direct way, gives an increasing role to international organizations and diplomacy to interfere in a conflict. This remark emerges from the fact that military force is not always the relevant tool to resolving disagreements, economic ones for instance. It is however undeniable to complex interdependence theorists that survival is a primary goal, and use of force in extreme situations can guarantee this survival. Thus, the issue of military force is placed as a central component of national power. On the other hand, and according to this theory, the use of force, though it can be a guarantee to survival, it also can be costly to non-security goals. The limits of this characteristics arouses in the importance of the threatening issue, and how complex it is. When an issue arouses little interest, force might be unthinkable, but if the issue is of utmost gravity, then realism would be more relevant.

In sum, there are many processes that outline these two theories. In terms of goals of actors, realists tend to place military security as the dominant goal, unlike complex interdependence thinkers who are more flexible in setting goals according to issue areas. As for the instruments of state policy, and again for realists, military force prevails as option number one, and for the complex interdependence the power is yielded to international organizations. This fact brings us to the agenda formation

where both stand at extreme opposites, since realists' issues are highly dependent on the alternation between the balance of power and defined by security threat. However, complex interdependence theorists tend to give more influential roles to the distribution of power, therefore making the agenda slightly messy. Also, realists take the states as the sole actor, whereas complex interdependence theorists believe that the role of international organization should be more influential, and is the one that should induce coalition-formation and not states.

Having reached this point of the comparison between two extremes, we can say that the curtains have been raised and the hidden clash that governs the international political system can be phrased as a U.S. realistic foreign policy approach in an arena of globalization theorized by complex interdependence. The advancing of such a foreign policy especially in the Middle East after September 11 is challenged by this area because of an unparalleled belief of legitimacy among international organizations. Today, and in the light of the current events around the world, no state speaks or requests legitimacy without assuring it is of an international attribute. It is therefore of an utmost importance to grasp this conflict within the two different approaches, because on the one hand, realists, tend to reduce the role of international organizations via a unilateral dominance in a world that

perceives it as an illegitimate attempt and is keen on fortifying the role and intervention of international organization. Theoretically this clash does not seem that dangerous, but while attempting to frame the U.S. foreign policy within the guidelines of this clash, many aspects on how the world is governed can be shed the light upon The forthcoming chapter will focus on the realistic U.S. foreign policy in an effort to understand and position in the international arena a "Wanna be" misplaced U.S. foreign policy.

Chapter II: U.S. Foreign Policy in Perspective

2.1- Up to the eve of September 11

During the Cold War, the United States drove a containment policy against the Soviet Union, in an attempt to halt the expansion of communism, but with the pitfall of the bipolar world system the United States emerged as the world unilateral power. This appearance brought along high expectations to nations of the world that peace and stability have finally prevailed. The purpose of this chapter is to expose the main highlights within the U.S. foreign policy, as the god father of international democracy, in order to outline the clashes between the new world order and the approaches of this foreign policy. it attempts to contribute to the overall study by shedding the lights on the U.S. determination to proceed with the policy as is, while denying the changes occurring among the different entities within the international system, therefore becoming a measurement utility to the success and failures of the U.S. realist preemptive and preventive doctrine in a world where the resort to force is only a minor option among many others.

The thin line between domestic and foreign policy can only be compared to a mirror that reflects the core essence of the U.S. constitution

and projects it to the world. Thus, the essence of the American Constitution lies in the fundamental need to create a safe haven for the development of firm liberties. This philosophy was derived from the works of John Locke who argued that it is a "state of nature, all men cherish and seek to protect their life, liberty, and prosperity"[17].

The paradox underlined in this approach identifies a challenge to establish a tough government to preserve order but not too dominant to the extent of jeopardizing civil liberty. This balance defines democracy, making it the essence of U.S. constitution. Being so, many American wars were fought in the name of democracy. However no clear evidence that such an alibi could have been effective enough and necessary to deteriorate and break the security and stability of other nations. In a new world order where a realist foreign policy holds a firm grip on democracy, conflicts with a global environment where democracy is an option. The questions are, what shapes this U.S. foreign policy, what are its incentives, and how does it behave within globalization?

2.1.1- U.S. foreign policy: an oscillation between Isolationism and internationalism

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[17] Wilson, Q.J., <u>American Government: the Essentials</u> 7th ed 1998, p.27

Within the existence of all these diversities, the United States foreign policy became subject to a clash among two ideologies in struggle, the isolationist and the internationalist. Throughout its persistent struggle the U.S. was facing a major imbalance dilemma whether to focus on its domestic problems or to fulfill its disciple objective as a superpower and be a protector of democracy. However, and again, the common ground was democracy.

The isolationist saw the world as a threat to U.S. values, they attempted to isolate themselves in order to protect U.S. constitutional essence. Internationalists on the other hand saw the U.S. interest in the world politics as beneficial for sustaining the American democratic system. Unaware that this struggle is a clash, as well, the ideologies appeared to be complementary, one being the extension of the other. This debate became apparent due to globalization and fear of the global consumer culture that made them afraid it would develop into a malicious tumor through the U.S. democratic system.

Up to this point, one cannot, however, detach an important factor that has been shifting the nature and the course of U.S. foreign policy over the

decades. We have seen how the essence of foreign policy is driven by human values and objectives, as well as threats people desire to be protected from. However, the key term that defines U.S. foreign policy is national interests. It is whatever the U.S. policy makers are willing to make sacrifices to achieve.[18] Interestingly to note, the nature of these interests at home or abroad have changed with every term, and every president whether he advocated isolationism, or sponsored internationalism.

Looking back at the history of the U.S. foreign policy for instance, shows that the Carter administration was mainly concerned with the Humanitarian Rights. Later, after four years, it was replaced by anticommunist rhetoric. Here it is evident how the U.S. swings in its foreign policy, there seems to be a tendency to oscillate between isolationism and internationalism.[19] Isolationists believe that U.S. interests lie in its detachment from the rest of the world. The internationalists, on the other hand, focus on an activist foreign policy believing that U.S. involvement promotes U.S. national interests[20].

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[18] Hastdt, ibid p. 19
[19] Hastdt, ibid p. 30
[20] Hastdt, ibid p. 32

2.1.2- U.S. and the International System: Realism and Globalization

Despite the fact that the United States' foreign policy is conducted via a realist approach, where the state is the sole unit actor, clashes with a globalized world, where more importance is yielded to the overall unity represented by international organizations, have become inevitable, in the light of the current changes within the nature of variable entities composing the international system. The decentralized nature of the system where there is no common political, cultural, or settled norms governing that behavior of states, imposes many influences on this realistic nature of the U.S. foreign policy.[21]

Furthermore, the existing stratification among states, on all levels, has also triggered major changes in U.S. foreign policy. In an era of globalization, foreign policy seems to be surrounded by an atmosphere of uncertainty embracing its content and conduct. The reality is that foreign problems come in many shapes and sizes. They also differ in terms of their history and origin, a characteristics neglected by the neo-realists. Some foreign policy problems are inherited from previous administrations with

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[21] Hastdt, G.P., <u>American Foreign Policy: Past, Present, Future</u> 4th ed 2001, p.3

failure and long term rooted problems.[22] Complex interdependence is not among the approaches used by Washington to set the skeleton of its foreign policy, however it is undeniable the acknowledgment that foreign policy is not only shaped by domestic politics –*realists*- but also highly influenced by global forces and changes in circumstances –*complex interdependence*- , which divert the policy direction, among those factors is a process that has emerged after the termination of the Cold War. This process, as called, aims at bringing people at all levels together. Globalization has affected the fabric of the state system. It helped develop organizations such as the North Atlantic Free Trade Agreement (NAFTA). Also, it drew a new map that has tied states together. This new world order divided the Americans into various bureaucracies, members of congress, differing interest groups, and the public.[23] Among all the clashes between U.S. domestic and foreign policy; and different ideologies which made U.S. foreign policy resilient to natural political changes, comes one event that changed the status quo, September 11.

2.2- September 11: An Analytical Approach

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[22] Hastdt, G.P., ibid, p. 18

[23] Wittkopf, E.R., The Domestic Sources of American Foreign Policy: Insight and Evidence , 3rd ed, 1999 p. XIII

In order to understand the meaning of September 11, one must observe and analyze the world order prior to that period. This crisis must be critically read through the following variables that have been triggering major changes in the world system:

1- The role of the U.S. in the ongoing conflict in the middle east, in that we must designate whether the U.S. has become a victim of or a volunteer in the attacks of September 11.

2- The nature of Islam, in this we must understand to what extent the definition of a western rule of people clashes with an 'Islamic' interpretation of a rule of God, *this will be detailed further on.*

3- The role of the U.N. and other International organization, and in that an assessment of the UN role in alleviating the tension, and if necessary what were its limitations.

In principle, September 11 targeted the World Trade Centre and the Pentagon but essentially it directly stroke the essence of U.S. constitution, which is as previously mentioned; Democracy. In fact, they put innocent people's lives at risk, but also jeopardized their fundamental liberty.

Nevertheless people were puzzled by so many questions, that up today no one seems to have clear and straight forward answers; were the attacks on the American People a declared war against the American foreign policy? or were they targeting the Americans for what they symbolize and not for what they do? What were the aims of those terrorist? Was it to weaken the U.S.? Was it to awaken it? To punish it? Or simply to effect a foreign policy change?

In his book "Responding to Terrorism" Chalmers Johnson claims that there is no political cause that can justify the killing of innocent people in the U.S. And on the other hand, he adds "just as nothing can justify Americans killing of innocent people elsewhere in the world". He, further on, explains that American lives were not the primary target of September 11 attacks but also American foreign policy. With this argument in mind; one would question how the U.S. policy has failed?

With September 11 and the rise of terrorism as a stateless threat mainly to western powers, and by shedding the light upon many of the inhumane U.S. intervention in the Arab-Israeli war, many Arabs no longer see the humane American picture of the defender of rights and protector of freedom. They argue that U.S. officials no longer care to justify human

rights violations in 3rd world countries. An American Support to the Israelis means a support to the aggressor for the Arabs, but a protection of security havens for the Americans. In the light of such threat, terrorism has been deemed necessary as a resistance, therefore creating a dilemma with respect to the legitimacy of actions and reactions. According to the UN charter, "People who are forcibly deprived from their right under colonial and racist regimes and foreign occupation are entitled to the self determination, freedom, and independence"[24]. These words were stated by the UN General Assembly resolution adopted in December 1987. This resolution was addressed to the Israeli foreign military occupation of Palestine, and despite the fact that it legitimizes the acts of resistance by the Palestinians; Israel still considers them as terrorists.

Furthermore, the attacks of September 11 brought about major issues that were considered minor or were neglected. It was not until the attacks that Arab states started questioning the unilateral approach taken by the U.S. This unilateralism was not famous. This was made obvious during the Bush Administration, particularly when it disregarded international initiatives like

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[24] Chomsky, N., Hegemony or Survival: America's Quest for Global Dominance, Metropolitan Books: New York, 2003, p.190

the Kyoto protocol[25], and more recently its unilateral decision and action with regards to the war on Iraq.

2.3- September 11: the Aftermath

September 11 takes us back in history to operations Pearl Harbor in 1941, the attacks of Cuba in 1962 and the fear of nuclear exchange between Washington and Moscow.[26] However, these tragic events cannot be compared to the attacks of September 11 because they are not attacks launched by a state against another, but by a "Stateless" enemy who does not have fixed territories or borders. The Hijackers who committed the terrorist attacks were Arab Muslim young men belonging to an extremist Muslim group known by the name of "Al-Qaida".This group is based in Afghanistan but has followers and supporters worldwide. September 11 attacks were a turning point in the Bush Administration's foreign policy. The attacks were described as a crisis; "a situation that threatens high priority goals of the decision-making unit, restricts the amount of time available for response before the decision is transformed, and surprises the member of the decision

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[25] "Why Hate America?". Newsweek International, Sept 9 2002 issue
[26] Crockatt, R., <u>America Embatteled: spetember 11, Anti-Americanism, and the Global Order,</u> Routeledge:New York 2003, p.9

making unit by its occurrence"[27]. Defined as such the United States Government decided to choose preemption as an instrument of U.S. foreign policy.

However, was the U.S. response through the Bush administration ethical and wise?. With its attacks on Afghanistan and Iraq, Washington left no doubt that it would proceed in its war on terrorism all alone, as argued by Rice: "so today the threat of terrorism justifies a new phase of American leadership. The Bush administration has adopted war on terrorism as the organizing principle of the U.S. foreign policy".[28] Having said this, one can clearly see that the influence of September 11 in shaping U.S. foreign policy is major. Explaining this through complex interdependence theory could only mean that the U.S. has brought about a willingness to fortify its use of force, under the blessings of realism and the umbrella of unilateralism, in an international system, again seeking international legitimacy. Therefore, "a coherent legal strategy for combating terrorism requires a complementary and mutually reinforcing set of measures – from tightening international cooperation in the prevention, prosecution and suppression of terrorist

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[27] Brandy, L.P., The Situation & Foreign Policy, Maurice East, ed. Why Nations Act, p.173
[28] Hertsgaard, M. The Eagle's Shadow: Why America Fascinates and Inufriates the World, Bloomberg Publishing: London 2003, p. 193

activities, to long-term cooperative schemes to remedy or at least attenuate their root causes"[29].

The campaign against terrorism was explicitly announced by the American president in his speech to congress on September 20, 2001; just 9 days after the New York and Washington attacks[30]. Bush proclaimed: "Every country, in every continent, should now take a decision, either you are with us or you are against us"[31]. Later Bush extended the war on terrorism against Iran and Iraq, countries which have intentions in developing weapons of mass destruction, thus becoming a threat to the U.S. In his speech on January 2002 the American President considered that: "such states –Iraq, Iran and North Korea- and their terrorist alliances constitute the axis of evil"[32]. This terminology has created instability in the Middle East region in parallel with the wars waged on Afghanistan and Iraq.

As a matter of fact, the Middle East region is deeply embedded in American foreign politics. It involves interaction between different key

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[29] Abi Saab, Georges. 2002. "there is no need to reinvent the law". The Global Policy Forum. http://www.globalpolicy.org/intljustice/general/2003/0902change.htm
[30] "President George W.Bush's address to a joint Session of congress Concerning September 11 terrorists' attack on America", September 20, 2001 (http://www.september11news.com/presidentbushspeech.htm
[31] www.leanleft.com/archives/cat_terrorism.html
[32] State of the Union Address by the President Georges W. Bush, U.S. Capitol, Washington DC, White House Press Release http://www.whitehouse.gov/news/releases/2002/01/20020129.html

structures where the president is the key actor in shaping the policy, while the State Department, the Senate, and the House of Representatives helped setting the mindset for the policy; and other actors like political parties, the opinion Makers', and the Lobbies have their role. three wars were launched as a result of September 11: first, the war on Afghanistan to effect regime change, removing the Taliban and there Al-Qaeda collaborators; second, the larger war on terrorism to disrupt Islamist networks and cells around the globe, from Germany to Indonesia to the United States itself, using law enforcement and intelligence capabilities; and third, the invasion and occupation of Iraq.

With the large American troops in Afghanistan and Iraq, it has become clear that the United States' strategy has shifted from "its traditional stance of upholding the regional status toward proactive, interventionist policy"[33].

Robert Kagan wrote that the U.S. policy was a policy driven by two imperatives: security in the post 11 September era and an ideological sense of moral mission whose origins can be traced to the very beginnings of the

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[33] Rice, C. 2003. Remarks Delivered at the National Association of Black Journalists Convention, 7 August 2003. http://www.washingtonpost.com/ac2/wp-dyn/A30602-2003Aug7

American Republic[34]. And Louise Fawcett said that "the Greater Middle East became the testing ground for the new American project and within it the Arab world was "ground zero" – the source of what the U.S. administration insisted was the new danger, one even worse than the old Soviet threat"[35]. Unless they are preemptively liquidated, the "Islamist terrorists", as called by the U.S. department of State, would then be able to strike the American Heartland. In other words, in the view of the American Administration, the Middle East is a breeding ground for terrorism. The American Administration, in its National Security Strategy, defines its position toward terrorism in terms of its struggle against an ideology, a political coalition or a state. From this point emerges a disagreement regarding the conceptualization of terrorism and the identification of terrorist groups. We can realize that the Neo-Conservative strategy in countering terrorism in the region has offered a complete global, strategic, and legitimate package. The United States is trying to persuade the Arab States to adopt its policy and has threatened them with sanctions if they do not accept the deal.

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[34] Kagan, Robert. 2003. Of Paradise and Power: American and Europe in the New World Order. New York: Kopf, p.85-8
[35] Fawcett, Louise. 2005. International Relations on the Middle East. Oxford, page 299

The new task of the American foreign policy was not only to engage in the use force but also to reshape the domestic environment of several 'states' in the Middle East whose educational system, religion, economic stagnancy contributed to anti-American terrorism[36]. In fact America's political architecture in the region embraced two dimensions: the short-term strategy of enhancing a security plan for the Middle East, and the long-term strategy approach of reshaping the domestic politics, economics, and culture of the region through liberal and realist means in order to reduce or entirely eliminate 'Islamist extremism' in the region, therefore, assuming pro-American regimes.

In parallel, with regards to the Palestinian-Israeli conflict, the Administration argued that a regime change in Iraq could facilitate a solution to it. However, despite Bush's creditable commitment in principle to a Palestinian state alongside a secure Israel, he was unwilling to pressure the Israeli government to stop settlement activities and ease Israeli pressure on the Palestinian population. President Bush was highly convinced by Prime Minister Ariel Sharon's argument that Palestinian resistance was part of the terrorism inflicted on the U.S. in September 11. In his televised nation address, President Bush compared the terror perpetrated by the Palestinians

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[36] Fawcett, Louise. Ibid. Page 299.

and the terror perpetrated in Iraq and Afghanistan with the ultimate terror perpetrated by Al-Qaeda against the United States.[37]

The U.S. after the attacks of September 11 altered its foreign policy objectives and organizations by reassessing its National Security. One of the paramount responsibilities of a realist government was the provision of common defense[38], "This obliges the president to ensure the security of the American homeland and public, something that must be the primary objective of any National Security Strategy, The terrorist attacks demonstrated also that not just new measures are needed, but new overall posture"[39] of U.S. foreign policy is needed to guarantee the common defense. Thus was born the Bush Doctrine, and raised within the National Security Strategy of September 2001. The culture being the neo-war, and to examine it, one must delve into the personality of its perpetrator and their ideologies, inter alia, while taking Kenneth Waltz images as a mindset to our forthcoming chapter. This will enable us to trace the influence of the character and ideologies of the White house in shaping the Neo-U.S. foreign pol

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[37] Bush Speech. September 7, 2003
[38] Rena, C.V., "World or Homeland?" U.S. National Security Strategy in the 21st Century. Open Democracy. 29-05-2003 p.3. Available on www.openddemocracy.net
[39] Rena, C., ibid p.4

Chapter III: Neo-Culture of War in the National Security Strategy

To understand a state's foreign policy behavior and international outcomes it is essential to study the three images designed by Kenneth Waltz. He analyses the concepts of Explaining Wars through three internationally known paradigms to which he added a fourth one. Waltz argues that the concept of "Explaining War" starts by looking at the individual, then the internal state structure and the international system. He added an additional image, the bureaucratic organizational system, which plays a crucial role in any foreign policy arrangements.[40] Waltz's analysis is important to explain the U.S. projected perception of the international system that has been sentenced to failure ever since the fortification of the conflict resolution has been replaced by the justification of Wars. Fighting terrorism has become the goal and priority of the United States since September 11. In his speech to Congress, President Bush called for a war on terror "that will not end until every group of global reach has been found, stopped and defeated"[41].

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[40] Waltz, K.N., Man the State and War. Columbia University press 1995
[41] Duddley, W. The Attack on America: September 11, 2001. Greenhouse Press: California 2001, p.8

After Afghanistan, U.S. unilateralism rose through the new war on terror as a grand strategy. This "unilateral and preemptive strategies even preventive of force" [42] refuses to be constrained "by the rules and the norms of the international community"[43].

Moreover the U.S. has been assuming roles that jeopardized states' sovereignties, since Washington has defined its after 9-11 missions as the sole standards makers, threat determinate, and the resort to force usage under the auspices of justice and democracy. Thinking that its neo-foreign policy will achieve its previously mentioned mission, it will however render the fabric of the international community and would trigger hostility, resistance and even more terrorism.[44]

Many theories are needed to explain the United States behavior within the international community. At one point in time, Washington has been assuming roles in the affairs of the global community that have been traditionally fulfilled by states; thus representing a potential hegemony. This performance projects interference in states' affair and an American willingness to emerge as a realistic super power with a globalist foreign

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[42] Ikenberry, J. America's Imperial Ambition., (2002), Foreign Affairs, p.44
[43] Ikenberry, J., ibid
[44] Ikenberyy, J., Ibid, P: 46

policy. Not to divert from the issue at hand, the U.S. decision to go to war reflects a multi identity engulfed in its attempts to preserve its hegemonic status by perceiving states not as related international entities but as individual ones, and focusing on its economic dominance. As a matter of fact, Washington's position through its foreign policy ventured with its belief in moral authority that translated the government's commitment to protect its people;[45] In this respect, the U.S. perception of states as independent entities defined a realist flavor within its foreign policy, which clashed with its globalist attempt to prioritize economy. Moreover, the U.S. dominance is not only military, but also economic. Comparatively, the aggregation of Japanese, German and British Economy is needed to weigh their American Counterpart. This is to demonstrate how large the U.S. economy is.[46]   The U.S. holds various international industries by nationality, hence playing a leading role specially on the technological level where it is believed that it accounts for nearly 32% of world high technology production since 2003.[47]

Therefore, with its commitment to moral obligation and its challenging status as a leading economic power, Washington deemed it

[45] Covarrubias, J. A., The U.S. Reluctant Sheriff or potential Hegemon?, American Diplomacy. CIAO Database. Retrieved January 13, 2004
[46] Zakaria, F. (2003). The Arrogant Empire. http://www.columbia .edu
[47] Covarrubias, J. A., ibid

necessary to grow militarily as well in order to protect its economy and serve its people.

As a matter of fact, the U.S. power in military affairs is unquestionable. Today the U.S. is the first state that has the highest spending rate on defense than any other nation. Its defense budget in the aftermath of September 11, and specifically in 2003 reached $396 billion; the budget of 25 nations combined.[48]

Behaving as a hegemon, and detaching itself from the international community in order to become active in the process of maintaining supremacy. Georges W. Bush believed that his country should lessen its involvement in rebuilding other countries.[49] This assumption takes us to Kenneth Waltz first image of explaining war, which relates conflict to human behavior.

Georges W. Bush, the president of the United States holds a central role. He has at all times the responsibility for determining and directing U.S. foreign policy. This responsibility derives originally from the constitution, which empowers the president to negotiate treaties and agreements, to

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[48] Covarrubias, J. A., Ibid
[49] Peterson, P.G. Public diplomacy and War on Terrorism, Foreign Affairs 2002, p:78

recognize new state and government, to declare policy, to nominate or appoint diplomatic officials and to exercise other authorities granted to him in various statue.[50] The U.S. president unlimited initiatives and influences in foreign policy were illustrated throughout U.S. history and successive president. Truman and Eisenhower sent troops to Korea and Lebanon... and Bush waged war on Afghanistan and Iraq.

At the very bottom of these strategies lie the individual characteristics of the presidents. No presidents adopted the decision out of nowhere; "His mind contains complex and intricately related information and patterns and conceptions of nations and self".[51] There is a vital relation between belief system, perception and decision making. In the light of this examination, one would expect the influence of the president Bush personality on the U.S.foreign policy decisions and strategies.

In1986, Bush considered himself a born again Christian, where "faith in Jesus becomes an integral part of my whole being. I don't think you can separate yourself from who you are".[52] Bush did not only adopt the idea of

[50] Rogers,W. How Foreign Policy Is Made: Conflict in American Foreign Policy, Mansfield and Buckley. 1985, p:167
[51] Hudson, V. Foreign Policy Analysis, Yesterday, Today and Tomorrow, International Studies Review. 195, P. 217
[52] Bush, G. on Faith, the Crosswalk.com, Editorial Team. P.11, available on www.Crosswalk.com

being Christian yet he made sure that he is well surrounded with people of the same faith. Once he entered the white house, he surrounded himself by people of extreme Christian right: the wife of the secretary General of the presidency Andrew Card is minister of Methodist Cult, the father of Condoleezza Rice, preaches in Alabama.[53] Hence, to understand the white house, one has to understand the predominance of the faith. Ironically, the presidency resembles a vast room of prayers and collective lectures of the Old and New Testament.[54]

The event of September 11 fortified Bush's attachment to the U.S. foreign Policy and adhered it firmly to his Christian beliefs. During the memorial services of 9-11 at the Washington National Cathedral, Bush Stated: "our responsibility to history is already clear: to answer these attacks and rid the world of evil"[55]. He became aware that his holy mission is to engage the forces of evil in a battle. This development made clear at this point that religion has soaked up Bush's ideas; actions and perception of the world. This was concluded in his September 20, 2001 speech to the world: "Either you are with us, or you are with the terrorists. Either you stand with

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[53] Laurent, E. "the Secret of Bush", Plan 2003, P. 19-20
[54] Laurent, E. the Secret of Bush, Ibid
[55] Carnes, T. Faith and War, Christian Today, May 200 V.47, i.5 p:2. Available on web7.infotrac.galegroup.com

civilization and good (U.S.), or with barbarism and evil, then, choose. And to those nations that choose wrongly beware"[56].

In the aftermath of September 11, many analysis were conducted to Bush Speeches where he declared war on Saddam Hussein. Paul S. Boyer, a history professor at the university of Wisconsin, has argued that "The president has played on the memories of September 11 with an ancient apocalyptic vocabulary, and for the millions of believers in the Christian prophecies, this holds a specific message, that announces that the end is near, not only that of Saddam Hussein, but also to the Human History"[57]. Moreover, Chip Bertly an expert in the ultra-conservative religious movements, views Bush firmly close to the divine thinking. According to Bertly; Bush added to the vision of the world, where the gigantic combat between the good and the evil is rising, this will culminate into a final confrontation.[58] In addition, Bertly argues that persons like Bush often take inappropriate risks because they consider that it is coming from a divine will.[59]

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[56] Hirsh, M. Bush and the World, Foreign Affairs, A Council on Foreign Relations Book, New York 2003, p: 166-167

[57] Laurent, E. The Secret World of Bush, Ibid p.21

[58] Laurent, E. The Secret World of Bush, Ibid p.22

[59] Laurent, E. The Secret World of Bush, Ibid p.21

The U.S. foreign policy in the aftermath of September 11 was merely coupled by Bush's nervous energy, his impulsiveness and his religious belief. His impulsiveness and nervous energy were projected into the development of the preemptive and unilateral strategy, this was made clear in the National Security Strategy document where he stated that America "will act against such emerging threats before they are fully formed".[60]

The use of preemption against Afghanistan and Iraq in less than a year shed the light upon another characteristic in Bush personality the "War Leader" aspect. His speech at the joint forces command headquarters, on February 14, 2001, underlines his "War Leader" character; "We have to redefine war on our terms. We have begun a comprehensive review of the U.S. military, the state of our strategy, the structure of our forces, the priorities of our budget. I have given a board mandate to challenge the defense of America".[61]

The multi dimensions of Bush personality were mainly activated in the aftermath of September 11 National Security Strategy. However, bearing this in mind, it is inevitably undeniable that he was not the sole decision

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[60] The NSS, Document p.2
[61] Speech as Joint Forces Command Head Quarters, Norfolk. On the Issues, February 14, 2001, Available on www.issues2001.org

maker. In fact, he was part of what is known as "the Neo-Conservatives Hawks". This takes us to the next image; "Bureaucratic Organizations"; which is believed to be, according to Kenneth Waltz, a source of conflict and a major contributor to war.

The neo-conservative school emerged from the original Western Conservative tradition. Many believe that it is an ideology observed by a right wing U.S. group, a self proclaimed intellectuals. According to Michael Lind from "New Statesman", the Neo-Conservatives "are products of the largely Jewish-American Trotskyist movement which morphed into anti-communist liberalist between the 1950s and 1970s and finally into a kind of militaristic and imperial right"[62]. Nevertheless, Max Boot from National Security Studies at the council on foreign relations argues that even though the Neo-Conservatives are related "to the Likud party, they have also links to the British Tories and other Conservative parties around the world"[63]. According to Boot, Neo-Conservatives are committed to liberal democratic values and not Communist based on religion and ethnicity.[64]

[62] www.Eurolegal.com, 2003

[63] Boot, M. Think Again: NeoCons: Foreign Policy, Retrieved Feb 12, 2004, from CIAO database

[64] Boot, M. ibid

The assumptions made by Boot were, however, contradicted by Joaquin Cabrejas from the American Humanist Association. Cabrejas links Neo-Conservatives to the high rank of religion in society. His assumption found its echo in the belief's of Irving Kristol, a chief figure in Neo-Conservatism, who stated "that religion should play a much larger role in American Society and avoid separation of church and state"[65].

As a matter of fact, statistics have shown that "60% of people who identified themselves as religious supported the war on Afghanistan and Iraq, whereas less than 50% of non religious people did not"[66].

The Neo-Conservatives are realists and pure believers in power. They were the masterminds behind the Project for a New American Century (PNAC) in 1997. Moreover, the designers of PNAC were able to occupy important offices such as the Secretary of Defense, Donald Rumsfeld, Dick Cheney the Vice President.

Furthermore the PNAC, though it stated that no world power should be able to compete with U.S. military supremacy, it also aimed at bringing to

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[65] Cabrejas, J. (2003). Behind Bush's Drive to War. The Humanist, 63 p. 20. Retrieved Feb 10, 2004, from ASAP Database
[66] Cabrejas, J., ibid, P. 3

light a fundamental transformation of the Middle East and the creation of the biggest political change.[67]

The Neo-Conservatives have been working on reshaping the Middle-East. The starting point of the execution of their plan has been the invasion of Iraq. Obviously, Iraq was used as a tool to pressure Egypt, Syria, and Saudi Arabia; countries considered as authoritarian, in order to effect regime change and convert to democracy.

Professor Francis Fukuyama (2002) in his article "Beyond our Shores", argues that conservatism in American foreign policy can be identified in the international relations terms as "Realism, the view that the world politics is a remorseless struggle of power on the part of sovereign nation-states that must ultimately look to themselves for their security"[68].

Furthermore, in a system shaped by political globalization and factors of economic globalization, the U.S. Bureaucratic system encounters a paradox as it is shaped by a form of Neo-Conservative thoughts that are directed through a realist path, in a world governed by the aspiration of complex-

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[67] Margolis, E. (2002). Bush's Mideast Plan: Conquer and Divide. Owner IMAP. Retrieved Mar. 12, 2004, From ASAP Database

[68] Fukuyama, F. (2002). Beyond our Shores. Opinion Journal, Retrieved Mar20, 2004, from http://www.opinionjournal.com

interdependence. This clash however has been materialized, its main challenge has been raised by the reason voice that calls for legitimacy. The next chapter will develop the field of execution and the new adaptation of the Bush Doctrine in an attempt to accentuate the clash among domestic and international ideologies, realism and complex interdependence.

Chapter IV: U.S. Use of Force: Neo-Definition

After briefly exploring in the previous chapter the mindset of the U.S. neo-culture of war, and having established the essential framework of the U.S. foreign policy, we will explore throughout this section the new attempts to preserve the new dimensions of democracy after September 11, dealing with the coercive attempt to keep this essence.

4.1- Preemption and Prevention in U.S. Foreign Policy

Preemption and prevention have taken various forms in U.S. Foreign policy history, some forms have vanished and others remain complementary to one another. With the Declaration of independence by Thomas Jefferson, a new dimension of democracy was defined; "Men are endowed by the creator, with inalienable rights, that among these, are life, Liberty, and the pursuit of happiness. To secure these rights, the governments are instituted among men, deriving their just powers from the consent of the governed"[69]. Jefferson provoked a feeling of envy and admiration for the U.S. values abroad. To reach these objectives, Jefferson resorted to the use of force, directly or indirectly. He developed the indirect force: the carrot and the

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[69] The Papers of Thomas Jefferson" the Avalon Project at yale Law School, Available on www.yale.edu.lb

stick. For the (carrot) the U.S. used money, which still is the case today. For the Stick, the solution resided either in the use of force, or in the Use of threat. The use of commercial threat, constituted one of the instruments of choice in the diplomatic luggage of Washington throughout history.[70] A clear example of this form, was when Jefferson was no longer able to afford the exploitation of his commercial shipments by the maritime piracy which, back then, controlled he coast of North Africa. Jefferson had to organize a preemptive attack on Tripoli; while in parallel the U.S. carried a coup d'état on Tripoli. This action became an essential element of the foreign policy strategy, throughout the U.S. history.[71]

James Steinberg, former director and vice president of Foreign Affairs studies at the Brookings Institution in Washington, believes however that preemption took the form of a race to armaments[72]. States under WWI were accelerating their resort to war in order to avoid surprises. In the light of U.S.-Soviet arm race, preventive doctrine was used as a counterattack to an emerging threat, nuclear weapons. Knowing the risk of inaction in the light of nuclear threat materialization the United States was urged to act preventively on the basis of factual predicate warning; however the attacks

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[70] Chaland, Gerard and Arnaud Blin <u>America is Back: the New Hawks of the Pentagon,</u> Boyard, 2003. P: 62-63

[71] "The Tripolian War, 1801-1805". <u>African History,</u> Available on: www.africanhistory.about.com

[72] Steinberg, J. <u>Preventive Force in U.S. National Security Strategy</u>

were never formed[73]. This strategy has counter-consolidated the fact that a capability to act, the fear of the U.S., does not justify imminent intentions to do so. On the other hand; being a nuclear state the U.S. has mislead the international community by vindicating its nuclear possession as a deterrent force whereas other states' possession as a hidden intention underlying a possible threat to Washington.

During the Post Cold War Era, the preventive use of force escalated. Many factors contributed to such a development. First, with the termination of the Cuban missile crisis, it appeared that preventive use of force would not be an option to be used between superpowers, rather between imbalanced states, which is why superpowers have increased their risks in acting preventively.[74] Explicitly; difference in regime systems might be fertile grounds for such actions. No democracies would fight one another.

Second factor that helped the doctrine become more of usage was the failure of the United Nations in preventing the 1990's humanitarian conflict in Bosnia and Rwanda. Such a pitfall allowed states to enlarge the concrete justification for using force, whereby humanitarian intervention has been

[73] Steinberg, J., ibid
[74] Steinberg, J., ibid

legitimized under preventive use of force.[75] This recognition came as an alternative to the United Nations Security Council actions, even if the intervening state does not perceive any threats through the crisis.

Finally, the acquisition of Weapons of Mass Destruction was a third factor that contributed to the development of this doctrine. This threat was of major concern to the international community and to the United States because it endangered international and national securities. Operation Desert Fox, for instance, conducted by the Clinton Administration, was a mere example of the doctrine's development. They have perceived a suspicious Iraqi involvement in developing WMD, and went preventively against it in order to deprive first themselves from this suspicion, and second Iraq from their possible nuclear capabilities.[76]

For those who have heard Bush's speech at west point commencement, are well aware that the words were nothing but a strong foothold to the establishment of the National Security Strategy in September 2002; "For much of the last century, America's defense relied on the cold war doctrines of deterrence and containment. In some cases these strategies still apply. But new threats also require new thinking. Deterrence- the

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[75] Steinberg, J., ibid
[76] Steinberg, J., ibid

promise of massive retaliation against nations- means nothing against shadowy terrorist network with no nations or citizens to defend. Containment is not possible when unbalanced dictators with WMD's can deliver those weapons and missiles or secretly provide them to terrorist allies...if we wait for threat to fully materialize, we will waited too long...we must take the battle to the enemy, disrupt his plans, and comfort the worst threats before they emerge"[77]. However if we read these words within the framework of realism, and complex interdependence, we will be able to spot a thin line among both schools. In fact President Bush understood that National Security is at the top of the agenda and has to be defended against any imminent or potential threat. Such realistic approach has also collided with Bush's unconscious recognition of the influence that external changes can have on foreign policy, a point that is highly associated to complex interdependence thinking.

A reading of this document reveals a more strategic story. Starting with Bush statement in West Point Commencement, he goes further into clarifying his strategy. In the cover letter of the National Security Strategy, Bush clearly states: "the gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared

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[77] Bush, G. Remarks by the President, Commencement address at West Point, 2002

that they are seeking WMD, and evidence indicates that they are doing so with determination. The United States will not allow these efforts to succeed. We will build defenses against ballistic missiles and other means of delivery. We will cooperate with other nations, to deny, contain and curtail our enemies' effort to acquire dangerous technologies. And, as a matter of common sense and self defense, America will act against such emerging threats before they are fully formed. We cannot defend America and our friends by hoping for the best. So we must be prepared to defeat our enemies' plans, using the best intelligence and proceeding with deliberation. History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action"[78]. A careful reading of this expert reveals three core reasons why the United States has decided to expand the doctrine of prevention:

First, with September 11, the Nature of the threat has changed: rogue regimes and terrorists against traditional states and adversaries; implicitly a change in the international system, a view associated to complex interdependence.

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[78] National Security Strategy Document, Introduction

Second, the features of the threat, the attacks of September 11 with planes, have shown that terrorist groups are willing to use any clandestine weapons to materialize their threat. Such a change in arsenals causes a threat to security since we are no longer threatened by conventional weapons, but rather by Clandestine Weapon Program.[79] Ironically a realistic assumption determined to maintain military security as a dominant goal.

Last but not least, with regards to the setbacks of the Security Council, the National Security Strategy explicitly states: "while the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self defense by acting preemptively"[80]. Having sentenced international organization to failure, we can therefore see to what extent realism has prevailed in the NSS.

Having noticed, up to this point, the importance of the use of force in the NSS, we will therefore assess the goals and the powers of this use, through its preemptive and preventive tools.

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[79] Steinberg, J., ibid
[80] NSS Document

4.1.1- Goals

It was declared, in the aftermath of September 11, the start of the United States War on Terror. Unfortunately, terrorism has taken the form of infiltrated networks within a given society, it has even been able to contaminate certain governments, and in this point it has appeared to the United States that to win the war on terror all states must join in the battle and defeat these groups within their authorities. Despite the severity of this call, Washington made sure to follow up on the efforts conducted by other states to contain terrorism. The reason for this follow up, was to rest assure that U.S. interests won't be jeopardized. Bush resorted to intervention in order to abolish emerging and untreated threats. Under such a case, humanitarian intervention reemerged as an alibi to justify the preventive use of force. In itself, humanitarian intervention is a duty to protect, which is legitimized through the United Nations Charter. And it occurs when the state in question has failed to conduct this duty.[81]

Effecting regime change is another goal that needs to be reached through the preventive use of force. In fact, after September 11, the United States has conducted two wars, one on Afghanistan and the other on Iraq. As

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[81] NSS document

a matter of fact Bush administration sought that the Taliban regime (regardless of whether Osama Bin Laden was in Afghanistan) was jeopardizing the security of the U.S. and should be brought down. Also, the administration has been involved in a preventive war on Iraq that has led so far to the overthrowing of Saddam's regime in the absence of concrete evidence that the regime was involved in nuclear developments, and imminently intended to attack.[82]

There are reasons to believe however, that prevention is not the best alternative to effect regime change. Threats emanating from states or rogue states must before being abolished either deterred of contained. Because with the identity of the threat there is a high risk that many citizens would be killed. The factual predicate needed in order to judge whether the regime is too dangerous to continue operating is difficult to be built. The use of preventive force to induce regime change might undermine the prohibition against aggression. Taking the Iraqi case as an example, the use of force to effect the regime change of Saddam has come at a high cost to the United States' prestige and thus "soft power", so the long term cost benefit calculations has been quite negative even if the operation appeared to be reasonably successful on the short run.

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[82] Steinberg, J., ibid

It has become clear, up to this point, and after examining the counter-arguments for using preventive force in order to effect regime change, that it is highly problematic and states must resort to it only when the diplomatic attempts have failed, containment and deterrence have collapsed. Because when such a scenario occurs, it will appear easier to secure the Security Council approval to use preventive force, and hence broaden the international endorsement to legitimize this action.[83]

The targeting of civilians in any terrorist attack has resulted in catastrophic losses; this factor implies that the risk of inaction is highly dangerous. Among the reasons why preventive use of force must be used to combat terrorism is the fact, which is taking the battle to the enemy might result in minor collateral damage. Acting preventively in this case, will reduce the possibility of a terrorist attack even in the light of the absence of specific evidence. Furthermore, since terrorism can be materialized via many ways; among them the introduction of suicide attacks, the U.S. and Israel sought to approach it preventively because of its nature. In other terms,

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[83] Steinberg, J., ibid

Suicide Attacks cannot be fought against by using deterrence.[84] Therefore, Israel used force through targeted assassination of suspected terrorists.

Despite the fact, that the above mentioned reasons might justify the preventive use of force, there are counter-arguments. Preventive use of force is based on Uncertainty. It comes when neither the attack is imminent nor foreseen. In other terms the possibility, regardless of whether it is imminent or possible, is treated as a certainty and must be taken care of. It is logical that a state cannot wait for the attack to materialize, as it cannot bear the cost to act preventively on the basis of uncertainty because then also, casualties will occur, according to Steinberg, "the factual predicate that establishes an individual or a group as legitimate target is inevitably uncertain, risking the killing of innocent individuals"[85].

Legally, there should be no ground for prevention because, when uncertainties are dealt with as certainties, such a factor will undermine the rule of law as it will risk "legitimizing the extrajudicial use of force by any state that foresees in the actions of any party a threat to its security, in this

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[84] Steinberg, J., ibid
[85] Steinberg, J., Ibid

context, the United States, also loses its credibility as the advocate of the rule of law"[86].

Up to this point, a compromise is needed! Waiting for an attack to materialize can result in high costs, and acting preventively, based on uncertain predicate, will also result in casualties, and on the other hand acting preventively undermines the rule of law, as it legitimizes other states to resort to it. The only common denominator between all these factors appears to be prevention in itself, concluding thus that the alteration within its concept must be made. When states alter their self defense doctrine to preventive use of force, they must bear in mind that discriminating between targets is a must, as they should also strengthen their factual predicate (when uncertainties are considered as certainties) by holding a firm grip on their internal control and hence their intelligence forces.

4.1.2- Powers

Some have argued that the resort to the preventive use of force should come at a point where all other means have been exhausted. In other words, it should come when negotiations have failed, mediations have collapsed and

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[86] Steinberg, J., ibid

the UN has been disabled. In as much as preventive might these options be, for the United States, the Game is none but the one of stalling, in as far as the use of force is risky, prevention comes at a point where the attack is uncertain and again factual predicates are not available. With such a powerful tool, the U.S. conduct appears to be threatening the uncertain threat by the use of Prevention. Here is why it would be interesting to examine how the Preventive use of force might hinder the development of dangerous capabilities.[87]

In principle, the preventive use of force was first introduced to deprive the adversary of the capability to attack. Such was the case when Israel attacked Iraq's Osirack nuclear reactor. Logically, when a state has the potential of developing Weapons of mass destruction, its intentions become ambiguous, in other words, regardless of whether the states is not willing to use its WMD, the threat remains as uncertain, and this uncertainty must be treated as a certainty and abolished.[88]

As previously mentioned, the use of force must be used when all other means have been exhausted, however, the threat to use force might be a

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[87] Steinberg, J., ibid
[88] NSS document

route to re-set the table for negotiations. Here it takes the form of a threatening coercive tool to achieve peaceful settlements.

Also, the existence of such a threat might deter the adversary from pursuing the development of WMD. The importance of constantly threatening to using force also lies in the hardness of detecting the possibility of terrorists acquiring WMD from states sponsor terrorism.

Under all the above mentioned circumstances, the use or the threat to use preventive force might be highly important, to international security, however, when a state uses or threatens to use force against WMD capabilities, it will trigger unintended consequences. In this respect, efforts will be multiplied by states in an attempt to acquire WMD.[89]

Having understood how the Use of force has developed and under what circumstances and state must consider using it, we shall now project an in depth analysis of the National Security Strategy in an attempt to underline the role of Washington in conducting its foreign policy and therefore evaluating the analytical approach that sheds the light on the spirit of the NSS defined by the beliefs of the Neo-Conservatives.

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[89] Steinberg, J., ibid

Chapter V: Analysis of the National Security Strategy

The neoconservatives believe that the U.S.A, by virtue of its military power, is in a position to be the sole architect of regional security. Louise Fawcett, a political science lecturer at the St. Catherine College in Oxford, says that perhaps this is a correct assumption, but it ignores indigenous ideas of regional 'security architecture'; it dismisses the struggle of emerging countries to shape their own security structure independently.[90]

In the National Security Strategy, President Bush committed himself to transforming the political systems of the Middle Eastern countries towards some sort of democracy and economic liberalism. However, the administration supposed that getting rid of subversive regimes in Afghanistan and Iraq would lead the 'thirsting populations for liberation and freedom' into democracy. This miscalculation proved right! Near the end of Bush term in 2004, the process of democratizing Afghanistan and Iraq was proving to be far more difficult than expected and there was no sign of

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[90] Fawcett, Louise. Ibid. Page 303

regional insecurities engendered by America's war on terrorism has made the neighboring regime more repressive.[91]

The NSS was an appropriate U.S. response to September 11 and an execution tool for the Project for a New American Century. But by invading Iraq, the United States lost its focus on the primary goal of directly countering terrorist threats. The NSS states: "we will disrupt and destroy organizations by direct and continuous action using all the elements of national and international power".[92] The strategy also declares "a war of ideas to win the battle against international terrorism using effective public diplomacy to promote the free flow of information and data to uphold the hopes and aspirations of freedom in societies ruled by the sponsors of global terrorism"[93].

The "National Security Strategy of the U.S.", formalizes these three elements of the Bush Doctrine: preemptive strike, the promotion of democracy, and military supremacy. It was widely reported in the Western press that the so-called Bush doctrine had strong roots in the American neoconservative thinking and movement. It has been formulated as a mean

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[91] Fawcett, Louise. Ibid. Page 303
[92] NSS document
[93] NSS document

to preserve U.S. security, but at the same time, this strategy represents a tool to consolidate the American vision of the world and to sanctify American Values and interest around the globe. It states: "our freedom, our cities, our systems of movement, and modern life – are vulnerable to terrorism"[94].

Therefore, it is the United States' responsibility to eliminate terrorists and threaten 'unfriendly regimes' since it is the world's superpower, this means reversing the previous U.S. policy of only responding selectively to humanitarian and military crisis. The Bush Administration has prepared the ground for a mandate of military action. In this way, the enemy is no longer defined. It could be whoever is able to be a terrorist or to acquire weapons of mass destruction, "the United States relies henceforth on the preemption doctrine instead of dissuasion, and the proactive toward proliferation instead of non-proliferation" [95] to counter those enemies, as expressed by Mary Kaldor, co-director of the center for the study of Global Governance. The strategy of Washington aims at forbidding the materialization of such threats with attacking their potential enemies by pre-emptive actions: "because it is

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[94] NSS document

[95] Kaldor, Mary, <u>American Power: From Compellance to Cosmopolitanism?</u> International Affairs, 79:1, 2003, pp.1- 22

George Bush main focus was on failed states, as said by the administration "seemingly has few plans to provide much counterterrorism assistance to failing countries"[98]. The NSS states that: "where governments find the fight against terrorism beyond their capabilities, we will match their willpower and their resources with whatever help we and our allies can provide"[99].

Susan Rice, former assistant of State for African Affairs, affirms that these states "pose serious challenges to U.S. interests in terms of refugee flows, trafficking in illicit weapons, peacekeeping and humanitarian assistance, and lost trade and investment opportunities"[100]. In his letter introducing the NSS, President Bush elaborates: "the events of September 11, 2001, taught us that the weak states, like Afghanistan, can pose as great a danger to our national interests as strong states"[101].

The NSS resulted in a shift in U.S. foreign policy from deterrence to preemption, generally known as "the Bush Doctrine". The concept of "preventive war", driven by fear and uncertainty, replaced the analytical

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[97] NSS Document

[98] There is no universal definition for weak or failing states. However according to the U.S. government the measurements taken in order to identify a weak or a failing states are 4: peace and stability – often, failing states are in conflict-, Effective Governance –governments of failing states seem to be always corrupted- , Territorial control and porous borders –lack of effective control of their territory-, and Economic sustainability – often failing states are among the poorest countries in the world-.

[99] NSS Document

[100] Rice, E. Susan. 2003. The New National Security Strategy: Focus on Failed States. Page 223

[101] NSS document

logic of self-defense (we have been attacked) with a new subjunctive logic: someone may be preparing to attack us.

The U.S. believes that if the Middle East "is left to grow in bitterness and misery, while radicals stir the resentments of millions, then that part of the world will be a source of endless conflict"[102]. Prior to the invasion of Iraq, the Arab leaders found it is urgent to appease their populations sensible to the second Palestinian intifada, and tend to calm their national frustration by setting in the front the link between the Palestinian and Iraqi questions.[103] But the neo-cons think differently: Barry Rubin, a neo-conservative advocate, affirms in an article that the Arab and Muslim hatred to the United States is not only a response of the latter's policy in the region but in fact the U.S. policy has constituted a problem since long ago. This feeling is a product of interesting "manipulation by different groups within the Arab societies to distract the attention of the public from more serious internal problems"[104]. Similarly, Michael S. Doran responds to critics calling for an active and efficient engagement by Bush to isolate the Arab-Israeli conflict instead of focusing on Saddam Hussein issue. Doran says that these critics

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[102] President Discusses War on Terror at National Endowment for Democracy. 2005. Ronald Reagan Building and International Trade Center Washington, D.C. October6.
[103] Picard, Elisabeth, "l'Iraq dans les representations nationalists arabes", in Hoshman and Hamit Bozarslan (eds). Communautes, pouvoirs et violences, Paris, Karthala, 2003, p.116
[104] Barry, Rubin, "the Real Roots of Arab Anti-Americanism", Foreign Affairs, 81:6, 2002, p. 73

"do not understand that even though Palestine should be central in the symbolism of Arab politics, it is marginal. In fact, as in 1991, the road for a peaceful situation passes by Baghdad"[105].

Many researchers demonstrate that the Palestinian conflict continues to be a priority for the Arab populations, whether Muslims or not, and also an important element to evaluate the American policies.

The Administration of Georges W. Bush is incontestably much more in favor of Israeli interest than any other in several decades. After September 11, a new increasing identification of the U.S. with Israel has been operated among the neo-cons: the War against terrorism waged by Washington is the same as the one led by Tel Aviv against suicide attacks. To the Americans, the preemption is a legal strategy in order to assure one's security.

The preemptive doctrine and the desire to overthrow Saddam Hussein have led the Neo-cons to promote democracy elsewhere. In their turn, the

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[105] Doran, Michael S., "Palestine, Iraq, and American Strategy", Foreign Affairs, 82:1, 2003, pp. 19-33

Arab regimes have recovered the discourse of political reform as a result of their fear from the repercussions of their Anti-American attitudes.[106]

In their turn, the preemptive attacks require a good share of hegemony and unilateral logic in military terms.[107] Even though the Bush administration calls a balance of power and for "alliances favoring the human liberty", the body of NSS is explicit: "our forces become sufficiently powerful to dissuade the potential adversaries in order to construct a military edifice equal of superior to the American power".[108]

The other innovation in the American Strategy concerns the objective of eliminating the causes of terrorism. It is a question of individuals within an increasing resentment facing "the absence of representative institutions in their societies"[109], the religious fanatics being the only outlet to their frustrations and dissidence. This aspect has also been discussed in the think-tanks and between resonances with the intellectual debate of academics that are close to neo-conservatives. The principal problems for the neo-

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[106] Droz-Vincent, Philippe, "le dilemma des Regimes Arabes après L'intervention Americaine en Irak", Politique Etrangere, n.3-4, 2003, pp.553-556

[107] Some analysts consider however that the unilateral logic of the U.S. could not be maintained, and in fact it reinforces the cooperative relationships with EU and Japan (John Ikenberry, "American Grand Strategy in the Ag of Terror", Survival, 43:4, 2001, pp.19-34)

[108] In his speech ahead of the Military Academy of West Point (01/06/2002), Bush has expressed his intention of preventing that such challenge to the American power can not materialize, http://mondediplomatique.fr/cahier/irak/a9681

[109] www.mondopolitico.com/discus/messages/18/1532.html?1082742116

conservatives and their advisors were not only the supposed support of Saddam Hussein for terrorism or the possession of Weapons of mass destruction (two reasons which they have strived to prove). According to a top official of the State department, the Bush administration, through its NSS, should also fight the authoritarian regimes in the Middle East which neglect the creation of employment for the young people, who are potentially susceptible to be attracted and recruited by Osama Bin Laden.[110] As a result, in the American view, these countries should be opened up to democracy, if necessary by force. As a matter of fact, considering the Middle East as being a center of weapons of mass destruction development and terrorism shows clearly to which extent the neo-conservatives have been from the beginning imposed on Washington.[111] In this logic, Egypt, Saudi Arabia, and even Syria, would have lost their interest as pivot states to maintain the balance of powers in the Middle East, and would not be concerned by Washington's critics. In this perspective, terrorism must become obsolete as slavery and piracy. We are tempted to conclude that the

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[110] Speech of Richard Haas, chief Director – the elaboration of the Department of the State Foreign Policy, ahead the Council of Foreign Relations, "the U.S.A should promote democracy in the Muslim World", Washington, December 04, 2002, http://www.usinfo.state.gov/francais/procheorient/f2120905.htm

[111] This should not mean that the modernization of the Middle East must be a project shared in the same terms with all members in the Bush Administration. Two points of views oppose within the American Government. The Department of State and the CIA consider a regime change in Iraq as a success to return the regional stability threatened by Saddam Hussein. However, the Pentagon, supported by inflouential groups in the congress, by the Vice President, and the National Security Council has adopted an ideological vision by which this change become the spearhead of the democratization in the region. Isam Al-Khafahi, "deux visions antagonists de l'apres de Saddam Hussein". Le Monde Diplomatique, January 2003.

strategy laid out by the Bush doctrine represents a change in the history. It is the first big strategy since containment, the one elaborated by Georges Kenaan, at the break of the cold war.[112]

But beyond the words that we chose to qualify this new strategy, it is evident that September 11 has unified the particular policies of every region in a global and undifferentiated strategy, in a manner of package deal, systematic idealistic vision of change, by which every party is dependent on the other in a "theory of dominos". Certainly, With the American strategy in the 20th century, the idealist movement has always been present. What is new in the Bush Doctrine lies specifically in its association with the idealistic democracy regarding the new perceptions of threats, and the absence of a coalition between the principles and powers (national interests).[113]

Behind the big strategy of democratization and modernization of the Arab and Muslim world, we find that the principle objective is to acquire supplementary Petrol reserves from foreign sources. This priority has been detailed primarily in a report of the National Energy Policy Development

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[112] Gaddis, "AGrand Strategy", <u>Foreign Policy</u>, no3, 2002, pp.50-57
[113] Leffler, Melvyn P. "9-11 and the past and future of American Foreign Policy". International Affairs; 79:5, 2003, pp.1045-1063

Group, published in May 17, 2001. Written by Vice-President Dick Cheney, this document establishes a strategy destined to respond to the increasing demands for petrol in the United States for the following 25 years: protecting the American Territory, its citizens, and institutions from an attack, anticipating the emergence of Iran as a hostile and a dominant power in the Gulf region and protecting Iraq from Iranian ambitions; protecting the fuel resources from internal sabotage or from external attacks in order to integrate in the international market or energy and to maintain an American and a world access to these resources.[114]

The NSS states the "Great strength of this nation must be used to promote a balance of power that favors freedom."[115] However,neo-realists highly sponsor the notion of balance of power. Kenneth Waltz has written that "Balances of power tend to form whether some or all states consciously aim to establish and maintain a balance, or whether some or all states aim for universal domination.[116] In his article on the missing Element in the U.S. National Security Strategy, Charles Knight says that; "Although the strategy document seeks to associate itself with "balance of Power" it gives no

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[114] Sadowski, Yahya. "Verites et Mensonges sur l'enjeu petrolier". Le Monde Diplomatique, April 2003; Michael Renner, "Post-Saddam Iraq: Linchpin for a New Oil Order". Foreign Policy Report, January 2003. http://www.foreignpolicy-infocus.org/pdf/reports/proil.pdf
[115] NSS document
[116] Robert O. Keohane, 1986. Neorealism and its Critics, Columbia University Press, Page 118

attention to the problem of seeking to extend a prevalence of power indefinitely, including the obvious prediction drawn from balance of power theory that some states will find persuasive reasons to counter-balance against U.S. domination"[117]. Therefore, the document hypocritically appropriated "the term balance of power, then distorts its meaning, and finally fails to deal with balance of power theory's most important implications for the strategy"[118].

Many scholars have taken the burden of placing the preemptive war within a legal paradigm. We have spoken of humanitarian intervention but there is a deterministic difference between the latter term and what the Bush strategy implies in the National Security Strategy. The humanitarian intervention placed in the NSS takes the form of what Alexander Wendt has called "the Kantian culture of friendship"[119], thus making it hard to legalize it.

Nonetheless, the document of the NSS ultimately fails in several important respects as said by Charles Knight:

117 Charles Knight, "Essential Elements Missing in the National Security Strategy of 2002", Cambridge, MA: Commonwealth Institute Project on Defense Alternatives Commentary, November 2002. Internet: http://www.comw.org/qdr/0210knight.html .

[118] Charles Knight, Ibid

[119] Alexander Wendt, 1999. Social Theory of International Politics, Cambridge University Press, Page 298-307

1- "The statements of values and the review of material conditions are far too generalized to build a coherent set of interest statements or guidelines for allocation decisions"[120] ;

2- "The authors do not provide an analytical structure for their proscriptions that would allow for reasoned discussion of objectives, priorities, and allocation decisions"[121].

It has come then to our attention, after examining the strength and weaknesses of the National Security Strategy that the neo conservative Bush Administration has after the attacks of September 11 been able to indoctrinate within its Foreign Policy a new culture that is conservative enough, to fit in a world where more attempt to expand within borders is being challenged by the lack of international legitimacies and the weakened role of the international organization. Having come to this point, we will then examine in the next chapter the assessment of the international legitimacy vis a vis the Bush doctrine. This international legitimacy is the call of all nations around the world, who are being challenged by the mediocre role of a fake legitimacy to contain the Bush Doctrine.

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[120] Knight, Charles, Ibid
[121] Knight, Charles, Ibid

Chapter VI: International Legitimacy of the Bush Doctrine

The Absence of an internationally agreed definition of the term "Terrorism" does not create a breach in the international legal order. Terrorism is prohibited by other international legal norm irrespective of the existence or absence of a generic definition of the term.[122] The Security Council imposes legally binding obligations on states to counter-terrorism like penalties and freezing assets.[123] Terror attacks have always rendered unquestionable the challenge facing the international community to effectively address international terrorism. Therefore, it is important to set an international legal framework applicable to the use of force as a response to imminent or possible terrorist attacks: the United Nations Mindset of the Use of Force, and the work of the United Nations Security Council. This chapter in fact should stand on the front line of the battle field between Realism and complex interdependence, because the U.S. has totally neglected it, whereas the international community is striving to fortify it in order to decrease the possibilities of always justifying the use of force.

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[122] Duffy Helen. 2005. The War on Terror and the Framework of International Law. Cambridge, p. 44
[123] The Security Council has passed several resolution regarding the mentioned issue but the most important one is UNSCR 1373 (2001)

6.1- The Use of Force: Who Legitimizes it?

Article 2(3) of the UN charter stresses that all member states "shall settle their international disputes by peaceful means in such a manner that international peace, security, and justice shall not be compromised"[124] .however, the charter itself makes certain exceptions on the use of force and considers the use of force justifiable when it comes to self-defense, and the adoption of the Security Council to any resolution where it authorizes the use of force may come as a necessity to preserve international peace and security. Article 51 considers self defense only "if an armed attack occurs against a member of the United Nations"[125], meaning that an armed response should only come as a self defense from an armed attack. Moreover, Article 51 of the UN charter provides that: "...Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security

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[124] UN Charter Article 2
[125] UN Charter Article 51

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Council has taken measures necessary to maintain international peace and security"[126].

Therefore, the only organ which decides when and who should use force is the Security Council, and any use of force outside this authority is considered as a violation of international law and is a disregard of the United Nations. The adoption by many states of the United Nations Charter did not put an end to wars as it has eventually legitimized the use of force under its own guidelines, in other term, the charter answers the question of when states are legally allowed to go to war? It emphasizes on strengthening collective security against aggression which was considered the preeminent threat to peace and security.[127] Article 2 (4) of the charter proscribes the following: "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations"[128]. Despite the clarity in this article, article 51 makes an exception whereby "the inherent right of individual or collective self defense"[129], and "the use of force in the face of threats to

[126] UN Charter, Article 51
[127] Steinberg, J., ibid
[128] UN Charter, article 2
[129] UN Charter, article 51

international peace and security"[130] are "authorized by the Security Council under Chapter VII"[131]. Despite the fact that the charter limits the right of self defense to actual threat, the Secretary General in his report on "In larger freedom: towards development, security and human rights" legitimizes the use of force under article 51 by endorsing imminent threats under that same article. Under such recognition, the legitimacy of the use of force becomes adaptable to both, imminent threats and actual threats. As a consequence, states will be given the right to act preemptively.[132]

6.2- Dangers of legitimizing the use of force

When Washington legitimizes actions set by it, fear that other states might imitate will grow. The United States has always invited other states to refrain from the use of force. This argument creates a paradox in Washington policy, because on the one hand it legitimizes its own actions, and on the other hand it discourages other states not to resort to similar actions. So this argument is highly theoretical; but a deeper reading reveals a realistic endeavor. A prior intention to use force by any country can be justified by the doctrine. Therefore any threat should be dealt with in a

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[130] UN Charter, Article 51
[131] UN Charter, article 51
[132] UN Charter, article 51

procedural manner, moving from deterrence to threat of force till the materialization of the force in case of non compliance.

The current environment is marked by non-state actors therefore deterrence may not be the preferred solution to withstand in the fight against terrorism. However, unlike prevention and preemption, "deterrence appears to have a considerable effect against rogue states"[133]. Again, the National Security Strategy has shown that preemption and prevention are the sole solution but in some cases, resorting to deterrence as a first step is strategic. By simple definition, deterrence is the act of discouraging or preventing occurrences by instilling fear or doubt or anxiety. And so, resorting to deterrence against rogue states has a considerable effect. In fact, due to Bush's threats to use force against any country that supports terrorism, rogue states have diminished their support to terrorism. History has shown that deterrence has been a core solution in the past conflict because its predators have always been autocratic regimes. Similarly, terrorism, and rogue states have emerged from within autocratic regimes because leaders tend to value their hold on power, According to an article written by Condoleezza Rice: "Rogue regimes are living on borrowed time, so there need be no sense of panic about them. Rather, the first line of defense should be a clear and

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[133] Steinberg, J., ibid

classical statement of deterrence- if they do acquire Weapons of Mass Destruction, their weapons will be unusable because any attempt to use them will bring national obliteration"

6.2- Work of the UN

In his report "A More Secured World: Our Shared Responsibility", the former Secretary General affirmed that "terrorism attacks the values that lie at the heart of the charter of the UN, respect for Human Rights, the rule of Law, rules of war that protect civilians, tolerance among peoples and nations, and the peaceful resolution of conflict"[134]. Moreover, in the Secretary-General High Level Panel Threat, Challenges and Change, there is an obligation "to distinguish between situations in which a state claims to act in self-defense, situations in which a state is posing a threat to others outside its borders, and situations in which the threat is primarily internal and the issue is the responsibility of the state to protect its own people"[135]. In this context, the Security Council is authorized under Chapter VII to absorb any kind of threat with whatever means available.

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[134] Annan, Kofi A. 2004. Report of the High-level Panel on Threats, Challenges and Change- *A More Secure World: our Shared Responsibility. http://www.un.org*
[135] Annan, Kofi, ibid

The dilemma therefore has created another kind of clash that hindered the peaceful settlement of dispute. After examining the circumstances under which the Use of Force is considered legitimate, and with the emphasis of the dangers of legitimizing, we have reached another point that holds a gap among the network of International Relations, the gap is between the real politic and the Legal Norms.

6.4- Use of Force: A sole legitimate Alternative?

With reference to the above mentioned analysis on the legitimacy of the use of force we can conclude two assumptions, one legal and the other political.

First the United Nations Security Council is the only authority who is entitled to legitimize the use of force, except in cases where the use of force is a reaction to an armed attack, in self-defense. This proposition illustrates the legal norms, where all countries, members of the United Nations, must abide by, and therefore consider assuming the consequences of any violations of the United Nations Charter.

The second assumption, considers the fact that waiting a possible attack to materialize is suicidal, and therefore the right of nations to preempt must be embraced within their inherent right to self defense. This view somehow approaches the real politic, that disregards moral norms, and International Laws, therefore moving on toward assessing every situation independently from another, and justifying the use of force in the light of their inability to fortify law.

However, the problem with the given legal norm is that many states, specially the U.S. will not approve to provide the Security Council with a VETO to solely decide on the legalities to resort to force. This refusal derives from the importance that is granted to States' interests internationally and domestically.

A deeper examination of the United Nations Charter reveals a different assumption focusing on the acts of aggression conducted by one state against another. This examination implies that main threats in our world do not derive from external behavior of states but rather from internal developments within a state. This proposition is highly relevant to the relation between real politic and legal norms in the sense that it accentuates the outcome of the existence of the gap between both entities, for instance,

terrorism, regardless of whether scholars or administrations have objectively conceptualize it, have emerged as an outcome of internal socio-political developments within a state. With terrorism as a threat along with the fear of a terrorist attack (specially developed in the aftermath of September 11); any state would consider many options to protect itself against this phenomena. Among the available options: military intervention, or use of pre-emption or preventive force, or self-defense. In the light of these options, the need of forestalling threats have become increasingly imminent, hence the adherence to the principles of non-intervention has decreased[136].

Georges W. Bush has established his own strategy for defense that has developed through a shift toward a permanent stay on the offensive lines. He has insisted that "Washington will not wait for a 'permission slip' to act, and will define for itself which internal developments constitute a sufficient threat to justify early intervention"[137]. What Bush was implicitly revealing, was that the perception of any near or far threat justifies early military intervention. As defensive as it might seem, the Bush administration appears to have either its own recipe for international anarchy or international order.

[136] Daadler, I.H., "New Rules on when to go to War", Financial Time, August 02, 2004
[137] Daadler, New Rules on when to go to War, Ibid

No to divert from the issue at hand, it is highly relevant to mention that the change in nature of the aggressor was directly followed by a change in strategy; this quick shift surpassed legitimacy and abandoned the importance of sovereignty and because of this, the Strategy in itself was condemned to failure. Instead of considering reforming the United Nations system in order to develop consensual principle of the threats on an international level, the United States has decided to go Unilateral. This decision not only emerged from the changes in nature of the threat but also from the failure of the Security Council to cope with that threat.

Having reached this point where we have been able to tackle the different aspects of the clash between realism and complex interdependence. it would be then relevant to witness the materialization of this clash during the U.S. invasion of Iraq in order to study the hands on experience of a conflict that put the security, legal and political aspects of all this clash on the front line between the fall and rise of the Bush Doctrine.

Chapter VII: Iraq War

7.1- The United States and the United Nations

The United States has decided to use preemption through the venues of unilateralism. This step disregarded the United Nations mandate. In addition the UN role as the protector of international peace and security has been put at risk therefore, the UN has become under serious threat with the U.S. invasion of Iraq.

The United States unilateralism went against all odds. It has in fact reduced the possibility of possible successful diplomatic and multilateral global attempts. Despite strong opposition from France and Russia and intense debates at the UN Security Council, the U.S. proceeded and imposed its doctrine of Regime Change in the context of Iraq in violation of the principles of the UN Charter. It is obvious that the U.S. adopted numerous military interventions in attempt to adhere to its divine mission of Nation Building.

7.2- The U.S.: A Nation Builder.

History has shown that the U.S. has been involved in numerous Nation Building missions, on more than 200 occasions. These occasions varied from peace building missions as in Bosnia, proxy wars as in Angola and Nicaragua, covert operations as in coup in Chile in 1973, humanitarian intervention as in the Balkan in 1990, rescue of American citizens defense of allies as in Korea in 1950 and one off retaliation strikes as the bombing raid against Libya in 1986.[138]

The decision on how to go to Iraq emerged from the concept of preemptive action that has become a lightning stick in domestic and International Politics. In September 2002, National Security Strategy of the U.S. declared that the U.S. "will exercise the right to act preemptively in the event of deadly challenges to its people or allies emerging from rogue states or terrorist groups"[139]. The decision has been criticized by various political analyst and experts such as Jimmy Carter who argued that preemption is nothing "but prevention and that no one has the right to take such action"[140].

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[138] Kasper, S. Lessons from the Past 2003, Retrieved Dec 12, 2004, from http://www.ceip.com
[139] NSS
[140] Kroning, V. Prevention or Preemption? Towards a Clarification of Technology.2003, The Project on Defense Alternatives. Retrieved Feb4, 2004, from CIAO

According to the U.S. department of defense, preemption is defined "as an attack initiated on the basis of incontrovertible evidence that an enemy attack is imminent"[141]. Prevention, however, is different, a preventive war is "initiated in the belief that military conflict, while not imminent, is inevitable, and that to delay would involve greater risk"[142]. This seems to be the logic followed in Iraq since there has never been concrete evidence that the U.S. is imminently going to be attacked. Amidst all these confusions underlying the different definitions of Preemption and Prevention, Iraq War was the inauguration initiative of Preemptive war.

Furthermore, other confusions have been shed the light upon after the start of the war on Iraq. These confusions define the misunderstanding behind the purpose of the war, whether Military Intervention or Nation-Building. This can be, however, differentiated by applying several criteria and observing the purpose behind Nation-Building.

First, Washington went to war against Iraq in an attempt to effect Regime change, by overthrowing Saddam and maintaining a new regime that is friendly to the United States. This, to a certain extent, defines a moral purpose that lies at the core of the American Foreign Policy consequently,

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[141] Kroning, V, ibid
[142] Kroning, V, ibid

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the ousting of Saddam Hussein has been considered by many Globalists a defense for U.S. security and economic interest, whereas some realists see it as an attempt to revive the era of colonialism.[143] With these debates in mind, one would surly conclude that the war aimed not at rebuilding Iraq on a nation and state, but rather at building U.S. as a power in the region.

Another feature of Nation-Building is the deployment of large numbers of American troops to depose a U.S. targeted regime or simply to perform essential administrative functions such as establishing law and order, and also restructuring the key political institutions such as rewriting the constitution.[144] This seems to be the most obvious plan in Iraq. To assess the success of the United States in Iraq one should not look at the various inputs that are available before the war has started or during the war. Assessment in fact can be made highly accurate when we weigh the success and failures in the post war era, known as Post War reconstruction. To what extent, hence, Nation-Building in Iraq can be accomplished?

7.3-Objectives of U.S. invasion of Iraq

The U.S. went to war against Iraq under the pretext that the latter was in the process of developing Weapons of Mass Destruction. Despite all

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[143] Kasper, S, ibid

[144] Pei, M. Lessons of the Past 2003, <u>Foreign Affairs.</u> Retrieved Februray 15, 2004, from CIAO Database

investigations, no traceable evidence was found. This advertisement, however, was needed to mainly sell the idea in return of a coalition building.

7.3.1- Effecting Regime Change

Burhan Ghalioun (2003) a professor of political sociology at the Universitee de Paris III argues that the real objectives behind the U.S. strike against Iraq was to topple the regime of Saddam Hussein. Washington believes that the Arab regimes are in desperate need for reformation because of the lack of domestic practices, which prompted the growth of fundamentalists and terrorist organizations that threaten the U.S. and the whole world.[145] But the dilemma is accentuated in the ability of Islamic regime to absorb and accept democracy; which according to them is a western trend.[146]

7.3.2- Developing Democracy

In an attempt to explain this rejection, a Pakistani thinker, Al-Mawdudi, argues that democracy has put man on God's throne by granting him the ability to legislate and produce law. Democracy places the entire

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[145] Ghalioun, B.Iraq and the Return of Colonialism. (2003), Retrieved nov 12, 2003, from http://www.ssrc.org
[146] Abed, S.B. Islam and Democracy: Democracy, War, and Peace in the Middle East. Indiana Press University (1995), p. 127

governmental structure at the service of man instead of sovereignty of God.[147] Despite the fundamentalist view that embraces this argument, it remains inaccurate not to mention that many regimes are tightly knitted to the Muslim faith principles of the Shariaa.

As a matter of fact it remains obvious to a certain extent that Arab regimes are resilient, they lack the appropriate cultural practices and social attitudes that pave the way for a democratic environment.[148] The essential practices hold features such as individualism, liberty, equality, and public spiritedness which can enrich the development of democracy. Up to this level comes the following question: to what extent is this mindset applicable to Iraq? Unfortunately, Iraq does not possess these prerequisite of democracy. The clash of civilization that Huntington spoke about is also a clash between sacred and secular.[149] Explicitly, Huntington speaks of totalitarian regimes that tend to project that "sacred values" and democratic regimes that translate the myths of "Secularism". Hence taking the clash of civilization to an upper level, between totalitarianism and liberal democracy; two ideologies that can never coexist. Washington has been using a rhetoric image of democracy in its war against Iraq. The consequences of such a

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[147] Abed, S.B., Islam and Democracy, ibid, page 127
[148] Harik, E. Pluralism in Arab World, The Global Resurgence of Democracy ed 2, The John Hopkins University Press: Maryland, p. 276
[149] Huntington, S.P., The Clash of Civilization and the Remaking of World Order. Touchstone: New York 1995, p: 210

policy is the growth of more radical Muslims believing in the inevitability of a clash of civilization, and so called a Muslim "us" and a western "them".[150]

So amidst the chaos and anarchy that engulf the Iraqi society, a democracy is supposed to blossom, However, feelings of mistrust highly arose among Americans who were quite certain that the war on Iraq went beyond defending the nation against terrorism. According to an editorial article in American magazine the editor states, "As we preach democracy abroad we need to revive it at home. We need to protect American democracy against the self inflicted wounds of war on terror, of which the war in Iraq is the most grievous gash" [151]. Furthermore, Iraq is ideally situated in the MENA region sharing borders with KSA, Iran, and Syria. In Iraq, the U.S. can maintain control and hegemonic power throughout the region, as well as keep close eye in the KSA and create a direct threat for Iran and Syria.[152]

Having examined the objectives of the war on Iraq, and knowing its progress, it would be interesting to balance our study by assessing the Doctrine of Bush in an attempt to accentuate the overall legitimacy of the war on Iraq

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[150] Haqqani, H. Islam's Weekends Moderates. Foreign Policy. Retrieved Feb. 20, 2004, From CIAO database
[151] Vincible Ignorance 2003, America V189, i.18, p.3 Retrieved Dec 2, 2004, from ASAP database.
[152] Ewins, T. The New Killing Fields: Human Catastrophe looms in Iraq. Arena Magazine, Up5.From ASAP

7.4- Assessment of the Bush Doctrine

Bush explicit objectives in Iraq were to wage a preemptive war with the aim to change Saddam Hussein's regime. The amazing tilt toward multilateralism that was translated in mid September 2002 through Bush's siding with Powell in consulting with the UN and calling for a new UN resolution on Iraq, but it was a short life inclination. The urgency of moving to Iraq was growing, pressure from his neoconservative advisers was increasing, and the decision therein came on August 5, 2002, when Powell warned the President "that the U.S. should not act unilaterally, and that the U.S. must think about getting coalition for action against Iraq, some kind of international cover at least. The Brits were with us"[153], he noted, "but their support was fragile in the absence of some international coalition or cover"[154]. Powell's views were defended by numerous hardliners and supporters, among them, Brent Scowcroft, a former National Security Advisor in the first Bush Administration, who published in the wall street Journal on August 15, ten days after the meeting Powell's diner with the president, that Bush was moving too quickly on Iraq and advocates pressing

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[153] Woodrow, Bob Bush at War, Simon and Schuster 2002, p:335
[154] Woodrow Bob, Bush at war, Ibid

for the return of UN inspectors.[155] The championing of Powell's point of view resulted in a call on the 12th of September, 2002 by President Bush to the UN inviting them to enforce its resolution on disarming Iraq. He also warned that "…The Security Council resolutions will be enforced, the just demands of peace and security will be met, or action will be unavoidable. And a region that has lost its legitimacy will also lose its power"[156].

Finally on November 8, after several weeks of arguing over language and ultimate purposes, the UN Security Council passed resolution 1441, unanimously. The resolution stated that Iraq "remains in material breach of post resolutions and gave it a final opportunity to comply with its disarmament obligations, set out by the Security Council resolutions of 1991"[157]. It also strengthened UNMOVIC's and IAEA powers to conduct inspections throughout Iraq, specifying that Iraq must allow "immediate, unimpeded, unconditional and unrestricted access to facilities, buildings, equipments, inspectors and means of transport which they wish to

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[155] Scowcroft, B. Don't Attack Saddam, Wall Street Journal August 15, 2002 Available on: www.ffip.com
[156] President's Remarks at the UN' s General Assembly, White House, Retrieved September 12, 2002 from www.whitehouse.gov
[157] UNSCR 1441

inspect"[158]. Additionally, the resolution warned that Iraq will face "Serious consequences if it fails to comply with its disarmament obligations"[159].

As a result of the UNSCR 1441, Saddam deemed it necessary to rethink his level of cooperation, and assured that his government will fully cooperate with the weapons inspectors. Proof to that, Saddam submitted to the UN a 12,000 page report on Iraqi WMD. According to Dr. Hans Blix, the UN chief inspectors, the document had a "lack of supporting evidence to back that claim".[160] Parallel to these events, Bush voiced out doubts and warnings about Iraq's compliance, "time is running out"[161] he said on January 4, 2003.Despite his constant warning, some including Powell, were highly confident that the resort to force should be of the last choice and that more diplomatic pressure and threat of force would trigger some form of positive compliance from Saddam's side[162]. It was not until Dr. Bilx and his Team Director General Dr. El Baradei requested a period of extension and a pre active cooperation from Iraq on January 27, 2003[163], that Bush and his administration changed their diplomatic language into that of a more

[158] "Security Council Holds Iraq in Material Breach of Disarmament Obligations, Unanimously Adopting Resolution 1441 (2002)" United Nations, 8-11-2002 p.1 From www.un.org/news/press

[159] Security Council Holds Iraq in Material Breach of Disarmament Obligations, Unanimously Adopting Resolution 1441, Ibid

[160] Disarming Saddam- A Chronology of Iraq Weapons Inspections" Arms Control Association, 2003, P: 2, available on www.armscontrol.org

[161] Usborne, D. Bush Presses UN to Speed Pace of Inspections, Independent, Retrieved on January 17, 2003 p 1-2 from www.independent co.uk

[162] Usborne, D., Ibid

[163] "Inspections report: Key Point" BBC News January 27, 2003 p: 1-2 Available on www.bbc.co.uk

coercive one. President Bush, on January 28 spent the second half of his state of the Union address laying out a case against Saddam, alleging the international community and the UN that Iraq is developing WMD and Saddam's regime is linked to the Al-Qaeda; "it would take one vial, one canister, one crate slipped into this country to bring a day of horror like more non have ever known"[164], Bush said.

As political and security oriented as it may have appeared, the decision to go to Iraq was also, masterminded and manipulated by the Central Intelligence Agency. On February 5, 2003 Colin Powell presented to the UN claims based on intercepted conversations and satellite photography, of Iraq's secret weapons programs and cover-ups,[165] which later turned out to be inconclusive. In fact, Powell was mislead by the CIA which in their turn where put under pressure to tailor their analysis more to the liking of administration hawks.[166] All these would later on serve as ingredients to conduct a preemptive attack on Iraq and sarcastically effect a change of the regime.

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[164] "President Bush Delivers State of the Union Address" The white house Retrieved on January 28, 2003, p.2 from www.whitehouse.gov
[165]" Secretary Collin Powell Remarks to the UNSC", Department of State Retrieved on Frb 5, 2004 from www.state.gov
[166] Lobe, J. Pentagon Office Base for the Neo—Conservatives Network Manipulating Iraq Intelligence, Foreign Policy in Focus, September 12, 2003

The claims of February 5, 2003 levered Bush and his administration from the steps of a shallow nod to the venues of multilateralism in going to Iraq. Multilateralism was meant to ensure that the prime option for dealing with Iraqi non-compliance would be a U.S.-led war. This track led to unilateral preparations for war. The U.S. openly proceeded to build up its American troops in the Persian Gulf. Britain, Spain, Australia, publicly backed a military campaign against Saddam, and 7 Arab countries, Kuwait, Jordan, Qatar, Bahrain, UAE, Saudi Arabia, and Oman quietly agreed to overt or covert assistance.[167]

Despite these deployments, the United States agreed to support a 2nd UNSCR, only in order to support Bush's call to his British ally Tony Blair to join the invasion process. At a primetime news conference on March 6, Bush said member nations of the Security Council would be asked to "show their Cards"[168] the following week and vote on the resolution. The next day, Dr.Blix, submitted an inspection report to the Security Council, saying that despite the fact that Iraq has not yet complied with its disarmament obligation, Saddam's regime showed considerable cooperation with the inspectors in providing information about past weapons activities has

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[167] "19 Countries, including 7 Arab States Pledged Military Support for the U.S. War in Iraq Khaleej Time March 8, 2003 p:13 From www.aljazeera.info
[168] Woodword, B. Bush at War, Ibid, p.335

improved. Furthermore, the inspection staff has not found evidence that Iraq is producing or hiding biochemical or nuclear weapons. With such a development at the eve of a war, another resolution was co-sponsored by UN, UK and Spain, in which "Iraq will have failed to comply with resolution 1441 unless Baghdad cooperates with the disarmament obligations by March 17. The draft resolution implied that the Council members would take military action if Iraq failed to meet the deadline"[169]. On March 17, when the representatives of the three nations appeared at the UN to announce that they would let the second resolution die without a vote, war seemed imminent. An ultimatum followed that failure; only 48 hours were given to Saddam and his sons to abandon the Iraqi territories. Bush again justified the war through Iraq's alleged weapons violations and terrorists. Furthermore he accentuated the failure of the UN to solve the issue by stating that "the United Nations Security Council has not lived up to its responsibilities, so we will rise to ours"[170], Two days later the preemptive war started.

7.5- Preemptive War on Iraq under International Law.

[169] "Disarming Saddam" Ibid, P. 2

[170] "President Says Saddam Hussein must Leave Iraq within 48 Hours" The White House Retrieved March 17, 2003. P:2-3 from www.whitehouse.gov

Surely we have mentioned in this research paper a balance that summarizes the resort to the use of force by the Unites States. Explicitly in fact, the U.S.' inability to fortify justice led to a justification of the use of force. While adhering to the principles set by international law on the uses of force, we will be enabled to answer the question that aims at assessing the legitimacy of this war.

International Law analysts have written opinions legally condemning the U.S. led war on Iraq. In fact, this sentence emerges from the simple assumption that Washington and London should have given the Security Council the time to issue at least a resolution that authorizes this step. It was feared by the international commission of jurists that the invasion of Iraq would escalate into an act of aggression; "a war waged without a clear mandate by the Security Council would constitute a flagrant violation of the prohibition of the use of force"[171]. In addition, the United States attack on Iraq was also criticized by Law professor and it "would be a fundamental breach of international law and would seriously threaten the integrity of the international legal order that has been in place since the end of the Second World War"[172]. Moreover, on March 11, 2003 Kofi Anan, the UN secretary

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[171] "Iraq-ICj Deplore Moves Toward a War of Aggression on Iraq" International Commission of Jurists, ICJ Legal Resource Center retrieved on 18 March 2003, p: 1, from www.icj.org/news
[172] "Attack Illegal, Experts Say" Sydney Morning Herald ,Retrieved March 20, 2003 from www.smh.com

General at that time hypothetically set a riddle to the legality of the war by saying that "if the U.S. and others were to go outside the Council and take military action, it would not be in conformity with the Charter"[173]. Those who argued that the U.S. preemptive war on Iraq was illegal have based their arguments on the interpretation of Article 2(4), Article 42, and Article 52 of the UN charter. Article 2(4), states that "all members shall refrain in their international relations from the threat or use of threat of force against the territorial integrity or political independence of any state for any other manner inconsistent with the purposes of the UN"[174]. The core understanding of Article 2(4) provides that the use of force becomes legitimate is authorized under the UN charter.

Article 42, states that if "peaceful means have not succeeded in attaining adherence to Security Council decisions, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security"[175].Explicitly this article obliges states to resort to force only when there is an official Security Council Resolution.

As to Article 51, "nothing in the present Charter shall impair the inherent right of individual or collective right self-defense if an armed attack occurs

[173]"Anan Targets U.S. Stance" CNN Retrieved March 11, 2003, p:2, from www.cnn.com
[174] Bennet, L.A. International Organizations, 6th Edition Prentice Hall p:468
[175] Bennet, L.A., Ibid, p. 478

against a member of the UN, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self defense shall be immediately reported to the Security-Council."[176]. This article in fact does not deny the right of states to resort to force as a reaction to an armed attack, meaning in self-defense; therefore only two legal situation are provided by the charter in which states are permitted to use force:

1- Individual or collective self-defense as stated in Article (51) of the charter;

2- In conformity with a UN Security Council Resolution

Not to divert from the issue at hand, the Charter mentions nothing about the Preemptive use of force. In order to be able to assess the legitimacy of this force one must resort to either the works of expert on International Law or to state practices. An in-depth analysis on the legitimacy of the U.S. preemptive war on Iraq will set a platform for our missing legal ring.

Washington adopted two legal natures for justifying its war on Iraq. Radically, Bush in his West point speech announced that the right of preemption is also a right of self defense, one would assume that his

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[176] Bennet, L.R., Ibid, p. 481

justification is radical but in fact it appeared to be reduced to a mere inclusive dialect; meaning the self-defense is legal, and preemption is a form of self-defense, therefore preemption is legal.

Traditionally, however, the U.S. legal justification translated a concern that for a decade the Iraqi regime has breached a series of United Nations Security Council Resolutions (UNSCR) and hence U.S. reserves its right to preempt Iraq in order to destroy its nuclear capabilities. This argument was first expressed by Bush at Cincinnati, Ohio, when he said: "eleven years ago, the Iraqi regime was required to destroy its WMD, to cease all developments of such weapons and to stop all support for terrorist groups. The Iraqi regime has violated all of those obligations"[177].

Moreover, the UNSCR 678 (1990) and 687 (1991) have set fertile arena for a debate because they granted an authorization to the use of force by member states if Iraq remains on a non-compliance venue. Arguments rose as Saddam Hussein since 1991 appeared to have failed to cooperate with UN weapons inspectors, violating a large number of resolutions of the UNSC. Hence, the Bush administration suspected that Iraq's nuclear program has been intact and out of UN inspectors' reach. However, that

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[177] "President Bush Outlines Iraqi Threat" The White House, Retrieved on October 2007 from www.whitehouse.gov

former UNSCOM inspector, Scott Ritter insisted that UNSCOM destroyed large number of nuclear programs and that Iraq has been left with no capabilities to resume its nuclear developments.[178] Despite the fact the after almost 5 years the UNMOVIC resumed its inspections activities in Iraq, and declared that no proof of Iraqi nuclear developments, the U.S. remained skeptic and refused to accept these report. But Why?

The simple answer, Bush administration has always held Saddam's unaccredited reputation, for them, he is a cheater, a liar and an Evil Man. The American way to portray Saddam found its echo on August 27, 2002 when U.S. vice president stated that the "murderous dictator", will not comply with the UN resolutions. He said, "A return of inspectors would provide no assurance whatsoever of his compliance with UN resolutions, on the contrary, there is a great danger that it would provide false comfort that Saddam was somehow back in his box"[179]. The most serious claim made by Washington that Saddam was reviving his regimes nuclear capabilities was when the administration presented the argument that Iraq has attempted to import Uranium ore from Niger and that it has smoking gun, and other special weapons.[180] Unfortunately Dr. Blix denied it and judged it as

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[178] "UN Weapons Inspectors" The Guardian December 0, 2003, p:3. Available on:www.guardian.co.uk
[179] "UN Weapons Inspectors", ibid
[180] "The End Of Arm of Control and the Norm of War", Project of Defense, Alternatives Commonwealth Institute Brief Report No 4 May 5, 2003, p:6. www.comw.org

inconclusive.[181] These data were defined as an Iraqi breach to UNSCR 678 and 687, and thus the U.S. has the legal right to use force.

In resolution 678 the term "all necessary means" are clearly elaborated, even though this phrase is absent in all subsequent resolutions relating to Iraq.[182] The U.S. continued eventually to emphasize that "resolution 686 paragraph 4, which marked the provisional cessation of hostilities expressly, preserved the right to use force under resolution 678. However, resolution 687 which marked the permanent ceasefire, use no such terms. This demonstrates a clear recognition the right to use force requires express terms if it is to be continued. The absence of any terms in any resolution after 686 leads to the conclusion that not such use of force was authorized"[183]. Iraq has breached the ceasefire resolution 687. But this fact however does not authorize the U.S. and UK to use force; the authorization was recognized in resolution 678 (1990) and not 687 (1991). According to Rabinder Singh and Alison Macdonald, Iraq has accepted the terms of resolution 687 which is to bring the Gulf war to a permanent end[184].

With reference to the Bush administration, the intervention in Iraq emerged from a mere call of duty to which Washington had to respond to

[181] "The End Of Arm of Control and the Norm of War", ibid
[182] "The End Of Arm of Control and the Norm of War", ibid
[183] "The End Of Arm of Control and the Norm of War", ibid, p. 24
[184] Rabinder, S. and Allison McDonald, Ibid, p. 34

that humanitarian duty. Explicitly, the war on Iraq was justified under the U.S. so-called humanitarian intervention in order to save the Iraqi from the regime of Saddam. Bush backed his humane cause to the General Assembly by stating that "tens of thousands of political opponents and ordinary citizens have been subjected to arbitrary arrest and imprisonment, execution and torture, all of these horrors concealed from the world by the apparatus of a totalitarian state"[185]. It is undeniable that thus was the human right status in Iraq, the international community needed not the confirmation of the U.S. to realize the well recognized atrocities by Human rights Watch, Amnesty international... of the Iraqi regime.[186] Furthermore, Iraq has been in repeated violations of UN Security Council resolution and has many times failed to respond to the calls of the International Human Rights Commissions[187].

With the above concerns raised, the U.S. has told the international community that the U.S. is fighting a just cause which aims at bringing down a brutal dictator, thus saving the lives of innocent Iraqi, "Liberty for the Iraq people is a great moral cause: the people of Iraq deserve it and the U.S. supports political and economic liberty in a unified Iraq"[188].

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[185] "President Remarks at the UN General Assembly", ibid, p. 2
[186] "Iraq and Iraqi Kurdistan" Human Rights Watch 2004, p. 1 Available on www.nrw.org
[187] "Iraq and Iraqi Kurdistan", ibid, p. 2
[188] "President Remarks at the UN General Assembly", ibid, p. 4

Legally, the right of humanitarian intervention has many times contradicted with state sovereignty and non-intervention, with this respect, what would be the required legal framework to conduct a humanitarian intervention?

First, a state should only use force when it comes to a just cause. According to the Canadian government, "military intervention for human protection proposes is an exceptional and extraordinary measure. There must be serious and irreparable harm occurring to human beings or imminently likely to occur"[189].

Second, Humanitarian Intervention must come as a response to human suffering. A state has the right to resort to humanitarian intervention when all other means available in the 'violating state' have failed. Last but not least, the Canadian government identified the third principle s the right authority. It yields the Security Council the ultimate right to authorize the military intervention. In case the Security Council fails, the case shall be passed to the General Assembly which will assume its resolution under the

[189] Is international law relevant to the war on Iraq and its aftermath? By Hilary charlesworth National press club, Canberra 29 october 2003, -turn it in number 10-

1950 Uniting for Peace Resolution; or presenting it to a regional organization.[190]

Measured against these principles, the U.S. case to invade Iraq under the auspices of Humanitarian Intervention lacks solid ground. First, regarding the existence of a large scale loss of life, no clear evidence was presented. However, the atrocities committed against the Kurds, were outdated going to years before September 11, and therefore intervening for this cause was somehow too late. Second, regarding the U.S. government's concern about the Iraqi sufferings, from destruction of civilian life and infrastructure, hypothetically, has the U.S. military intervention for that specific cause reduced these sufferings?? Finally, the 'right authority' requirement is not available because the U.S. did not cooperate fully with the UN Security Council.

Up to this point, regardless of how illegitimate the U.S. humanitarian intervention in Iraq was, and apart from the concern that Washington held from Saddam's nuclear programs, and since the war on terrorism appears to be an ongoing vicious circle, one would wonder what is the case for U.S. preemptive intervention in Iraq? Let us drop for a while all legal and

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[190] "the Responsibility to protect" <u>Department of Foreign Affairs and international Trade</u> June 2, 2002, p: 1, From, www.dfait-maeci.gc.ca

documented evidence on the justifications of the war. IF the regime of Saddam had a Nuclear Program, and IF Iraq was harboring terrorism, and IF human rights in Iraq were in a dilapidated condition, would the American intervention be a long term fight for existence in Iraq? Would it have lasted that long? What is then the reason for all those opposition movements? Couldn't have the U.S. got rid of the Nuclear programs by striking the facilities? Couldn't have the U.S. oust Saddam, through an intelligence maneuver? As for human rights violations, it is somehow good to a certain extent to believe that the U.S. went to Iraq for that purpose, but to what extent were the Iraqi people ready to be unleashed? Henry Kissinger argued that for humanitarian intervention to be justified it needed the utmost consent and approval of the international community, otherwise it would be seen as "an American domination and with time, an act of egoism and hypocrisy."[191] Despite the argument provided by Kissinger, in order to understand the reason for developing the above IFs we should delve into the failure of the Invasion of Iraq by reviewing the history and study of its culture and society.

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[191] Kissenger, H. <u>Does America Need A Foreign Policy? Toward Diplomacy for the 21st Century,</u> Simon and Schuster: New York 2001-2002 p: 285

Conclusion

Unlike the demise of the Soviet bloc which has led to the rise of the U.S. as a world uni-polar power, the collapse of the world trade centre brought along a reminder to Washington that the "Mountain" which they have controlled ever since is a volcano in a relapsing mode. Only 'National' political phenomena have contributed to the explosion of horrific lava, known as terrorism. Despite all the efforts to right what has been made wrong, Washington reemerged as a power cutting the edges of the globalized world via a policy that saw the light from within a domestic politics conflict. This conflict has been reflected in the anxiety of international liberalists who tend to defend American influence, and from the aggressiveness of the neo-cons who believe in the coercive means to sustain U.S. leadership in the world,[192] This muscular democracy –also known as New Wilsonian[193]- has become the mindset of U.S.foreign policy.

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[192]Pfaff W. the question of hegemony, foreign affairs Jan-Feb 2001 p:1.
[193]Piaff, W. Ibid

This New Wilsonian spirit has been deeply embedded in the Bush doctrine. Given the fact that the nature of this spirit is a merger of both, liberalist and conservative thoughts, the identity of the Bush administration, along with the attacks of September 11, have destabilized the balance, and gave the new wilsonian spirit a rather more conservative taste making it a 'Neo Wilsonian' one.

The term of President Bush, though coming to an end, has been highly characterized with a determinant intention to preserve U.S. security and interests. Doing so through the venues of war, by resorting to preemptive and preventive force showed that the U.S. no longer considers international organizations and legitimacies helpful framework for managing global relations. Washington has long aimed to reduce any threat to its military supremacy by acting preemptively or preventively. The war on Iraq has

materialized many aspects of the U.S.foreign policy, starting from the Bush doctrine, going through the Neo-Wilsonian spirit, and culminating by a huge conflict that rose from within the ashes of the war itself, and that being the conflict among realism and globalization.

The world political structure after September 11 has been reshaped in such a way to bring failure to any agreement un-sponsored by the U.S., to nullify any treaties where the interests of Washington are not taken into account and beyond that to hinder diplomatic talks not chaired or at least blessed by Washington.

With this in mind, and with the demise of the world trade centers, Washington has reinforced its attempts to go unilateral in a world where international relations are defined by the norms of complex interdependence. One would counter argue that the U.S. did not conduct the war against Iraq alone, that it created a coalition force to do so. But this is not the case, Washington needed that coalition to sell the war, and generate the aftermath approval of the Security Council. But it was as soon as the coalition forces started to consider the miscalculations of the war especially in its aftermath that it started to retreat. In other term, the war on Iraq has not succeeded because the regime of Saddam has been toppled down. This could be part of the mission but not the fulfilled prophecy. Today, and after almost 5 years,

the greatest failures of the U.S. war on Iraq is determined in Washington's inability to succeed in post war reconstruction. A phase, where success is only reached through the venues of complex interdependence. It could be that Washington's unilateral war on Iraq was needed for its military supremacy, but, with the imperative need of the international community and organization to step in for a reconstruction and in the light of a U.S. refusal for this need, a re-examination is needed.

After long writing this thesis, we should be able to realize that both school of thought in as much as they are opposite, but once we can make them become complementary the world can be a better place. The thin lines between realists and complex interdependence theorists, should not be drawn in an attempt to emphasize U.S. unilateralism in all aspects. There is no wrong in making Washington the supreme military power in the world, but it is no right to let it use its unilateral aspect in places where the common efforts, through venues of international organizations, can generate satisfactory outcome.

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