Readings on

Ethical Issues in Foreign Policy

Vol. 2

Professor John Norton Moore
Professor Emeritus David Little
University of Virginia School of Law

January Term 2012
# Ethical Issues in Foreign Policy

## Readings Vol. 2

<table>
<thead>
<tr>
<th>Section</th>
<th>Reading</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>David Little, “Ground to Stand On: A Philosophical Reappraisal of Human Rights Language,” 2010.</td>
<td>467C</td>
</tr>
<tr>
<td></td>
<td>Bush’s “Axis of Evil” speech of January 29, 2002</td>
<td>502</td>
</tr>
<tr>
<td></td>
<td>Bush’s West Point speech of June 1, 2002</td>
<td>508</td>
</tr>
<tr>
<td></td>
<td>Bush’s UN speech of September 12, 2002</td>
<td>513</td>
</tr>
<tr>
<td></td>
<td>Bush’s Naval Academy speech, November 30, 2005</td>
<td>518</td>
</tr>
<tr>
<td></td>
<td>National Security Council’s “National Strategy for Victory in Iraq” (November 2005)</td>
<td>526</td>
</tr>
<tr>
<td></td>
<td>The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction: Report to the President of the United States, 10-11 (March 31, 2005)</td>
<td>574</td>
</tr>
<tr>
<td></td>
<td>Memo to British Prime Minister Tony Blair from UK Attorney General Lord Goldsmith concerning the legality of a war in Iraq (7 Mar 2003)</td>
<td>577</td>
</tr>
<tr>
<td></td>
<td>Memo from Matthew Rycroft to members of British government concerning a Prime Minister’s meeting in Iraq July 23, 2002 (“The Downing Street Memo”)</td>
<td>590</td>
</tr>
<tr>
<td></td>
<td>Iraq Study Group: Executive Summary (6 December 2006)</td>
<td>593</td>
</tr>
<tr>
<td></td>
<td>Janice Love, “Contested Morality in U.S. Foreign Policy,” in <em>Enemy Combatants, Terrorism, and Armed Conflict Law</em>, (ed. Linnan, 2008), chapter 3</td>
<td>605</td>
</tr>
</tbody>
</table>
ONE

The Moral Basis for Humanitarian Intervention

Terry Nardin

If one person is able to save another and does not save him, he transgresses the commandment. Neither shalt thou stand idly by the blood of thy neighbor.

—Maimonides, Mishneh Torah, XI

To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might say: leave Kosovo aside for a moment, and think about Rwanda. Imagine for one moment that, in those dark days and hours leading up to the genocide, there had been a coalition of states ready and willing to act in defense of the Tutsi population, but the Council had refused or delayed giving the green light. Should such a coalition then have stood idly by while the horror unfolded?

—UN secretary-general Kofi Annan, Annual Report to the General Assembly, September 20, 1999

Humanitarian intervention is usually discussed as an exception to the non-intervention principle. According to this principle, states are forbidden to exercise their authority, and certainly to use force, within the jurisdiction of other states. The principle finds firm support in the UN Charter, which permits a state to defend itself from attack but forbids the use of armed force against the territorial
integrity or political independence of other states. Taken literally, these provisions prohibit armed intervention, including intervention to protect human rights. And in general, humanitarian intervention finds scant support in modern international law.

There is, however, a much older tradition in which the use of force is justified not only in self-defense but also to punish wrongs and protect the innocent. This tradition is in some tension with modern international law and especially with the UN Charter. It holds that armed intervention is permissible to enforce standards of civilized conduct when rulers violate those standards, and it finds expression today in the widely held opinion that states, acting unilaterally or collectively, are justified in enforcing respect for human rights. It is this enduring tradition, not current international law, that best explains the moral basis for humanitarian intervention.

My strategy in this chapter is to relocate discussion of humanitarian intervention, moving it out of the familiar discourse of sovereignty and self-defense and into the discourse of rectifying wrongs and protecting the innocent. I do this in two ways. First, I examine arguments made in early modern Europe for using armed force to uphold natural law. I want to understand how what we now call humanitarian intervention was conceived by moralists, theologians, and philosophers writing about international relations before the emergence of modern international law. My aim is not to read current concerns back into a period that might not have shared them but rather to see whether earlier ideas about the use of force to protect people from injuries inflicted or tolerated by their own governors might illuminate current debates.

Second, I consider how humanitarian intervention is justified within a powerful reformulation of natural law worked out by philosophers influenced by Immanuel Kant. This post-Kantian version of natural law, which I follow Alan Donagan in calling “common morality,” suggests why humanitarian intervention remains morally defensible despite modern efforts to make it illegal.¹

HUMANITARIAN INTERVENTION IN EARLY MODERN NATURAL LAW

In twentieth-century international law, a just war is a war of self-defense. But sixteenth- and seventeenth-century European moralists justified war as a way to uphold law and protect rights, of which self-defense was only one. Rulers, these moralists argued, have a right and sometimes a duty to enforce certain laws beyond their realms. Some of these laws belong to the “law of nations” (ius gentium), understood not as international law but as general principles of law recognized in many different communities. This law of nations is an inductively established body of norms common to all or most peoples.

But the most important class of universally enforceable laws is “natural law,” understood as comprising precepts that can be known by reason and are binding on all rational beings. What the law of nations and natural law have in common is that each identifies principles more general than the often-idiiosyncratic norms of partic-ular communities. And in many respects, their principles are similar, though there are glaring exceptions. Slavery, for example, was long regarded as permitted by the law of nations, simply because it was widely practiced. But slavery cannot be defended as permissible under natural law, though many have, mistakenly, so defended it. The right to enforce these laws was understood to justify rulers in punishing moral wrongdoing and defending the innocent, wherever such action was needed.

The medieval literature on justice, like that of modern times, is concerned with wrongs done by one community to another. When Aquinas suggests that a “just war” is a war of self-defense, he is thinking of situations in which one community acts to punish another. “Those who are attacked,” he says, “should be attacked because they deserve it on account of some fault.”¹² And he goes on to quote Augustine, for whom a just war is one that “avenges wrongs”—for example, when a driver is “to punish the guilty for refusing to make amends for the wrongs inflicted by its subjects or to restore what it has unjustly seized.”³

To get to the idea of humanitarian intervention, we must shift our attention from wrongs done by one community to another to those done by a government to its own subjects, either directly or by permitting mistreatment. And if the justification of just war is to prevent or punish wrongdoing, it is not hard to make this shift. Thomas of Aquinas saw that the Utopians go to war only to “protect their own land, to drive invading armies from the territories of their friends,” or to liberate a oppressed people, in the name of humanity, from tyranny and servitude.¹⁴ In the absence of a norm of nonintervention, no special justification for humanitarian intervention is needed. Even those who treat the liberation of an oppressed people as needing further justification will have an easier time making their case if the core justification for war is to “avenge wrongs.”

One kind of oppression that medieval moralists saw as justifying intervention was paternal authority, as recognized by the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should intervene. Because whether the pope, as the recognized universal authority, should interven...
rulers. Furthermore, infidels cannot be forcibly converted. But because the gospel is addressed to everyone, the pope must be concerned with infidels as well as Christian souls. And all people are under the jurisdiction of natural law.

Putting these arguments together, Innocent concludes that the pope has authority to act when infidels violate natural law. This might happen if infidel rulers violate the law, or if infidel subjects violate it and their rulers do not prevent or punish them. So, for example, if infidels practice idolatry or sodomy, which Innocent Christians can also seek to promote the spiritual good of infidels by preaching the right to preach can be defended by armed force. Finally, force can be used to prevent any community to enforce natural law. Innocent IV, no naif in these matters, knew that Christian rulers would twist these principles to justify the conquest of infidels.

These principles were applied three centuries later by Francisco de Vitoria to the Spanish conquest of America. This brutal conquest was the subject of a long-running debate concerning the rights and conduct of the conquerors. But there was a conflict as well as barbarians, that is, as uncivilized, even subhuman. These barbarian sacrifice, practices that Europeans often invoked to justify subjecting them to Spanish rule.

Drawing explicitly upon Innocent IV, Vitoria considers whether cannibalism and human sacrifice provide grounds for the conquest. He argues that although natural and human law prohibits these acts, this does not necessarily justify war against those who practice them. Other crimes—adultery, sodomy, and theft, for example—also contravene natural law, but one cannot justly wage war against countries in which these crimes occur. "Surely," he writes, "it would be strange that fonication should be believed!" If armed intervention is a permissible response to cannibalism and human sacrifice, it must be because these crimes are especially evil. In such cases, our assistance is justified in defending the victims, even if they have not invited such assistance.

Like modern defenders of humanitarian intervention, Vitoria insists that a war to protect the innocent must be strictly limited. If the Spaniards wage war to suppress crimes against natural law, they cannot lawfully continue the war once it has achieved its goal, nor can they seize the property of the Indians or overthrow their governments. In other words, a lawful intervention cannot, without additional justification, become a lawful conquest. Moreover, if Europeans do, for whatever reason, come to rule the Indians, they must govern them for their own good.

Some defenders of the conquest held that because the Indians were subhuman "brutes," it was lawful to hunt and kill them at will. Others argued that the barbarians, though human, were intellectually deficient and culturally primitive. These "brutish men" were what Aristotle had called "natural slaves"—human beings possessing enough reason to follow commands but not enough to assume responsibility for their own affairs. They were, moreover, slaves without masters, an anomaly for which the Spanish conquest seemed an obvious remedy. Vitoria rejects these claims. The Indians are not natural slaves. Even though their beliefs and conduct are strange and offensive, they have cities, laws, governments, and property, and in this respect are no different from other human beings. But even if the Indians were incapable of governing their own affairs, this would hardly justify killing, enslaving, or exterminating them. Like that of children, madmen, or the senile, their incapacity calls for paternal care.

Another defender of Indian rights, the missionary priest Bartolomé de las Casas, argues that the Spaniards were not justified in harming many to rescue a few. Such injury is disproportionate and, when its victims are innocent, inherently immoral. "In those provinces where unbelievers eat human flesh and sacrifice innocent persons, only a few persons commit these crimes, whereas innumerable persons... do not participate in these acts in any way." The conquistadors wage war on the pretext of freeing the innocent, but they annihilate thousands of innocents. Luis de Molina, Domingo De Soto, and other contemporary critics of the conquest make similar points.

The Protestant Hugo Grotius is a key figure in debates over intervention to uphold natural law. The international morality he defends is one that permits such intervention but does not demand it. Grotius's "thin" or minimal morality requires human beings to refrain from injuring one another but does not require that they help one another. The basis for this morality, which he expounds in an unpublished early work, is self-preservation. Because the desire for self-preservation is inherent in their nature, human beings cannot be blamed for acting on it. And if they have a right to preserve themselves, they must also have the right to acquire the things needed for life and to defend their lives and possessions.

These presocial rights, which are the foundation of natural law, in Grotius's view are enjoyed not only by natural persons but also by artificial persons, such as states, that coexist in a condition of nature. In such a condition, the first imperative is self-preservation. And because it rests on self-preservation, the law that governs this condition, the law of nature, is a law that prescribes mutual forbearance, not beneficence. Natural law requires only that we leave one another alone; it does not demand that we assist or protect one another. But we may assist or protect one another. It would contravene the teaching of Christ, Grotius argues, to say that Christians have nothing in common with non-Christians, for the injunction to love one's neighbor means that a Christian must love every human being. It follows that the protection of infidels from injury (even from injury by Christians) is never unjust. He concludes that the Dutch East India Company might justly wage war on the Portuguese for seeking to prevent the sultan of Johore from trading with the Dutch. This conclusion may cause us to raise an eyebrow with respect to Grotius's motives, but it does not undermine his argument that justice may require forcibly protecting the right of anyone who is the victim of unjust coercion.
In a subsequent work, Grotius asks whether a sovereign can rightfully wage war to punish violations of natural law that do not affect him or his subjects. His answer is that sovereigns have the right to punish any acts that "excessively violate the law of nature or of nations in regard to any persons whatsoever." He invokes Innocent IV against those who argue that punishment is a civil power and therefore that a government has no right to wage war to defend persons over whom it has no legal other for harming him or his subjects. The right to punish is based not on civil law. Therefore, wars are justly waged on those who "commit against nature" by engaging in beastly practices. "Regarding such barbarians, wild beasts rather than men, one may rightly say . . . that war against them was sanctioned by nature; and . . . that the most just war is against savage beasts, the next bestial men and bestial societies. Sentences such as these justify punitive wars that go beyond the threat that such societies pose to civilization itself, as Europeans understood it.

According to the new understanding of international relations that was emerging along with the idea of the sovereign state, any government has the right to enforce natural law against any other government that is guilty of violating it. In the "state of nature" postulated by Grotius and other seventeenth-century natural law theorists, there is no enforcing power superior to that of the sovereign of each state. Because in the state of nature unpunished violations of natural law by one sovereign harm every other sovereign by undermining natural law, any sovereign can punish such violations of his own subjects, provided the offense is "very atrocious and very evident." This general "right of punishment" owned by every sovereign in the international state of nature therefore justifies humanitarian intervention, at least in some situations.

The nonintervention principle, which became more and more important in international law during the eighteenth and nineteenth centuries, can be understood as a reaction against the view that every state has a right to enforce natural law. The chief objection to this doctrine was made by Samuel Pufendorf in works published during the 1670s. "We are not to imagine," Pufendorf writes, "that every man, even he who has done another an injury, for it is contrary to the natural equality of all men, that one man may force himself upon the world for a judge and decide of controversy. . . . Any man might make war upon any man upon such a pretense." Pufendorf, any person may justly assist any victim of oppression—"kinship alone"—usually the mere fact of common humanity—"may suffice for us to go to the defense of an oppressed party who makes a plea for assistance, so far as we conveniently may." For Pufendorf, to come to the aid of the oppressed is not only a right, but in some cases a duty. It is, however, an "imperfect duty"—not a specific obligation like that prescribed by a contract but a duty of beneficence to be performed insofar as it can be performed without disproportionate inconvenience. The proviso that the victim must have invited assistance cannot, however, bear the weight Pufendorf gives it in distinguishing justifiable humanitarian intervention from unjustifiable interference by a sovereign who has usurped the office of judge over other sovereigns. Morally speaking, it is the act of oppression, not a request for assistance, that justifies an intervention.

The natural law argument for humanitarian intervention continued to erode during the eighteenth and nineteenth centuries as the view that international law is "positive law" based on the will of states emerged. The enlightenment philosopher Christian Wolff and his popularizer, Emmerich de Vattel, are among the last to treat international law as part of natural law (i.e., as belonging in effect to morality rather than to positive law), and both dismiss the classic argument justifying humanitarian intervention. According to Wolff, "A punitive war is not allowed against a nation for the reason that it is very wicked, or violates dreadfully the law of nature, or offends against God." And he explicitly asserts the principle of nonintervention, even when a sovereign abuses his subjects. Vattel agrees, though he adds a qualification: If "by his insupportable tyranny" a prince "brings on a national revolt against him," any foreign power "may rightfully give assistance to an oppressed people who ask for its aid." But in the absence of armed rebellion, intervention must be condemned; to say that one nation can use force to punish another for grave moral abuses is to open the door to war motivated by religious zealotry or economic ambition.

Here we have a new principle, added to Pufendorf's requirement that the victims of oppression must request outside assistance. They must mount their own armed resistance. By the middle of the nineteenth century, this principle was being used to argue against humanitarian intervention. In his essay "A Few Words on Non-intervention" J. S. Mill argues that the subjects of an oppressive ruler must win their own freedom, without outside assistance, and they must suffer the consequences if their struggle is unsuccessful. Not even bloody repression can justify armed intervention by foreign powers, for were such intervention permissible, the idea of "self-determination," which Mill thinks is basic to political community, would be meaningless.

Though he is a moralist, not an international lawyer, Mill perfectly articulates the view of humanitarian intervention we find in mainstream nineteenth-century international law. W. E. Hall, the author of a standard English work on international law at the end of that century, treats humanitarian intervention under the heading "Interventions in Restraint of Wrongdoing," a precise title, morally speaking. He argues that tyrannical oppression by a government of its own subjects, including religious persecution or massacres and brutality in a civil war, has nothing to do with relations between states. And he insists that we must not confuse outraged public opinion with the requirements of law. Some commentators, he writes, hold that states can lawfully intervene "to put an end to crimes and slaughter," but in the absence of consensus on this point, their judgment is not law. If there is any legal basis for humanitarian intervention, it must rest not on principles of international mo-
The relevance of common morality to humanitarian intervention should be apparent. Humanitarian intervention is a response to grave human rights violations, and the most basic human rights are universal moral rights—rights, in other words, that rest on the principles of common morality. There are, then, good reasons for grounding the ethics of humanitarian intervention in common morality and not in particular religious or national moralities, or even in international law, which rests on custom and agreement, not moral reasoning.

Unlike some ethical traditions, common morality does not regulate every aspect of life. In any situation, there is always a wide range of morally permissible responses, and common morality is for the most part unconcerned with choosing among them. Common morality is a minimal morality, and for this reason it must be distinguished from religious and other traditions that make a broad range of concerns a matter of moral duty. It regulates the choices we make as rational agents, not as adherents of this or that tradition. But precisely because it rests on a view of human beings as rational agents, common morality permits us considerable freedom to choose as we will. It imagines a human community in which individuals pursue their own self-chosen ends, and it seeks to regulate this pursuit so that the actions of one do not unjustly interfere with the actions of others.

Common morality forbids us to use other human beings coercively to achieve our ends. Using force, without good reason, violates the principle of respect. This explains not only why murder and slavery are wrong but also why self-defense is morally justifiable. But common morality does not limit the use of force to self-defense. It also permits us to defend the rights of others when those rights are threatened. We are therefore justified in using force to thwart violence against other persons, provided those persons are morally "innocent"—that is, not themselves engaged in unjust violence. Using force to resist those who attack the innocent does not violate the attackers' rights as free persons because they have, by their own actions, lost the moral right to act as they choose. It is even permitted to kill attackers, if necessary, to protect their victims. We are justified in using as much force as is deemed to thwart the attack, but not more—bearing in mind that precise calculations about such matters are impossible.

Though derived ultimately from the principle of respect, the right to use force to defend the innocent from violence rests more immediately on the idea of beneficence, which is the idea that human beings should support one another in appropriate ways. To respect other human beings as rational agents means not only that we must not interfere with their freedom but also that we should assist them in achieving their ends. Common morality is at its core a morality of constraint, but its precepts are not limited to those that constrain us. It also asks us to advance the well-being of others—by being cooperative, helpful, charitable, and the like—in ways that are morally permissible and not disproportionately costly. In other words, in helping others we are forbidden to do wrong for their sake and we are not required to do more than we can reasonably afford.

Given the principle of beneficence, common morality may require us to act when others are in danger of serious injury, whether by accident or as victims of wrongdo-
This requirement is expressed in the parable of the Good Samaritan (Luke 10:29–37) and, more pointedly, in the divine command that you must not stand idly by when lives are in danger (Leviticus 19:16). The principle of beneficence, which this command invokes, leaves us free to decide how to promote the well-being of others. Nevertheless, if we are able to provide immediate assistance to someone who needs it, we should provide that assistance. And this implies that we must not allow anyone to be harmed by violence if we can reasonably prevent it. In short, assuming that the costs are not too high, it is “not merely permissible but a duty to employ force against the violent if their victims cannot otherwise be protected.”

This is the fundamental principle underlying humanitarian intervention.

The principle addresses three aspects of the decision to act on behalf of persons threatened by violence. First, we must ask under what circumstances such action is morally called for. Who should be protected (who is my “neighbor”), and from which harms? Second, who should intervene? Who is the “thou” who is forbidden to stand idly by when another is in danger? And third, what must we do to avoid the charge that we are standing idly by? And what must we not do—what constraints, in other words, must we observe in providing aid?

We can use these questions to illuminate the morality of humanitarian intervention. But in doing so, we must remember that principles alone cannot determine complex foreign policy decisions. Moral principles can provide broad goals to guide deliberation, and they prescribe constraints on what choices can be made. But they cannot more precisely determine those goals and choices. Humanitarian action may require anything from ending a massacre to rebuilding a society whose institutions have failed. Deciding which of several morally permissible courses of action to pursue in a particular situation demands judgment and prudence, but this task belongs to politics, not moral philosophy.

When Is Humanitarian Intervention Permissible?

For Maimonides, the biblical injunction is to “save” another, and the implication is that the victim’s life is endangered. If humanitarian intervention means acting to protect human rights, many such rights besides the right to life might be threatened, including rights against torture, arbitrary detention, and racial discrimination. But usually only the gravest violations, such as genocide and ethnic cleansing, are held to justify armed intervention. Such acts affect the lives of many people and the fate of entire communities. In the classic phrase, they “shock the conscience of humankind.”

It is consistent with common morality to argue that humanitarian intervention is justified, in principle, in a wide range of situations, but that practical considerations usually override this justification.27 Yet one can also justify limiting intervention to the gravest abuses by invoking considerations that arise from the aims of civil association. The state as a coercive institution is morally justifiable because, in principle, it enables human beings to fulfill their potentialities by living together according to common rules. Once a state has been established, however, its citizens must obey the laws it adopts for this purpose, assuming these laws are not substantially unjust. And a substantially just state is entitled to respect by other states, which are morally barred from interfering with its government.

The nonintervention principle is therefore basic to relations between states. It is not a mere custom of the international system. There are moral reasons why a state must be recognized as having rights, in particular the right that outsiders respect its independence and boundaries. But the same principles that justify the nonintervention principle justify exceptions to the principle. If a government seriously violates the moral rights of those it governs, others may defend those rights, using force if necessary. The nonintervention principle is not a shield behind which an unjust state can hide while it violates the moral rights of its subjects. Such violations, if serious enough, permit forcible humanitarian intervention and may even demand it. But respect for the rights of a political community requires that those violations be truly grave.

Christian tradition holds explicitly that all human beings are “neighbors.” Vitoria, for example, writes that “the barbarians are all our neighbors, and therefore anyone, and especially princes, may defend them from . . . tyranny and oppression.”28 Common morality, also, holds every human being is in principle my neighbor and therefore entitled to assistance, though practically speaking I may be limited to helping those with whom I am connected in some way. It follows that humanitarian intervention is governed by the same principles of nondiscrimination that govern all conduct. It would, for example, be discriminatory in a way that deserves moral condemnation if Western governments acted to redress gross violations of human rights in Europe but remained indifferent to equivalent or graver harms suffered by Africans. To be sure, Europeans today do not necessarily have the same duty to intervene in Africa as in Europe, for there may be special obligations or practical constraints that distinguish the situations. But the case must be made carefully. No people can be arbitrarily excluded from humanitarian concern in ways that amount to prejudicial discrimination.

Who Should Intervene?

Humanitarian intervention is traditionally defined as the use of force by states to protect human rights. This definition presumes that states should do the intervening. It is sometimes argued that the traditional definition is obsolete because humanitarian intervention is increasingly a matter of collective action under UN auspices, not action undertaken by states acting on their own authority.29

However, to say that humanitarian intervention should be collective is simply to offer a different answer to the question of who should intervene. The moral principle is general: You shall not stand idly by, whoever you are, if you can provide effective assistance at reasonable cost and without neglecting other duties. There are practical reasons for suggesting that the international community should authorize humanitarian interventions. Such interventions may, for example, be more likely than unilateral actions to benefit from collective wisdom and to gain wide support.30 But to insist on
such authorization is to presume a degree of justice and effectiveness at the supranational level that the world has not yet achieved.

There are, however, moral reasons why states should adhere to international law and therefore why unilateral intervention should be condemned if international law forbids it. It is regrettable that NATO's decision to intervene in Kosovo had to be made outside the framework of the United Nations and in a manner not explicitly provided for by its own charter, which requires its members to defend one another in collective defense. But if unilateral intervention is illegal and procedures exist for collective action, and yet the international community as a whole is unable to act effectively, must individual states also "stand idly by"? As UN secretary-general Kofi Annan implies in discussing the world's failure to act in Rwanda, to say "yes" is to repudiate common morality.

Some moralists argue that only a government that respects human rights is entitled to intervene to protect human rights.31 There are reasons for favoring such a requirement in many cases, but the principle is not part of common morality. A murderer is not forbidden to save a drowning child. The objectionable character of the Vietnamese government in 1979 does not mean that its intervention in Cambodia, which ended the genocide there, was morally wrong.32

What Means of Protection Are Called For?

Common morality prescribes that we must not stand idly by when human lives are threatened, but this is a very broad injunction. As we have seen, coercive action is not immoral if it is aimed at those who are themselves acting immorally, and provided we do not pursue good ends by immoral means. Clearly, this means that forces conducting humanitarian interventions must comply with the laws of war, as these laws are understood both in the just war tradition and in international law. It means in particular that such forces must respect the principle of noncombatant immunity, which is that innocent persons may not be directly attacked either as an end or as a means to an end, and that the costs of indirect injury must not be unfairly distributed.33

The responses we might choose are not limited to those requiring military force. War is an extreme remedy. The label "humanitarian intervention" is sometimes applied to transnational charitable efforts to relieve human suffering as well as to forcible interventions to protect human rights. Those who see armed intervention as a kind of just war sometimes protest that using a common label muddies the waters by linking modes of international assistance that raise different issues and should be handled in different ways. Common morality certainly recognizes as morally relevant the distinction between coercive and noncoercive assistance. But it also prescribes assisting fellow human beings in any effective and morally permissible manner. It therefore allows a wide range of responses to situations in which lives are endangered, while recognizing that responses involving the use of force require additional justification. It also reminds us that military action cannot be assumed to be effective and that the only force that is morally justifiable is the minimum necessary to accomplish its purpose.

In considering what to do, an intervening state is not barred from considering the costs and from deciding not to act if those costs are too high. Although beneficence is a duty, it is what moralists sometimes call an imperfect duty. Like an individual person, a state is not obligated to intervene at great cost to itself. Risking all to save others may be praiseworthy, even saintly, but common morality does not demand it.34 But if no country can be asked to seriously harm its own interests to assist another, what can we reasonably ask it to do? If I save someone's life, I am not supposed to have taken on a long-term obligation to care for that person.

However, the injunction to "save" my neighbor, if my neighbor is a community, might entail continued involvement. Armed intervention to halt a massacre is likely to be only the first of many measures needed to restore order to a chaotic society and prevent subsequent massacres. If prevention is important, the challenge for humanitarian policy is to move from responding to humanitarian crises to forestalling them. And if common morality requires civil association and the rule of law, a policy of progressively strengthening civil institutions at the international level may itself be morally required, as Kant long ago argued in "Perpetual Peace."35 It is perhaps no coincidence that the greatest theorist of common morality was also concerned with the conditions of a just and peaceful international order.

In sum, common morality suggests that humanitarian intervention is justifiable under three conditions. First, it must be an extraordinary remedy, chosen in response to grave human rights abuses that cannot be ended by diplomatic means. This limitation recognizes that the legal rights of states cannot be lightly set aside, and that military intervention is an uncertain remedy, which has great costs of its own.

Second, interventions should be approved by a recognized international authority acting in accordance with reasonably just international laws. But if such an authority does not exist or is substantially unjust or ineffective, either in general or in a given situation, states may act without its approval. Whether the United Nations is a just and effective international authority is a judgment that those contemplating intervention will have to make—and defend.

Third, any intervention must be conducted by effective and morally permissible means. It must respect domestic and international laws unless there is good reason to override them because they are manifestly unjust or because the relevant governments or international authorities are ineffective. But above all, those who intervene must respect the moral laws that forbid harming innocent people as a means to an end and that require a fair distribution of risk (by prescribing attention to considerations of "proportionality" and "due care") between the intervening forces and those they aim to assist.

Decisions about whether and how to intervene will always involve a wide range of contingencies, for states have no duty to intervene unless they can do so successfully and at reasonable cost to themselves and to others. It follows that selectivity in the choice of occasions for intervention is both inevitable and potentially justifiable.
These conclusions are neither novel nor especially controversial. This should be taken as an encouraging sign, for it suggests that the contribution of common morality to the debate over humanitarian intervention is to help clarify the rational foundation of views whose cogency is already widely acknowledged. Its contribution is to indicate, from the standpoint of a carefully articulated and intellectually powerful position, where, morally speaking, arguments over particular interventions can and cannot go.

CONCLUSION

I began by briefly contrasting two traditions of thought on humanitarian intervention. One, embedded in modern international law and the UN Charter, sees intervention as inherently problematic, given the importance the law attaches to preserving the political independence and territorial integrity of states. The other, which belongs to the tradition of natural law or common morality, sees humanitarian intervention as an expression of the basic moral duty to protect the innocent from violence. The tension between them raises the question of how we can reconcile the complex institutional duties prescribed by international law with the more primitive, noninstitutional, duties of common morality. Common morality achieves its reconciliation by requiring that we respect institutions established through free exercise of human capacities—the family, property, the state, and international law—provided these institutions are reasonably effective and just.

The problem of humanitarian intervention, then, is analogous to the problem of political obligation. The question “Are citizens morally obligated to obey the laws of the civil society in which they live?” becomes “Are states obligated to obey the law of international society?” Precisely how ineffective or unjust the relevant laws and institutions must be before states are entitled to override the nonintervention principle or to ignore the UN Charter is a practical question to which no general answer can be given. But it is helpful to see that this is the right question to ask in debating humanitarian intervention. Moral guidance can be obtained neither by asserting existing law, as if its authority were unquestionable, nor by asserting moral principles, as if in obeying humanitarian imperatives no attention need be given to respecting laws, but only by giving careful attention to the claims of each in the particular situations to which the international community is called to respond.

As I have emphasized, common morality does not prescribe answers to many of the practical questions raised by particular interventions, except within very wide limits. It has little to say about whether acts of beneficence, and therefore humanitarian interventions, should be unilateral or collective, beyond requiring that collective procedures be respected, where they exist and are not ineffective or unjust. Although it forbids us to deny any human being the status of neighbor, it leaves us wide latitude in deciding whom we can assist, by what means we can assist them, and how much assistance we can provide. What common morality does provide is a way of viewing the ethics of humanitarian intervention that is rooted in a widely shared and rationally defensible conception of human dignity, and which for these reasons is relatively independent of the contingencies of particular situations. It follows that the moral principles underlying humanitarian intervention do not need to be rethought in the post-cold war world or “after Kosovo.” These principles have been known for centuries, if not millennia. They will acquire new meanings in each new situation to which they are applied, and because this requires judgment, they will often be misapplied. But the principles themselves will not soon be replaced.

NOTES

Earlier versions of this chapter were presented at the Travers Ethics Conference, held at the University of California, Berkeley, in December 1999; at a symposium sponsored by the Center for Global Peace and Conflict Studies at the University of California, Irvine, in May 2000; at the annual meeting of the International Studies Association in February 2001; and at conferences hosted by the Center for European Studies and the Carr Center for Human Rights Policy at Harvard University in January and September 2001. The author is grateful to the participants in these events and to the editors and reviewers of Ethics & International Affairs for helpful criticism and advice.

10. Grotius, De jure praedae, 315.


24. Grotius offers a statement of this distinction in Christian tradition when he writes that in the "holy law" of the New Testament, "a greater degree of moral perfection is enjoined upon us than the law of nature . . . would require" (Law of War and Peace, 27).


26. Donagan, Theory of Morality, 86.


33. Walzer provides a clear explanation of the principle of discrimination, and related ideas like double effect and due care, in Just and Unjust Wars, 151–59.
Bureaucratizing the Duty to Aid: The United Nations and Rwandan Genocide

Michael Barnett

Discussions of humanitarian intervention invariably invoke a duty to aid. To claim that the international community can legitimately intervene in the affairs of another state because a certain “threshold” of suffering has been, or will be, crossed is to claim that the international community has a moral obligation to assist those in need.

Yet at what point does the international community have a duty to aid? Scholars and policymakers who champion some form of humanitarian intervention attempt to set the bar high enough to mitigate the dangers of abusing what many assert should be an exception to sovereignty’s principle of noninterference, but not so high that it becomes an impregnable obstacle to action. Because many advocates find it exceedingly difficult to establish universal criteria, they understandably create broad boundary conditions that are dependent on the (collective) eye of the beholder. Michael Walzer, for instance, argues that the crimes committed must have reached a level that they shock the conscience of the international community. The Kosovo Commission concluded that humanitarian intervention is warranted when there is the “suffering of civilians owing to severe patterns of human rights violations or the breakdown of a government, the overriding commitment to the direct protection of the civilian population, and the calculation that intervention has a reasonable chance of ending the humanitarian catastrophe.”

Rwanda is the most straightforward case for humanitarian intervention and a duty to aid. Between April 6 and July 19, 1994, roughly 800,000 individuals were murdered. A Genocide Convention enjoined states to do something. At the beginning of the genocide there were 2,500 UN peacekeepers on the ground. Soon after the killing began, the UN force commander, Canadian general Romeo Dallaire, pleaded for a well-equipped battalion to stop the slaughter. Even those who worry that the great powers abuse the principle of humanitarian intervention concede that there was a moral imperative to stop the bloodletting; UN forces on the ground should have been allowed to protect civilians, and the United Nations should have authorized a humanitarian intervention.

Yet, for the first several weeks of the killing, the UN Security Council and Secretary-General Boutros Boutros-Ghali did not push for a humanitarian intervention or invoke a duty to aid. The Council not only failed to authorize an intervention, it actually reduced the UN presence from 2,500 to 270 peacekeepers. Though these actions occurred before the United Nations might have been able to recognize the genocide for what it was, they knew that tens of thousands of individuals had perished and that tens of thousands more were in grave danger. What sets the Rwandan genocide apart from all other genocides is that the international community could have intervened at a relatively low cost before its effects were fully realized. It is this extraordinary gap between the demonic violence in Rwanda and the glacial response at the United Nations that has led many analysts to conclude that only an indifferent United Nations, comprising self-absorbed states, could have ignored such an unambiguous moral imperative and duty to aid.

Beneath the surface of this tale of amoral indifference is a more complicated and troubling story that raises important questions regarding the relationship among humanitarian intervention, humanitarian organizations, and the bureaucratization of the duty to aid. In this chapter, I adopt an interpretivist approach to explain how the duty to aid was understood by those at UN headquarters; how the United Nations used the rules of peacekeeping to conclude in the first weeks that no such duty existed by attributing the killings to the more causally prominent civil war; and how the United Nations began to feel that duty only after the genocide became undeniable in late April. In essence, I am attempting to discern how the participants understood and gave meaning to their actions, which were significantly shaped by the social and bureaucratic rules that defined what they believed was appropriate and proper. Doing so allows us to recognize that what scholars and observers might (falsely) conclude was UN behavior driven by the lack of ethical scruples was, in fact, behavior that those in New York considered ethical and legitimate.

This interpretivist approach involves two central assertions. First, we need a better understanding of how the duty to aid is manufactured and lived by those individuals who are charged with enforcing that duty. Said otherwise, we need an ethnography of institutional ethics to understand the ethical reasons individuals use to guide and legitimate their actions. Most postmortem assessments of the Rwandan genocide proceed on the assumption that the United Nations had a duty to aid from the very moment that the violence first erupted on April 6, and from that assumption, attempt to investigate why it failed to execute that duty. In doing so, these analyses fail to ask how those in New York constructed their duty to aid and how the conceptualization of that duty was reflected in the assessment and actions of the United Nations. States, international organizations, and nongovernmental organi-
zations are expected to develop thresholds regarding when there is a duty to aid. These thresholds evolve in relationship to organizationally situated reflections on the past and pressing imperatives of the present.

My second central assertion is that the thresholds organizations use to determine when there is a duty to aid are likely to be bureaucratized, that is, transformed into rules that policymakers subsequently use to guide their responses to events. Policymakers and UN officials draw on formal and informal rules to determine when a humanitarian intervention is warranted. These rules, if short, are intended to rationalize and systematize their decisions. This is one of the virtues of a bureaucratic ethos: It establishes objective criteria to ensure that decisions are made in an impartial—and not in a politically driven—way. In the context of humanitarian intervention, developing such rules helps to ensure that states are less likely to dress their invasions in humanitarian discourse and that those humanitarian nightmares that do not have a great-power sponsor are not forsaken. Yet these rules inevitably evolve in practice, as actors interpret them in ways that depart from their original ethical positions. We need to understand how bureaucratization is a process and not a structure as we investigate the duty to aid.

The chapter is organized in two sections. It opens with an exploration of the rules of peacekeeping during the cold war; how the end of the cold war led those in New York to relax these rules in ways that expanded the obligations of the United Nations; how this expansion led to a situation of near moral and organizational overload; how headquarters tightened the rules of peacekeeping to save the United Nations from exploitation and ensure that the United Nations was “effective when selective”; and how the United Nations, by tightening the conditions for an intervention, recalibrated its duty to aid.

I then focus on the failure of the United Nations to recommend a humanitarian intervention during the first weeks of the Rwandan genocide and how in the circumstances connected to the rules of peacekeeping that led to the conclusion that there was no duty to aid. Specifically, once headquarters attributed the killings to the (preexisting) civil war, it concluded that there was no basis for an intervention. This determination was present not only in the Security Council but also among the very UN staff who are presumed to espouse humanitarian principles and therefore were most likely to feel the weight of a duty to aid in the presence of such killings. I conclude by raising the general themes of the bureaucratization of the duty to aid and the logics that can unfold when searching for rules of humanitarian intervention.

PEACEKEEPING RULES AND THE DUTY TO AID

Although the UN Security Council was initially envisioned as a forum to foster international peace and security, the cold war quickly crippled all of the security instruments contained in the UN Charter. As is well known, it took an extraordinary situation, the Suez crisis of 1956, for the United Nations to invent peacekeeping, a concept that did not exist in the charter. Peacekeeping quickly became the most robust UN tool. During the next forty-three years, the circumstances surrounding the Suez crisis and subsequent operations shaped the development of some rules of peacekeeping. Consent, neutrality, and impartiality were the core rules. Peacekeeping operations were to be deployed with the consent of the parties involved. The operations were to be impartial and function without prejudice to any side. Operation forces were to be lightly armed and thus rely on their moral authority and persuasion to influence parties and use force only in self-defense.

These practices grew out of the strategic and political environments in which peacekeepers were deployed and the functions that they were supposed to serve. Peacekeepers—rarely deployed in ongoing conflicts and never expected to enforce a peace—would only be expected to monitor cease-fires or peace agreements. There were occasional and highly controversial departures from these rules, most notably in the Congo operation, but these exceptions only reinforced the desirability of these rules. In general, these rules shaped how UN officials understood the very identity of the organization, represented the source of UN influence in world politics, and affected how peacekeepers operated in the field.

These rules inscribed a very limited duty to aid for UN peacekeeping. Simply put, a direct line could be drawn between traditional conceptions of state sovereignty, peacekeeping, and the organization’s operational translation of a duty to aid. Throughout much of the cold war, the United Nations operated with a highly traditional notion of state sovereignty, honored the principle of noninterference, and rarely, if ever, became involved in human rights abuses or the domestic affairs of states. Certainly, member states were reluctant to give the global organization a precedent that it might use to encroach on the state’s sovereign prerogatives. But UN officials also were self-censoring, reluctant to encroach on the internal affairs of states lest they be punished by powerful states or find themselves being accused of being “political.”

This traditional notion of sovereignty shaped peacekeeping patterns during the cold war. Peacekeepers were largely deployed to oversee a cease-fire between two or more states. As signaled by the rules of peacekeeping, the UN “duty to aid” was evoked only under the highly restrictive condition that there was, at the least, a cease-fire between two combatant states and the consent of the parties. There was thus very little consideration of whether peacekeepers might be deployed to aid peoples that were threatened by their governments or whose states had failed them. Although there were several moments when UN staff wanted to become involved in “humanitarian” emergencies, most famously in Bangladesh in the early 1970s, there is little evidence that they sought a peacekeeping operation for a humanitarian intervention.

The end of the cold war breathed new life into the United Nations, left the Security Council busier than ever with an increasingly expanding security agenda, and saw peacekeepers deployed in record numbers. These developments affected and were affected by an expanding definition of “threats to international peace and security.” Article 24 of the UN Charter hands the Security Council the “primary responsibility for the maintenance of international peace and security.” Yet because the
charter does not define such a threat, the council has some discretion over its meaning. Where the council limited the definition to interstate disputes during the cold war, after it began expanding the definition to include domestic conflict and humanitarian emergencies. Through practice and declarations, it demonstrated the view that it had a legitimate right to intervene in domestic space in intrastate disputes with regional security consequences and that it had a moral obligation to respond to humanitarian tragedies.

The growth of peacekeeping operations was the most visible indicator of increased UN activism in international and domestic security. Between 1989 and 1994, the Security Council authorized twenty-six operations across the globe, doubling in five years the number of operations it had authorized in the previous forty. The growing number of operations was impressive, as was their shifting purpose. Certainly, many of these post-1989 operations resembled the "classical" prototype. But a growing number were situated in unstable environments, where a cease-fire was rarely in place if at all, governmental institutions were frayed, and rag-tag armies posed threats but were not parties to the agreement. In these settings, the United Nations was charged with multidimensional and complex tasks that were designed to repair deeply divided societies marked by a humanitarian imperative.

There were strong murmurs of a duty to aid in these developments. Specifically, the growing sense was that the "international community," that is, the United Nations, had an obligation to help those peoples and states that could not help themselves. Certainly, the Security Council used the claim of "threats to international peace and security" to justify its growing involvement in the domestic affairs of states. The council frequently observed that there was an intimate link between domestic and international security and asserted the need to help those states attempting to move from civil war to peace.

Yet the language of moral obligation also was present in UN resolutions and declarations. There was a growing sentiment that the international community should not be a bystander to those acts that shock the conscience and that sovereignty should no longer be an excuse by UN member states to commit murder. Likewise, it was felt that the international community should not stand aside and allow such acts to be labeled "private" affairs, and that it was unconscionable for the United Nations to sit idly when doing a little might have a miraculous payoff. The United Nations began to deploy peacekeepers to more situations that differed dramatically from classical peacekeeping. The organization also began to intensify with greater frequency that it had a duty to aid and to articulate the philosophical maxim that those who can, ought.

The insertion of peacekeepers into more complex and unstable environments and growing humanitarian sentiments triggered a debate over what the rules of peacekeeping should be. Three issues were at the center of this debate: (1) when is peacekeeping a proper and effective instrument for international peace and security; (2) whether or not enforcement operations are desirable; and (3) what is the meaning of UN neutrality and impartiality. From 1990 through 1993, the United Nations drifted from the rules that had guided classical peacekeeping in all three areas. It was presumed that new conflict environments required new rules, as sticking to the old rules under new circumstances, where the lives of innocents were at stake, would be nothing short of moral turpitude.

Although the United Nations still desired the consent of the parties before authorizing a peacekeeping operation, it decided that in places like Somalia, where there was no recognized party, it must still intervene—especially when lives were at stake. Beginning with the Gulf War, the Security Council entered a new stage of peace enforcement and authorized several Chapter VII operations. The foray by the United Nations into civil wars and humanitarian assistance challenged the meaning of impartiality. How would the United Nations construe impartiality and neutrality in the face of human rights abuses, crimes against humanity, or active obstruction by the parties to the implementation of the mandate? Impartiality and neutrality became a dysfunctional shield that nearly transformed the United Nations into an unwitting accomplice to highly undesirable outcomes. The alternative, however, was to try to enforce the mandate without parties' consent, which would make the operation a party to war and compromise its credibility. The United Nations began to debate and experiment with these rules.

The sheer number of operations and the expansion of the rules of peacekeeping had two painful results. One was moral overload. The United Nations had jumped onto a slippery slope without much consideration of how to arrest its possible descent. Specifically, it became increasingly responsive to the idea that it had a duty to help those who could not help themselves, but the implication was to open itself up to more suffering than it could possibly assuage. In the aftermath of the cold war and the disintegration of the Soviet Union, there were more humanitarian nightmares than ever before (or at least the major powers opened their eyes to the steady stream that had always been present), which meant that there were many opportunities to try to rescue millions of people.

The United Nations, financially strapped, bureaucratically challenged, and comprised of self-absorbed states, did not have the political, logistical, or financial resources to accept all the opportunities and invitations. Consequently, it had to ask tough questions about who would receive its scarce resources. It began to develop rules that were supported by ethical considerations to make this determination. Headquarters started to ask whether an operation had a reasonable degree of safety and chance of success. As the secretary general, Kofi Annan, observed: "One can ask whether it is ethically sound for the international community to expend resources and political will coaxing recalcitrant parties into negotiations, or becoming involved prematurely on the ground, where there is little chance of compliance and prospects for success somewhere else are not as daunting." In other words, helping those who could not help themselves could suffocate the organization. Thus the United Nations—stretched thin and facing a nearly inexhaustible number of potential crises—had to make tough choices regarding who deserved its attention. One reasonable criterion was the active support of those whom it is helping.
A related development was the UN authorization of more peacekeeping operations than it could reasonably handle, and one result was "failures" in the field. Though there was a general consensus that member states could be blamed for many of the perceived stumbles, there was also a general concern that the United Nations was engaging in its own version of "imperial overstretch." There were also fears that such commitments were putting strain on the capacity of the United Nations, thereby reducing its effectiveness in any single operation. These failures were costing the organization political capital and goodwill. Indeed, there were those in Washington who seemed to take perverse pleasure in the foibles of the United Nations, using every misstep to pump up their criticism and demand a miniaturized and tamed United Nations. Those in New York began to worry that unforgiving great powers were primed to use every setback as just cause to reduce the stature of the United Nations. These fears were already palpable by early 1993, but they became consuming after the October events in Somalia. Officials in and around the United Nations began to take greater care to protect the organization's interests, reputation, and future.

Because of the threat of moral overload and the danger to the organization's survival, the consensus at headquarters was that the United Nations had to establish more discriminating criteria for when peacekeepers were deployed and how they operated in the field. As the Secretariat and Security Council reflected on the "lessons learned," they retraced their steps back to a classic interpretation of consent, impartiality, and neutrality in peacekeeping. UN staff were on board with this conception. An assistant to Kofi Annan, Sashi Tharoor, said that "this department is not in a hurry to recommend . . . any operation that would call for peace enforcement . . . . The moment we become party to a conflict, as happened in Somalia, we lose our capacity to fulfill other tasks."

Boutros-Ghali, who once was an enforcement enthusiast, tempered his initial zeal because of Somalia and Bosnia: "The United Nations is not able to do a huge peace-enforcement operation. This is the lesson of the last two years." At another moment, he insisted: "The United Nations cannot impose peace; the role of the United Nations is to maintain peace." This, he publicized, was the new "UN mentality." Annan summarized the lessons he learned from recent experiences: "Peacekeeping works when you have a clear mandate, a will on the part of the people to make peace. The inspiration for acceptable and viable peace can only spring from the leaders and the people in the country." Boutros-Ghali "used to say that the United Nations, like a good doctor, could not say No when asked to intervene. He has now amended this. It will intervene, but only when the patient takes its advice."  

While the Security Council had been employing heuristics to determine whether or not to authorize an operation, the sheer number of operations it had authorized, coupled with the failures in the field, led it to construct more rational, objective criteria that could become the focal point for future discussions and introduce more discriminating criteria. These broad sentiments were already in place and being acted upon before the October events in Somalia, but from then on, the council became more scrupulous in making consistent its use of discriminating rules.

These rules were in operation for several months before they were formalized on May 3, 1994, in a Security Council resolution, which stated that an operation would be authorized (1) when there is a genuine threat to peace and security, (2) when regional or subregional organizations can assist in resolving the situation, (3) when a cease-fire exists and the parties have committed themselves to a peace process, (4) when a clear political goal exists and is present in the mandate, (5) when a precise mandate can be formulated, and (6) when the safety of UN personnel can be reasonably assured. Although the Security Council (and others) understood that it had not magically rationalized and depoliticized its decision process, it was viewed as a step forward.

By getting "back to basics" and employing more discriminating peacekeeping criteria, headquarters felt better able to protect the organization from mismanagement and misappropriation, to ensure that its peacekeepers are effective when selected, and to protect its standing in world politics. Those in New York could justify this development as not only a pragmatic recognition of the possible but also a principled defense of the United Nations.

The adoption of these rules also constricted the UN duty to aid. The Security Council was much less likely to inject peacekeepers into humanitarian crises where there was no "peace to keep," and the United Nations could not count on the parties on the ground for assistance and cooperation. UN staff were largely supportive of this constriction, for they lived in constant fear that any more perceived failures would lead to the demise of the organization; reducing its exposure would increase its durability. The important point here is that the contraction of the UN duty to aid was no accident, even if the implications were not completely understood or well thought out. After all, it was because of such humanitarian nightmares as Bosnia and Somalia that New York became interested in limiting the exposure of the United Nations, determining that one condition for success was the existence of a "peace to keep."

In many respects, headquarters was attempting to locate a compromise between moral overload and moral insularity, to recognize the limited resources available to the United Nations, and to reserve it for those moments when the conditions were ripe. Nevertheless, there were strong overtones of organizational survival in the willingness of the United Nations to abstain from humanitarian crises. The organization now judged operations depending on whether they were, as one observer noted, "good for the UN or bad for the UN, a determination that hinged partly on the level of stability on the ground at these places. Simply put, the UN was as interested in its own security as in human security. The Security Council's response to Burundi in late October 1993, when tens of thousands died in ethnic violence, was partly driven by these considerations." Those who opposed intervention contended that because such crises are by-products of wars marked by instability, the United Nations should require, as a precondition for effective peacekeeping, a modicum of stability. Headquarters now read all operations—including Rwanda—through these rules of peacekeeping.
RWANDA AND THE DUTY TO STAND ASIDE

When the possibility of a UN operation in Rwanda was first formally considered by the Security Council in August, 1993, it sought answers to some of the criteria outlined in the May 3, 1994, resolution.26 Specifically, it wanted evidence of a cease-fire; a commitment by the parties to a peaceful resolution of their conflicts; a formal, negotiated peace agreement; a schedule that laid out the steps in the peace process and the endpoint of the UN involvement; and a reasonably precise mandate that spelled out UN financial, political, and security responsibilities.

The United Nations received reassuring answers to these questions. The Rwandan Patriotic Front and the Rwandan government had established a cease-fire and brokered a far-ranging political agreement, the Arusha Accords. The accords appeared to possess the ingredients required to settle the ethnic conflict and civil war. They contained provisions for attaining a multiethnic and multiparty democracy, democratic elections, the demilitarization and recreation of a national army, reform of public security apparatus, and the reintegration of the refugees.

The contribution of the United Nations to the peace process also was identified in sufficient detail. Specifically, the force was to contribute to the establishment of a weapons-free zone in Kigali; monitor the cease-fire and the security situation; assist with de-mining and refugee repatriation; investigate accusations of noncompliance with the agreement by the parties; help coordinate humanitarian affairs, and investigate reports on the police and gendarmerie. The Security Council limited the force to 2,548 personnel, which was only half of the planning team’s recommended number. The council did this because a Chapter VI operation to oversee a peace process required the support of the parties, and because the United States and other council members became less interested in the operation as it became more expensive. To monitor all of Rwanda, the force had to be spread thin, which was not a major worry because this was to be a monitoring operation done with the consent of the parties.27

The Security Council believed that an operation was warranted because all the major criteria on the peacekeeping checklist were met. New York also concluded from its checklist that it would be an “easy” operation. This was a relief in two important ways. The United Nations hardly wanted to take on another troubled operation at this moment. Indeed, during its debate over the Rwandan operation, on October 3 eighteen American soldiers died in Mogadishu, giving the United Nations a major black eye. The United Nations, which was debating the Rwandan operation at the time of the Mogadishu incident, was convinced that, unlike Somalia, Rwanda passed all inspection tests. Second, the United Nations saw in Rwanda an “easy operation” but also one that would show the world that it could still make an important contribution to international peace and security. For an organization that was desperately searching for some good news, Rwanda might become the poster child for UN success. Reassured and relieved, on October 5, 1993, the Security Council authorized a new operation in Rwanda, the United Nations Assistance Missions in Rwanda (UNAMIR).

What the United Nations predicted would be an “easy” operation rapidly begged for reclassification. There were two immediate issues. The parties agreed to establish immediately a broadly based transitional government, but opposition to the Arusha Accords from the extreme right blocked the implementation of this key provision. The result was that a cornerstone to the accords was perpetually delayed by ongoing efforts by Juvenal Habyarimana’s government to co-opt the extremists, who viewed any sort of power-sharing arrangement with the much-hated Tutsis and the Rwanda Patriotic Front (RPF) as tantamount to political suicide. The security situation, moreover, was becoming increasingly tense, with flashes of lethal violence. For many onlookers, there was a strong connection between the paralysis in the peace process and the deteriorating security environment. The general view from New York was that the failure to establish the transitional government was contributing to the deteriorating security environment, which in turn frustrating the establishment of the transitional government. The only way to escape this downward spiral was to impel the creation of the transitional government.28

A major debate among UN officials concerned the proper role of force in providing the security required to push the peace process forward. This debate flared at those moments when either violence flared or was predicted. The most famous moment came on January 11, 1993, when Dallaire sent a cable to UN headquarters. The cable contained an insider’s account of how the extremists were planning ethnic killings to scuttle the Arusha Accords and notified headquarters of his plan to seize the weapons before they could be distributed. His view was that UNAMIR was being asked to help provide the security needed to implement the accords. If this meant using force to enforce the mandate, then force would have to be applied; the judicious use of force would keep the extremists off balance and give the moderates the assurances they needed to take the political leap forward.

The Secretariat opposed any measures that potentially violate the rules of consent and impartiality. Dallaire’s recommendations were coming on the heels of a major defeat in Somalia. There, a very well armed American-led UN force suffered a major hit from extremists, which injured the U.S. position as well as that of the United Nations. At that point, Dallaire was proposing a similar operation but without the military or political support afforded by the UN Operations in Somalia (UNOSOM) operation. UN staff insisted that UNAMIR remain impartial and operate with the consent of the parties and try to use diplomatic and political means to get the parties to fulfill their agreements. This was post-Somalia peacekeeping, classical-style.

On April 6, President Habyarimana flew back from Dar es Salaam, where he was rumored to have overcome the remaining objections to the transitional government. His plane was shot down as it approached the Kigali airport, killing him and the president of Burundi. After the crash, the Rwandan military and the Interhamwe (a paramilitary force in Rwanda) erected roadblocks around the city and began to murder Tutsi politicians and moderate Hutus. Although there was considerable confusion over the extremists’ objectives—was this a military coup, a
Challenges

return to civil war, or something else—there was no mistaking the resumption of violence and the probable end of the Arusha Accords.

With only 2,500 lightly armed peacekeepers scattered throughout Rwanda, UNAMIR was confronted by two, increasingly untenable, tasks: protecting the lives of civilians and defending themselves. The tension between these two goals became immediately apparent when ten Belgian peacekeepers were brutally murdered while protecting a moderate politician on April 7. Headquarters feared that the entire operation was in danger. The remaining Belgian troops were running dangerously low on basic provisions and appeared marked for assassination. Moreover, resupplying or rescuing the troops was becoming increasingly difficult as the airport became a major battleground. Furthermore, the civil war between the RPF and the Rwandan government appeared likely to reignite within hours. Thus, an emaciated UN force was about to confront a terror campaign and a civil war.

The Security Council broke into two camps regarding UNAMIR's future: those favoring intervention, guided by Nigeria, New Zealand, and the Czech Republic; and those insisting on withdrawal, led by the United States and the United Kingdom. Although those in the council found ways to interject their national interests, the council's discussions were guided by the rules of peacekeeping.

Those opposing intervention had the upper hand during the entire debate; the United States and others persuasively argued that the council's own criteria, which were intended to rationalize its decisions, there was no basis for an intervention and the peacekeepers should be withdrawn. The parties had never showed a commitment to the peace process. Arusha was on the books, but the mandate was over. A cease-fire did not exist. UNAMIR was unable to impose a cease-fire, and the RPF, fearing that France would use the United Nations to intervene on behalf of its Rwandan allies, had warned the United Nations that it might treat any intervention as a hostile act. The council, therefore, had to worry that the United Nations would become an unwitting and outgunned combatant. Indeed, this discussion was taking place against the backdrop of Gorazde, the safe haven in Bosnia where peacekeepers hardly provided a physical shield for the individuals they were sent to protect. The example from Gorazde only served to reinforce the view that putting peacekeepers into conflict situations was irresponsible.

Furthermore, the situation in Rwanda was a civil war, and peacekeepers had not proven effective under such conditions. There is considerable debate regarding why the United Nations focused on the civil war, an issue that I cannot take up here. It was a fact that a civil war was taking place. The council tended to associate the ostensibly high civilian death toll with that war because of a prior understanding of the nature of the Rwandan conflict and the assumption that this presumed past could be mapped directly onto current circumstances. Many argued that because the council framed Rwanda as a civil war with horrendous civilian casualties, the peacekeepers, at the very least, had to try to negotiate a cease-fire between the RPF and the Rwandan forces. There was little else for the United Nations to do. In other words, those in New York grabbed the UN rulebook and concluded that if these civilian deaths were related to the civil war, then the appropriate and best available response was to arrange a cease-fire. After assigning the cease-fire as UNAMIR's chief task, they then decided that a handful of UN personnel could do the job.

Those in the council who opposed intervention identified other barriers to action. First, there were no other troops ready to reinforce UNAMIR or to provide a realistic basis for an intervention. No member state said that it was ready to dig deeper into its reserves and contribute soldiers to an ill-defined operation in the middle of a bloodbath. Moreover, any chance for an intervention virtually disintegrated on April 10, when Brussels indicated it would almost certainly withdraw its troops in the immediate future. Belgium was UNAMIR's backbone. No governments volunteered to reinforce or offered to replace UNAMIR's troops, because Belgium was already a fixture on the ground. And the peacekeepers were in mortal danger. Ten peacekeepers had been brutally murdered. The Secretariat was providing graphic depictions of UNAMIR consumed by self-protection tasks. The Secretariat concluded that if there were no troops to reinforce UNAMIR, then it should be withdrawn immediately; any delays only increased the risk to UN personnel.

There also was the future of peacekeeping to consider. Peacekeeping depends on the willingness of member states to provide troops. If member states believed that the council was unable to take reasonable measures to protect their soldiers, then they would be reluctant to provide such forces in the future. Peacekeepers, unprotected and exposed, could do little good for those on the ground and much harm to the reputation and longevity of the United Nations. The organization had learned a valuable lesson the hard way; that is, inserting peacekeepers, who were at best only a symbol of the international community's concern, helped no one on the ground, transformed peacekeepers into sacrificial lambs, and damaged the health of the organization.

In general, those in the council that opposed intervention pointed to the rules of peacekeeping to argue that the conditions were not ripe for an intervention; the existence of the civil war meant that UN obligations were attenuated, and that, though tragic, there was very little that the international community could do when ethnic groups were determined to kill each other. By these standards, there was no duty to aid the Rwandans.

Those in the council who favored intervention could not demonstrate how Rwanda fulfilled the minimal conditions for a peacekeeping operation, which crippled their cause. They could point to the massacres, but they could not credibly claim that the killings posed a threat to international peace and security. They could not point to any volunteers among the international troops, to a viable peace process, or to a cease-fire. In short, they could not point to the essentials. The rules of peacekeeping were an impregnable barrier to action.

By the beginning of the second week of debate, the council ceased to consider intervention and decided to maintain a semblance of a force in Kigali. It did so for several reasons. The council thought Dallaire should be given the chance to arrange a cease-fire. Peacekeepers were protecting thousands in various sites in Kigali. Even a stripped-down force could provide the platform for a future intervention. It wanted
to maintain appearances and avoid the image of abandoning “Africa” in its hour of need. Guided by the rules of peacekeeping and confronting the cold realities as they saw them on April 21, the council members voted by consensus on Resolution 912, which reduced UNAMIR to 250 troops and restricted its mandate to the negotiation of a cease fire between the Rwandan military and the RPF.

The council was not alone in using the rules of peacekeeping to determine that there was no duty to aid, for the evidence suggests that the Secretariat used a similar path to arrive at the same conclusion. During this entire two-week period, there was not a single, concerted statement by the secretary general arguing that there was a duty to aid and favoring intervention. Moreover, there is no evidence that the Secretariat held its tongue because it feared that the council would reject a plea for an intervention. Instead, the compelling evidence suggests that it used these same rules to determine that there was no basis for peacekeeping: that the return of civil war meant that UN responsibilities were lessened; that it was quite likely that even if the troops could be found they would meet failure in the field; and that in this post-Somalia moment, such a failure might very well spell the end of the United Nations. The Secretariat also concluded that there was no duty to aid the Rwandans—and if a duty existed, it would be to the survival of the organization.

Those at UN headquarters used the rules of peacekeeping to prioritize UN commitments and to generate their duty to aid. Especially robust was the linkage between the civil war and the propriety of withdrawal. The return of civil war fed into a contractual view of responsibility that had begun to take root. An emerging proposition held that the United Nations was obligated to help those who could help themselves, and that the failure of the parties to fulfill their responsibilities lessened the obligations of the United Nations to them. This shifted the locus of responsibility. It also signaled that the limited resources of the United Nations would be distributed to those who demonstrated a willingness to abide by agreements. For instance, in the months immediately before the genocide, the Security Council and, in essence, the United Nations were obligated to help those who could help themselves, and that the failure of the parties to fulfill their responsibilities lessened the obligations of the United Nations to them. This shifted the locus of responsibility.

The patterns of moral differentiation were many, but it is difficult to escape the oxymoron of bureaucratic rules. The rules were constructed to determine when peacekeeping would be an efficient instrument of international peace and security. The presumed virtue of these rules was that they would go some distance in creating benchmarks that could be applied across a range of cases. Such a move would help to depoliticize and rationalize the Security Council’s discussions. No one held the illusion that the mere articulation of these criteria would magically engender peacekeeping, but there was considerable consensus that these rules would help bring greater rigor to discussions.

However, it was not only the desire to be more efficient and rational that produced these rules; also prominent was the logic of organizational survival. Those in New York worried that the very absence of sufficiently restrictive rules was doing grave damage to the organization. They hoped that with more restrictive rules, the United Nations would be better buffered against the elements. To be sure, this meant that UN engagement would only be appropriate when there was a “peace to keep.” Indeed, past failures in the field clearly demonstrated that the United Nations was the “right tool for the job” only when there was a peace to keep, and that deploying the United Nations under any other circumstances does little good on the ground and exposes the organization to much harm.

These rules, once established, served to channel arguments and provide templates for reasons that had a dramatic impact on how those in New York conceptualized their responsibilities toward human suffering and during moments of humanitarian keeping functioned as intended, limiting the conditions for a duty to aid and creating an ethic of indifference.

CONCLUSION

The relative indifference of those in the organization has been more unsettling than anything because of our expectations about their professional roles and normative commitments. This raises the central issue of why individuals embrace a different moral yardstick once they are cradled inside an organization. Perhaps because one’s contribution is relatively small, one cannot relate it to the larger outcome of the institution’s decisions. Perhaps the sheer physical, psychological, and social distance between officeholder and subject make it more difficult to fully comprehend the effects of one’s actions. Perhaps the absence of dissent and the baneful fear of being ostracized and ridiculed lead to a normalization of complacency. Perhaps the bureaucratic appeal to broad rules reduces concern for the particular and makes it more difficult to see and to act in extreme and exasperating circumstances. Perhaps Western culture has become rule governed and legalistic to the point that legalities and rules become a substitute for private morality. Perhaps blind ambition plays a part in the belief that one’s career prospects are best served by ignoring ethical dilemmas. All of these factors surfaced at various moments during the involvement of the United Nations in Rwanda and shaped the moral terrain and the meaning and practice of duty.
catastrophes. The rules, in effect, condoned how those in New York looked upon their responsibilities; if the United Nations is effective only under conditions of stability and a working cease-fire, then it is not obligated to intervene in all humanitarian nightmares. The rules differentiated subjects of concern from subjects of neglect, those to whom responsibilities were unmediated, and those to whom they were abridged. This rule-guided development, moreover, dug a moat around the United Nations. Its overdeveloped sense of responsibility was creating moral overload and proving to be self-destructive. Acting responsibly, the United Nations recognized, also included a duty to safeguard the organization’s health. It was Rwanda’s misfortune to be the first explicit applications of these rules.

The UN decisions that led it to be a virtual bystander to genocide did not come to pass because it had lost its ethical scruples. It believed that by standing aside, it was doing the right thing. The rule-driven morality of the United Nations, argumentatively put, had driven out the private morality of those in New York, leading them to adopt an ethical position that made turning away from crimes against humanity not merely pragmatic but also principled. The rules of peacekeeping had reconstructed the moral compass, pointing the needle north toward New York and away from Kigali. Those at the United Nations believed that they had a duty to aid—just not then.

NOTES


6. For the importance of impartiality as a principle of justice, see Thomas Nagel, The View from Nowhere (New York: Oxford University Press, 1986). Advocates of humanitarian intervention have also been attentive to impartiality, but they have tended to focus less on the rules determining whether a humanitarian intervention is warranted and more on the body that makes this determination. See Shue, "Let Whatever Is Smouldering Erupt" and Hehir, "Intervention."

7. Although the United States and other member states were reluctant to undertake an intervention because it did not coincide with their "national interests," this moment, in the council the debate over intervention was fought over application of generalized rules and not over particularistic interests. I also find no compelling evidence that the Secretariat determined that because the council was not going to intervene it decided to avoid recommending a policy that it knew would be rejected. See Barnett, Eyewitness to a Genocide, chap. 4.


Challenges

Robert and B. Kingsbury (New York: Oxford University Press, 1993), 69–70. In 1961, the Security Council declared the situation in Congo a threat to peace and security; in 1966 it made a similar determination in the case of Rhodesia, and again in 1977 it did so in South Africa. But these were notable exceptions to the general rule.


16. The U.S. assistant secretary of state for international organizations, Douglas Benner, remarked, “Call it lessons learned. What’s been happening is a pretty steep learning curve on which we have discovered some of the strengths and weaknesses of collective peacekeeping” (Jon Stewart, “U.N. Learns Hard Lessons on Peacekeeping,” San Francisco Chronicle, March 28, 1995, A1).


29. See Barnett, Eyewitness to a Genocide, chap. 4.

30. Human Rights Watch, Leave None to Tell the Story, 619.

Human Rights Language and Its Discontents

Too frequently modern philosophers, theologians, and scholars have failed to think carefully about the ‘human rights revolution’ that occurred after World War II in reaction to German, Japanese and other versions of fascism. That revolution, marked by the adoption of the Universal Declaration of Human Rights (UDHR) on December 10, 1948, represented not only extensive international political and legal transformation, but something of enormous philosophical importance, as well. The best way to honor that importance, sixty years later, is by subjecting human rights language to the critical reflection it deserves.

The major reason for the failure is that philosophers, theologians, and scholars have not grasped or directly confronted the central purposes of human rights language or the basis on which the drafters of the UDHR believed that language to rest. The central purposes are to hold people everywhere accountable to the terms of the language, backed by a provision for universally legitimate enforceability, as well as to provide standards of protection to which everyone may appeal. The basis invoked in the Preamble to the UDHR is unapologetically universalistic. It is something called the “conscience of mankind” assumed to have been “outraged” by the “barbarous acts” committed across the globe before and during World War II.

Rather than considering seriously the provenance, character, and underlying rationale of human rights language, philosophers, theologians, and scholars have too often been distracted by at least four questionable lines of argument.¹

¹ By no means have all philosophers failed to attend to or to support human rights language in a thoughtful way. See, for example, Alan Gewirth, Human Rights: Essays on Justification and Application (Chicago: University of Chicago Press, 1982); James W. Nickel, Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights (Berkeley: University of California Press, 1987); Carlos Santiago Nino, The Ethics of Human Rights (Oxford: Clarendon Press, 1991). Although these are all perceptive and significant contributions to the philosophy of human rights, none of them addresses the subject as I shall do in this essay. For that reason, I do not find their arguments altogether persuasive, as I have indicated in other publications. The position developed in what follows clearly distinguishes me from the approaches of figures like these.
1) The impossibility of providing a universal philosophical justification for human rights language, whether on the basis of purportedly vague notions like the “conscience of mankind” or, for that matter, on any basis. While accepting the impossibility of a universal justification, adherents divide over the importance of this conclusion. Some incline to set aside human rights language altogether; others believe most of the benefits can be preserved on a more modest basis.

As an example of the dismissive view, we may recall Alasdaire MacIntyre’s familiar words: “the truth is plain: there are no such rights [as human rights], and the belief in them is one with belief in witches and unicorns…Human rights are fictions.”2 Stanley Hauerwas is similarly disparaging: “America is the only country that has the misfortune of being founded on a philosophical mistake—namely, the notion of inalienable rights [something human rights are claimed to be]. Christians do not believe that we have inalienable rights.”3 Nor can we forget the late Richard Rorty’s resounding challenge: “The urge to find “some universal common truth in morality or anything else,” is an “urge,” wrote Rorty, “that should be repressed.” Despite the contrary claims of human rights advocates, we cannot, he said, accuse torturers of violating some inherent standard of proper action because for Rorty no such standard exists.4 While Jeffrey Stout believes the benefits of human rights language may be retained without depending on universalist philosophical claims, he is no less skeptical of the ideas of “inherence” and “inalienability” that are constitutive of human rights language, referring to rights conceived of in the “usual, highly theoretical, metaphysical way” as “just-so stories.”5

2) The inadequacy of the “rights” part of human rights language, and the claim that the important assurances enshrined in the UDHR and other instruments can be better justified

Three authors with whom I am in deep sympathy, and who have influenced my thinking are Judith Jarvis Thomson, *The Realm of Rights* (Cambridge: Harvard University Press, 1990), along with other writings of hers, Christian Rice, “For the Common Moral Benefit: Thinking through the Conditions Necessary to Secure the Moral Priority and Fixity of Individual Rights” (Th.D. thesis, Harvard University, 2008), and Sumner B. Twiss, especially his excellent essay, “Torture, Justification, and Human Rights: Toward an Absolute Prescription,” in *Human Rights Quarterly* vol. 29, no. 2 (May 2007), pp. 346-367. It is not the first time that Twiss’s outlook and mine have converged in an important way.


in another way. An example is the work of Martha Nussbaum. Even though she is far more sympathetic to “rights talk” than most of the dissenters mentioned above, she too displays important reservations at critical points. In *Frontiers of Justice*, Nussbaum does express appreciation for human rights theories, associated, for example, with Hugo Grotius, as an antidote to the lack of due provision for the disabled and vulnerable she convincingly argues is the consequence of Rawlsian contractualism. Nevertheless, when all is said and done, she too casts aspersions on rights language as vague and confusing for having been the subject of conflicting interpretations and “deep philosophical disagreement.” For these reasons she famously prefers the language of “capabilities,” although without, in my view, entirely coming clear on the ambiguities surrounding her use of that language.

3) The unimportance of philosophical reflection. One example goes back to 1946, and the earliest reactions to human rights language by a UNESCO committee made up of “many of the leading thinkers of the day.” Having assembled a remarkably uniform list of basic human rights solicited from leaders in government, religion, philosophy, and scholarship around the world, the committee emphasized that agreement extended only to the list of rights and not to the grounds on which they are justified. In a famous comment, Jacques Maritain, a member of the committee, remarked: “We agree about the rights on the condition no one asks us why.” Whether intended or not, this sentiment is commonly interpreted to mean that the justification of human rights is a secondary question in the sense that support

---

7 Ibid., pp. 284-5.
8 I have two main objections to Nussbaum’s position. 1) To show that language (like rights language) is abused or subject to controversy does not invalidate that language; it simply calls for correction and for a defense of proper usage. 2) Rights language is “ought” language while capabilities language is “can” language. Given that “ought implies can,” and that “can does not imply ought,” rights (or entitlement) language is logically prior. On occasion, Nussbaum appreciates this point, but, in my view, does not see it through: “To say people have a right to something is to say that they have an urgent entitlement to it. The idea of capability all on its own does not yet express the idea of an urgent entitlement based on justice. However, the capabilities approach makes this idea of a fundamental entitlement clear, by arguing that the central human capabilities are not simply desirable social goals, but urgent entitlements of justice” (*Frontiers of Justice*, p 290). She seems here to be admitting that “capabilities” in her sense does, after all, presuppose a notion of right, namely, “an urgent entitlement,” and thus, by implication, will require an independent defense of rights language.
10 Cited at ibid., p 1156.
for human rights rests on a coincidental consensus regarding “what” human rights are, not “why” we affirm them, and that that is the most we can or ought to hope for.

An array of human rights advocates, some legal scholars, some not, provide other examples. Paul Sieghart, in a definitive legal study, remarks that if there was ever a need to worry about the philosophical or theological grounds of human rights, those days are over, since all we need to do now is to “refer to the rules of international human rights law as defined in the relevant instruments which have been brought into existence since 1945.”

Political scientist Jack Donnelly argues that we may be satisfied with a purely “analytic or descriptive” theory of human rights, rather than a “normative or prescriptive” one because “there is [now] a remarkable international consensus on the list of rights.” And Michael Ignatieff, former director of the Carr Center for Human Rights at Harvard University, and now a member of the Canadian Parliament, recommends that we seriously scale back our expectations. The idiom of human rights is not intended to serve, he says, as “an ultimate trump card in moral argument,” or “for the proclamation and enactment of eternal verities.” It is rather “a discourse for the adjudication of conflict,” a much more prosaic, down-to-earth language, that is, of political “trade-offs and compromises.”

4) The insufficiency of secular justifications, and the need for one or another religious justification. The fact that the UDHR and subsequent documents exclude religious warrants as a basis for justification is taken to be a serious shortcoming. One example of that reaction is the new book, Justice: Rights and Wrongs, by Nicholas Wolterstorff. In supporting the moral potency of rights language in general, and human rights language in particular, Wolterstorff advances a theological argument as the only satisfactory justification for “inherent rights,” as he calls them. He contends that rights language, including human rights, assures vital protection against arbitrary abuse, resting on a conviction of the irreducible, equal worth of every human being. Secular theories, like those of Ronald

---

14 Wolterstorff, Justice: Rights and Wrongs., see chs. 13, 14, and 15.
Dworkin,\textsuperscript{16} Alan Gewirth\textsuperscript{17} or John Rawls,\textsuperscript{18} do not succeed in grounding the idea of equal inherent human worth, nor is there much likelihood, in his opinion, that other such theories can ever do so. The only defensible alternative, on his view, is a theistic conviction, namely, that the God of Hebrew and Christian Scriptures “bestows worth” on all human beings “equally and permanently.”\textsuperscript{19}

Michael Perry provides another version of a religious argument for the justification of human rights.\textsuperscript{20} The claim is that key human rights terms like “the inherent dignity” of “all members of the human family” necessarily presuppose a religious or sacred ground, and therefore that “the idea of human rights is ineliminably religious.”\textsuperscript{21} While Perry does not share Wolterstorff’s belief in one preferred theological position, he does agree that “there is, finally, no intelligible secular version of…human rights.”\textsuperscript{22} Accordingly, determining the grounds of human rights “is, finally [and unavoidably], a theological project.”\textsuperscript{23}

David Novak takes a comparable position from the perspective of Judaism.\textsuperscript{24} Concentrating on “the question of the religious foundation of human rights,” Novak claims that “the task of the religious believer—Jewish, Christian, or Muslim—is to provide a better foundation for the [human rights] claims of the secular realm where the vast majority of…citizens profess religious belief and, indeed, see their very allegiance to that secular realm as itself being religious.”\textsuperscript{25} He defends this claim by arguing that for Judaism religion can only be seen “as the source of all other rights,”\textsuperscript{26} whether understood as the rights among human beings or between them and God. The major problem with secularist views of human rights, such as the social contract theory, is that society “must be seen as an artificial

\textsuperscript{16} Ibid., 333-334.  
\textsuperscript{17} Ibid., 335-340.  
\textsuperscript{18} Ibid., 15-17.  
\textsuperscript{19} Ibid., 360.  
\textsuperscript{21} Ibid., 39.  
\textsuperscript{22} Ibid., 35.  
\textsuperscript{23} Ibid., 39.  
\textsuperscript{25} Ibid., 200-201.  
\textsuperscript{26} Ibid., 177, original italics.
construct”27 created by a collection of unattached individuals. Such a view makes the offensive assumption “that the human individual is sovereign rather than God.”28

From a Muslim point of view, Abdulaziz Sachedina is somewhat more equivocal concerning the question of the religious grounds of human rights, though, in the last analysis, he also embraces the need for a theological justification.29 On the one hand, there exists deep in Islamic scripture and theology, he says, a notion of “universal ethical cognition,” close to the concept of conscience, that “does not require any justification independent of the naturally endowed innate [moral standards].”30 It is on this basis that the language of human rights can be defended as equally available to and binding upon all human beings, regardless of religious identity. This is also the basis for guaranteeing religious pluralism and freedom of conscience in line with the concept of “functional secularity.” According to that idea, religious and political authorities are legally separated, and laws and policies are determined independently of any controlling religious point of view.

On the other hand, Sachedina is not entirely comfortable with this proposal. He is particularly bothered by the “secular moral foundationalism” that he believes underlies standard Western-oriented interpretations of human rights.31 In eliminating any religious references from the UDHR, the drafters “pursued a thorough-going secularism” that distorted the understanding and implementation of human rights by ignoring the need for a religious basis of “life’s sacredness and human beings’ possession of inherent dignity and rights.”32 For Sachedina, it is a reconstructed theory of Islam that ultimately provides a convincing remedy for these deficiencies by picturing “the equivalence and equal rights of human beings as a divinely ordained system.”33

To consider seriously the provenance, character, and underlying rationale of human rights language is to feel the force of that language. It is to find reasons for reassessing

27 Ibid., 179.
28 Ibid., 180.
30 Ibid., 50.
31 Ibid., 170.
32 Ibid., 10, 24.
33 Ibid., 201.
claims about the impossibility of universal justifications, about the inadequacy of rights language, about the unimportance of philosophical reflection, and about the insufficiency of secular justifications and the need for religious ones. In a word, it is to appreciate both the importance of the purposes of human rights language and the inseparability of those purposes from the underlying rationale.

**The Nature and Assumptions of Human Rights Language**

We shall be referring primarily to the so-called “International Bill of Rights,” composed of the UDHR, and two supplementary international covenants, one on Civil and Political Rights (ICCPR), and the other on Economic, Social and Cultural Rights (ICESCR). It should be born in mind that, as treaties, the two covenants have legal force that a declaration, such as the UDHR, does not typically have, even though the UDHR is now widely regarded as having taken on the special status of customary international law. It should also be recognized that the common belief in three “generations” of human rights, civil-political, economic, and collective—all supposedly conceived of and adopted sequentially—is mistaken. The first two sets of rights are explicitly included alongside each other in the UDHR, and the collective rights of peoples have their origin in the minority treaties of the League of Nations and in various articles of the UN Charter (e.g., art. 55), and are also implied in art. 28 of the UDHR, and specified in common art. 1 (the right of the self-determination of peoples) of the ICCPR and the ICESCR.

Drawing in part—here and there critically—on the indispensable work of Johannes Morsink and Mary Ann Glendon, we may summarize the basic features of human rights language in the following way.

---

34 Both covenants became binding international treaties in 1976, when the requisite number of “States Parties” had ratified each one. At present, 162 states have ratified the ICCPR (plus 6 signatories), and 159 have ratified the ICESCR (plus 68 signatories).


• Human rights language presupposes an understanding of “a right” *simpliciter* as an individual or subjective entitlement to demand a certain performance or forbearance under threat of sanction for noncompliance. It also includes related terms, such as “duty” and “obligation.”

• As such, it has a strongly *deontic* tone, whose chief defining characteristic is *requiredness* or *bindingness*, implying *legitimate enforceability*, of either a legal or nonlegal sort. Legal enforcement rests on the authorized regulation of physical force/coercion, while nonlegal enforcement is the justified application of sanctions short of physical force/coercion, e.g., verbal censure or condemnation.

• It is legal language, both authorizing and enjoining states to enforce human rights. As legal entities, states are “obligated” “to promote *universal respect for, and observance of, human rights and freedoms,*” as prescribed in the Preambles to the ICCPR and the IESCR (emphasis added). The obligation of the “States Parties” committed to the two covenants rests, to be sure, on their act of agreement, although it also rests on another basis of state obligation that transcends statutory or treaty agreements, and is grounded in universal peremptory principles known as *jus cogens.*

• It is *moral* language that is *universal* in character. “Moral” means language that addresses matters of fundamental human welfare in a way that is taken to be justified and to be of great importance. “Universal” means language believed to apply justifiably to all human beings everywhere in that everyone may both appeal and be held accountable to it. Both the moral and universal valence is illustrated by statements like these from the UDHR Preamble and from arts. 1 and

---

39 *Jus cogens* principles protect individuals everywhere against things like genocide, slavery, torture, and apartheid, and they are taken to rest ultimately on principles with strong moral content like the one invoked in the Preamble to the UDHR. In describing the idea of *jus cogens*, Martti Koskenniemi states: “It is inherently difficult to accept the notion that states are legally bound not to engage in genocide, for example, only if they have ratified and not formally denounced the 1948 Genocide Convention. Some norms seem so basic, so important, that it is more than slightly artificial to argue that states are legally bound to comply with them simply because there exists an agreement between them to that effect, rather than because, in the words of the International Court of Justice (ICJ), noncompliance would ‘shock the conscience of mankind’ and be contrary to ‘elementary considerations of humanity’.” Koskenniemi, “The Pull of the Mainstream,” cited in *International Human Rights in Context: Law, Politics, Morals*, Henry J. Steiner and Philip Alston, eds. (Oxford: Oxford University Press, 2000), p. 78.
2: “[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” “[D]isregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind….“

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in spirit of brotherhood.” “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion,…national or social origin,…birth or other status.”

- It is moral language that is noncomprehensive. The assumed moral grounds apply exclusively to the rights and freedoms enumerated in the instruments and are otherwise deferent to and respectful of “freedom of thought, conscience, religion or belief” (art. 18 UDHR, ICCPR). The documents take no position on philosophical or theological controversies regarding the ultimate grounds and nature of moral life and responsibility, let alone metaphysical and cosmological ideas related to them, but leave such questions up to individual conscientious deliberation under the right to freedom of religion or belief. Moreover, the documents adopt a “thin approach” to the government’s role in dealing with comprehensive doctrines. In contrast to a “thick approach,” in which a government takes “responsibility for the delivery and maintenance of a special cultural, religious, or linguistic tradition,” in a thin approach the government sets

---

40 While fully acknowledging and concurring with the objectionable “genderism” conveyed by this usage, I shall continue to use the phrase out of respect for the original language, but with the caveat that we modern readers consciously interpret it to mean “humanity” or “humankind.”

41 According to John Rawls, a “comprehensive doctrine” is a religious or philosophical system of belief intended to apply to a large, possibly unlimited, number of adherents, and that includes “conceptions of what is of value in human life, and ideals of human character, as well as ideals of friendship and associational relationships, and much else that is to inform our conduct,” and that apply, potentially, to life as a whole (John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), p. 13). The point here is that the understanding of moral justification is self-consciously limited in its application to the practice of the enumerated rights and freedoms, and expressly does not pretend to regulate beliefs and practices beyond that.

Professor John Reeder has pointed out that a position may be noncomprehensive in a second sense as well. It may reject, as Rawls and Nussbaum do, any foundational metaphysic or epistemology, at least so far as the grounds of “political liberalism” go (see Rawls, *Political Liberalism*, p. 97 and Nussbaum, *Frontiers of Justice*, p. 163). My position is noncomprehensive in the first, but not in the second, sense, as will become clear. I admit, of course, that any noncomprehensive grounds that may be supplied as a basis for human rights would have to be compatible with a broader theological or philosophical position.
up “a fair (legal) framework within which its people can, singly or in groups, pursue their own notions of…human good, as long as [other enumerated rights and freedoms] are not violated.”

- Accordingly, the language is *religiously neutral or “secular” in a narrow sense.* This is true in two ways:

  * Proposals for declaring that human rights depend on a belief in “divine origin” and “immortal destiny” were deliberately excluded during the drafting process consistent with the underlying commitment to universal accessibility and accountability, regardless of “language, religion,…national or social origin,…birth or other status.”

To have included religious references in the Declaration as the preferred basis of human rights would obviously have violated that commitment. If “secular” is taken to mean *not requiring religious warrants,* then the Declaration is, it is true, “a secular document by intent.”

It assumes a secular or nonreligious warrant sufficient to justify the rights enumerated in the document.

At the same time, the Declaration is not an example of “outright secularism,” if that phrase implies, as it ordinarily does, opposition to and disrespect of religious belief. The very idea of a “thin approach” to the relation between the government and religion, guaranteed by art. 18 of the UDHR and the ICCPR, entails that religious (and, equally, nonreligious) beliefs are fully “respected” in the sense of being permitted and protected by the state. Nor is there any prohibition against offering religious (or other) justifications for human rights as enumerated in the documents, or against discussing

---

43 Ibid., 284-290.
44 Ibid., 289.
45 Ibid.
and advocating them in public. It is simply that there is no provision for such beliefs to be legally required or enforced.  

Thus, the Declaration contains a “two-tiered” or “bifocal” approach to justification. The first level provides “secular” or religiously neutral grounds sufficient for considering the rights enumerated in the document as obligatory upon and accessible to everyone everywhere, regardless of religious identity. The second level, guaranteed by art. 18, invites and protects the right of religious (and, equally, nonreligious) people to avow whatever comprehensive doctrine they may embrace.

* States may limit religious or other conscientious practices in respect to public safety, order, health, or morals, but only so long as the limitations respect the “rights and freedoms of others,” are “prescribed by law” “in a democratic society” (art. 29.2 of the UDHR and art. 4 of the ICCPR), and are administered on the basis of “the right to equality and nondiscrimination.” That means that the grounds on which the state applies the limitations “must be based on

---

46 The point here is that any reference to religious warrants in the UDHR was intentionally eliminated by the drafters. It is true that the Human Rights Committee, an eighteen-member supervisory agency mandated by the ICCPR (Pt. IV) for the purpose of monitoring State Party compliance and issuing General Comments on the meaning of the Covenant, has held that art. 18 of the ICCPR does not prohibit the recognition of a “state religion” or one that is “established as official or traditional.” However, the committee concomitantly imposes rigorous conditions that in effect threaten the standard prerogatives of a state or established religion; it declares that under a state or established religion there shall be no “impairment of the enjoyment of any of the rights under the Covenant…nor any discrimination against adherents of other religions or non-believers” “in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26.” In addition, it presumably raises serious questions about invoking religious or other fundamental belief as the exclusive basis for adopting laws or policies because of the obvious potential for discrimination. At the very least, such an action would assure the right of challenge under the equal protection article. In short, the Committee’s comment leaves established or majority religions but a shadow of their former selves. See United Nations Human Rights Committee, General Comment No. 22 (48), Article 18, in Religion and Human Rights: Basic Documents, eds. Tad Stahnke and Paul Martin (Columbia University: Center for the Study of Human Rights, 1998), 94.

principles not deriving exclusively from a single tradition,” but
“from many social, philosophical and religious traditions.”

• Thus, the authority of the language extends only to the regulation of practice in
regard to the enumerated rights and freedoms, and not to beliefs (presumably,
even beliefs critical of existing human rights), except for such beliefs as “incite to
discrimination or violence” (ICCPR, art. 20.2).

• The language applies not merely to nations. It constitutes, rather, “a common
standard of achievement for all peoples and nations’ toward which ‘every
individual and every organ of society’ should ‘strive’ and by which the conduct of
nations and peoples can be measured.”

• Morally grounded human rights provide the standard for formulating and
enforcing the law, which explains the meaning of the statement in the UDHR
Preamble, “human rights should be protected by the rule of law,” lest human
beings, the Preamble goes on, “be compelled to have recourse, as a last resort, to
rebellion against tyranny and oppression.”

• The “rule of law,” in turn, implies two subsidiary requirements:

  * Certain rights are “nonderogable,” or not subject to suspension, even
under extreme circumstances like public emergencies. These include
protections against racial, gender, ethnic, linguistic, religious, and
other forms of discrimination, as well as against arbitrary killing,
torture or cruel, inhuman or degrading treatment or punishment or
involuntary medical experimentation; and against slavery; as well as
protections against violations of certain due process rights, and the
denial of the freedom of conscience, religion or belief.

48 Though the General Comment applies specifically to limitations in regard to “public morals,” it can safely be
assumed to apply similarly to “public order, safety, and health.” The demand that the understanding of public
goods be based on several traditions imposes another condition that threatens the standard prerogatives of a
state or established religion. See fn. 35, above.

49 ICCPR art. 20.2 also includes “hostility” as an indication of prohibited incitement. However, widespread
legal opinion (including that of the present UN Special Rapporteur on Freedom of Religion or Belief) excludes
it for being an “inward” emotion or attitude, and as such effectively impossible to police. In that respect, it is
unlike violence or discrimination, which refer to legally identifiable forms of overt behavior. Thus, religious
hate speech would be legally liable if and only if it “incited” to discrimination or violence.

50 Comments by Eleanor Roosevelt, chair of the drafting committee of the UDHR. Cited in Glendon, A World
Made New, 177.
Civil and political rights, like freedom of opinion, expression, assembly, association, and participation in government, including the freedom to vote, while derogable—albeit under carefully circumscribed conditions—are understood to be indispensable guarantees against the violation of nonderogable rights.

- In addition to “rule of law” provisions, other provisions guaranteeing economic, social, and cultural rights are also required in order to assure “freedom from fear and want,” as is stated in the Preambles to the UDHR, ICCPR, and the ICESCR.

As Morsink shows, language of this sort is best understood in the light of the consequences of midtwentieth-century fascism. The essence of fascism was the absolute subjection of the individual to the will of the community.51 In the name of collective ideals, as interpreted by “der Fuehrer,” anything might be done. As Hitler put it, “National Socialism takes as the starting point…neither the individual nor humanity…[but] das Volk…[and] desires to safeguard [it], even at the expense of the individual.”52

The response to this spectacle by those who drafted the UDHR was a feeling of “shared moral revulsion” toward “the absolutely crucial factor of the Holocaust” and the relentless subversion of any and all individual civil, cultural, religious, legal, political, or economic protections. Without that common feeling of revulsion, “the Declaration would never have been written.”53 Embracing the words from the Preamble, cited above, that “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind,” the drafters, “generalized their own feelings over the rest of humanity.” They believed that any morally healthy human being would be similarly outraged when confronted with such occurrences, and would naturally welcome protections

51 According to Robert O. Paxton, The Anatomy of Fascism (New York: Alfred A. Knopf, 2004), “Fascism may be defined as a form of political behavior marked by obsessive preoccupation with community decline, humiliation, or victimhood and by compensatory cults of unity, energy, and purity, in which a mass-based party of committed nationalist militants, working in uneasy but effective collaboration with traditional elites, abandons democratic liberties and pursues with redemptive violence and without ethical or legal restraints goals of internal cleansing and external expansion” (p. 218).
against the recurrence of any comparable event. According to Morsink, it is that reaction that explains “why the Declaration has found such widespread support.”

Both the diagnosis of the worldwide catastrophe and the prescription for cure and prevention seemed to the drafters immediately obvious and compelling. “The majority of [them] saw no need to go beyond what they considered to be the obvious and self-evident moral facts about inherent [and inalienable] rights.” That meant that the rights enumerated in the UDHR were understood in effect as “morally self-justifying,” and for that reason were not in need of justifications for “comprehensive” religious or philosophical doctrines. Regardless of differences of culture, ethnic or national identity, religion “or other opinion,” etc., all human beings—simply as human—are entitled to appeal to human rights and are legitimately held accountable to them. Similarly, human rights are taken to be superior to the structure, laws, and policies of governments, and to constitute a prior standard of governmental legitimacy and accountability.

A Proposed Defense of the Drafters’ Rationale

At one point, Morsink refers to the reaction of the drafters as exemplifying “the classical theory of moral intuitionism,” which “supposes that people everywhere have a moral sense or faculty that—unless…blocked [thereby rendering them incompetent]—gives them unaided access to the basic truths of morality.” Although he denies the drafters consciously held such a theory, he attributes to them some of the theory’s assumptions, in particular an epistemological belief, as opposed to a metaphysical one, that all morally competent human beings have the capacity to comprehend immediately certain basic moral truths. Indeed, he interprets the reference in art. 1 of the UDHR to all human beings as “endowed with reason and conscience” in that way. It is not, in the drafters’ minds, a metaphysical claim, which might lead to the conclusion that infants and seriously incompetent adults, who lack reason and/or conscience, have no human rights. It is, instead, that reflecting on the notions of “reason and conscience” might suggest ways in which human beings come to apprehend

54 Ibid., pp. 91, 300.
55 Ibid., pp. 293-294. Cf. Glendon, A World Made New, 232: All the framers could do “was to state the truths they believed to be self-evident….”
56 See fn. 24, above.
57 Ibid., p. 300.
moral truths of the sort assumed by human rights language. Rather than applying to matters
of “being,” as Morsink puts it, the terms apply to matters of “knowing.”

It is difficult to be sure whether Morsink is right about this interpretation, since he
mentions that the drafters “came to see [the] phrase [“endowed with reason and
conscience”] as quite problematic [because of the unwelcome metaphysical implications just
mentioned] and only kept it in out of respect for [Charles] Malik,” a Lebanese Christian
Thomist, who was one of the principal drafters. On the other hand, as Morsink himself
admits, the interpretation does help to make sense of the words, “conscience of mankind,”
words that the drafters certainly regarded to be of central importance, and that were
emphatically affirmed by nonwestern drafters like the Chinese scholar, P.C. Chang, on the
basis of his own Confucian tradition. The words assert the capacity, assumed to be
universal among competent human beings, to apprehend certain basic moral truths
noninferentially, a capacity which the language of the UDHR and subsequent instruments
clearly presupposes, and which helps to clarify in what sense the drafters might have thought
of the language as “morally self-justifying.” It is also likely that this epistemological
approach serves to make sense of the reference to “reason” in art. 1, or so we shall suggest.

However, we must add that the “metaphysical problem”—exactly who it is human
rights apply to—cannot so easily be set aside as the drafters thought. While it is obviously
incorrect, on any proper understanding of human rights language, to hold that human rights
apply only to individuals who are fully competent rationally, it is not incorrect to apply them
to beings who ideally may be expected to exhibit rational competence, namely beings born of
homo sapiens. It is only such beings who, ideally at least, are capable of taking advantage of
the full range of human rights, including civil and political rights, such as freedom of
religion, speech, assembly, political participation, cultural opportunity, etc., just as it is only
such beings who may be held accountable for respecting and complying with human rights
standards. Infant human beings as well as human beings suffering from serious impairments

58 Ibid., p. 299.
59 Ibid., p. 297.
60 Ibid., p. 299. It is of considerable interest that a recent Harvard doctoral dissertation by Peter Chang,
demonstrates compellingly important similarities concerning the idea of conscience as between the eighteenth-
century British philosopher, Joseph Butler, and the seventeenth-century Neo-Confucian Chinese scholar, Wang
Yang Ming.
or disabilities of various kinds, are regarded as “deficient” or “incompetent” to the degree they cannot themselves appeal to rights provisions (though others may appeal on their behalf), or be held fully accountable to them. Appropriate adjustments for “diminished responsibility” are entailed, as are remedial provisions to assist such persons achieve competence to the degree possible. In addition, some human rights, of course, continue to apply to infants and incompetent people (and conceivably by extension to higher animals as well\textsuperscript{61}), such as nonderogable rights prohibiting discrimination, arbitrary life-taking, torture, cruel treatment, and medical experimentation, enslavement, and the suspension of certain legal protections.

Given that the theory of moral intuitionism is not exactly in vogue these days,\textsuperscript{62} and that it has encountered well-known objections, one of which is that all talk of self-evidence or self-justification is in fact an abdication of reason, an exhortation to believe in moral truth “for no reason at all,” what might be said in support of a position that appears in some ways reminiscent of that theory?

To begin with, four firmly-held propositions\textsuperscript{63} would appear to underlie the outraged reaction of the drafters, both as a basis for their diagnosis of the problem and for their prescription regarding the cure and future prevention:

\begin{itemize}
  \item Prohibitions against torture of and cruelty to higher animals have wide moral appeal, while prohibitions against arbitrary life-taking, medical experimentation, and “enslavement” (coercive confinement in zoos or as pets) are much more controversial. Even so, it is interesting that these subjects are morally controversial in many societies. Obviously, other nonderogable rights, such as freedom of religion or prohibitions of being imprisoned “merely on the ground of the inability to fulfill a contractual obligation” (ICCPR, art. 11) or being held guilty of violating retroactive laws (ICCPR, art. 15) would not be applicable. It also makes no sense to speak of holding higher animals accountable to human rights standards of any kind, as though they might be thought liable to legal proceedings and punishment for violations. The latter considerations, which distinguish human beings, ideally understood, from higher animals, indicate why from a human rights point of view higher animals are in a different moral category, and are not properly the subjects of human rights as such. Whatever points of moral overlap there are are not determined by a simple extension of the conditions of the proper moral treatment of human beings, since morality as applied to human beings presupposes a capacity for responsibility and ‘understanding what one is doing’ that does not apply to higher animals. See Thomson, \textit{Realm of Rights}, 292-3, and Part I, “Rights What They Are.”
  \item Though it is not without its ardent defenders; e.g., Robert Audi, \textit{Moral Knowledge and Ethical Character} (New York: Oxford University Press, 1997).
  \item I am grateful to Scott Davis for properly prompting me to think out what I hope is a more satisfactory defense of my position than I had previously provided. See his interesting “Comment” (\textit{Journal of Religious Ethics} 35.1 March 2007, pp. 165-170) on my “On Behalf of Rights: A Critique of Democracy and Tradition” (\textit{Journal of Religious Ethics} 34.2 June 2006), and my response to him in “The Author Replies…” (\textit{Journal of Religious Ethics} 35.1 March 2007, pp. 171-175. In that response I suggest a version of the four following propositions, and I make a promise that “much more must (sometime) be said” (p. 173), a promise I am herewith attempting to make good on. In doing that, I have seen fit to reconsider and redeploy an earlier article.
\end{itemize}
1) The use of force, defined as the infliction of death, impairment, disablement, deprivation, severe pain and/or involuntary confinement, begs strong moral justification wherever it occurs, both because of the obvious adverse consequences that result from using force and of the powerful temptation in human affairs to use force arbitrarily (i.e., without “strong moral justification”).

2) No human being could reasonably doubt that Hitler’s grounds for the kind and amount of force used at his command were grossly self-serving and manifestly unfounded, and led to forms of arbitrary abuse that must be labeled “atrocities” (i.e., strongly condemnable). That should be plain to everyone; those who fail to recognize it are themselves under moral suspicion.

3) Hitler’s atrocities rested on a belief in total domination, namely, the right of a government to treat citizens in any way it sees fit.

4) An indispensable means of inhibiting the recurrence of such practices, and of preventing “as a last resort” “rebellion against tyranny and oppression”

---

64 This definition is intentionally stated in a way that is morally neutral. All of the references denote things that are highly unfavorable or unwanted, but not (yet) wrong. Moral wrongness is determined in regard to whether or not the reasons given for causing death, impairment, disablement, etc. justify those consequences. That is the force of the phrase, “begs strong moral justification,” implying that death, impairment, disablement, etc. may or may not be judged to be morally wrongful. The required justification must be “strong” precisely because the consequences are commonly regarded as highly unfavorable or unwanted and thus demand an especially powerful defense. Accordingly, “adverse,” which can mean either “unfavorable” or “harmful” (Concise Oxford English Dictionary), is understood here to mean “unfavorable” but not “harmful,” since, again, the second meaning would predispose a judgment of the moral wrongness of acts causing one or all of the unfavorable consequences. Because of this explanation, the words “injury” and “harm” do not appear in our definition. The Latin root, iniuria, means “injustice” or “wrong,” thus disqualifying “injury” as a morally neutral word. The first meaning of “harm” is “physical injury,” understood, we are assuming, as “wrong” or “unjust” behavior (Concise Oxford English Dictionary, italics added). The “powerful temptation” to arbitrariness in respect to using force adds a second layer of gravity to the need for a particularly strong justification. For these clarifications, I am indebted to a conversation with John Kelsay.

65 That included imposing a particular comprehensive doctrine (Nazi ideology) by force. See chs. 2 and 3 (pp.), below for fuller elucidation of this point in regard to the right to freedom of religion or belief and attendant rights.
(Preamble, UDHR), is the affirmation and enforcement of human rights as enumerated in the international instruments.

The rest of our defense consists in adducing certain rational considerations conducive to embracing these four propositions.

We may first suggest that the consequences of fascism, and particularly the Holocaust and all it symbolized, vivified powerfully and indelibly constituent features of human rationality. Wherever the infliction of death, impairment, disablement, deprivation, severe pain, and/or involuntary confinement occurs, certain reasons must fail, and fail in a special way, as efforts at justification. At a minimum, those would be reasons that are _self-serving_ or _unfounded_. To offer personal pleasure or the simple fact that one has willed it as a reason for torturing a baby, or to state that an act of inflicting death, etc. is undertaken for some reason that is manifestly untrue or self-contradictory, is not only morally irrational as a justification, but morally condemnable, as well. The “condemnability” of such reasons is in part how they “fail in a special way.” But their “special failure” also implies something else: The infliction of death, etc. for such “reasons” itself provides justifying grounds for taking forceful action in response, thereby constituting a warrant for self-defense.

Though the same argument may, I believe, work for the ideas of death, impairment, disablement, deprivation, and involuntary confinement—and in a complete treatment would be so defended, consider, as one example of the recommended argument, the relation of reason-giving to the experience of severe physical pain. As Hume reminded us, it would be senseless to ask for reasons why human beings seek to avoid (or relieve) pain. Resisting its occurrence or seeking relief from it constitutes, noninferentially, a prima facie good and justifying reason for evasive or compensatory action, whatever limitations there may be as to

---

66 The example is borrowed from Thomson, _The Realm of Rights_, pp. 13ff. The example is at the center of an important discussion by Thomson of the broader proposition: “Other things being equal, one ought not cause others pain” “is surely a necessary truth[.] [I]t not merely is but could not have failed to be the case that an act’s being an instance of ‘causes a person pain’ is favorably relevant to its being wrongful…” (p. 15).

67 Defined for our purposes as “a strongly unpleasant bodily sensation,” _Concise Oxford English Dictionary_ (Oxford: Oxford University Press, 2002, p. 1024. We have in mind incontestably “unpleasant bodily sensations,” in whatever culture they occur, like a stick in the eye, a needle under the fingernail, or a metal drill penetrating the root of a tooth.

how one goes about it. It would be as absurd to inquire why someone acted to deflect a blow to the head by an assailant as it would be to want to know why someone with a bad headache reached for an aspirin.

Given this necessary connection between reason and pain, it follows that anyone engaged in inflicting pain or depriving others of relief would bear a very heavy burden of proof. Only certain kinds of reason may pass muster: 1) those that support actions designed to help the recipient avoid or relieve overall pain, such as an excruciating surgery; 2) those that support actions intended to achieve some other compelling benefit from the recipient’s point of view, such as survival; or 3) those that support actions undertaken to deter or restrain the recipient from, say, overreacting to mistreatment by excessively (unjustifiably) inflicting pain or failing to relieve it.69

Please note: The critical reference point of the reasons justifying the infliction of pain or failure to relieve it is the benefit or discipline of the recipient who is, of course, the primary locus of the pain-related reasoning process we are describing. Obviously, the reasons apply under only the most compelling and extraordinary circumstances, implying an additional set of what we might call, standards of due caution, or “rules of reason,” such as the tests of necessity (unavoidability), proportionality (efficiency), and effectiveness.70 Thus, someone engaged in applying pain or failing to relieve it might allege in good faith an intention of serving the well-being or the restraint of the recipient, while still executing the act negligently (and possibly culpably) with respect to one or more standards of due caution.

There are, it is true, certain exceptional conditions that to a degree modify this schema of reasons. Those are conditions constituting the so-called “necessity excuse,” according to which the deliberate infliction of extreme pain on one person might save the life

69 I leave out of account the question of the justifiability of inflicting pain as punishment because of certain complications, especially the problem of appropriate limits, once an offender has been detained and rendered harmless. It is the problem, in human rights terms, of how precisely to interpret the part of UDHR, art. 5 that prohibits the subjection of detainees to “cruel, inhuman or degrading treatment or punishment.” Although there is more to be said, the reasons for opposing the death penalty put forward by Justice William J. Brennan in the U.S. Supreme Court’s ruling in Furman v. Georgia appear to me very convincing. Among others, they are that a punishment is “cruel and unusual” if there is a less severe means available for achieving the same purpose (life imprisonment), and if there is a high probability of arbitrary application. See Peter Irons, Brennan vs. Rehnquist: The Battle for the Constitution (New York: Alfred A. Knopf, 1994), ch. 10.

70 Importantly, if a given act meets all these standards, as in the case of a surgeon who successfully and with due caution amputates the limb of a patient otherwise likely to die, no harm is done to the patient (where “harm”=“wrong”). That is true despite the fact that the patient is disabled by the operation.
or prevent the severe disablement of someone else. An example is painfully knocking an individual unconscious who might otherwise unintentionally divulge the whereabouts, and thereby occasion the death, of an innocent fugitive. A necessity excuse typically presupposes a sharp clash of practical prescriptions, involving a decision knowingly, if regretfully, to violate a standard expectation—in this context, the expectation that decisions concerning the infliction of pain or failure to relieve it will attend primarily to what benefits or disciplines the recipient.\textsuperscript{71} The example before us clearly violates that expectation, and thereby causes harm,\textsuperscript{72} since pain is inflicted not for the benefit of the recipient but of someone else.

Even if the excuse were accepted in a given case, it is important to remember that such an excuse covers only a very exceptional, and thus very narrow, set of conditions, namely a direct, imminent threat to the life or limb of one person or persons that is preventable with high probability by inflicting pain on someone else. Also, if anything, necessity appeals raise the level of stringency required in meeting the standards of due caution. What is more, a necessity appeal is to be understood as an \textit{excuse} in a strict and particular sense: An appeal to necessity mitigates the responsibility of the inflictor of pain; it does not set aside the fact that a bona fide act of necessity is at best “weakly justified” because of the harm caused to an innocent bystander.\textsuperscript{73}

Beyond these reasons, decisions to bear pain at high cost for the sake of others must be regarded as discretionary acts, as acts of “self-giving,” but, even there, must still conform to an adjusted version of the above schema. That is, reasons justifying altruistic pain-bearing must support actions designed to avoid or relieve the overall pain of relevant others; must

\textsuperscript{71} Appeals to “necessity” work differently as between a recipient who is directly benefited or disciplined by the infliction of pain, and an innocent bystander who is caused pain for the benefit of someone else. “Having to do” an unfavorable or unwanted thing to a recipient (amputate a limb for the sake of survival), so long as it is done for the recipient’s own good and with due caution, \textit{causes no harm} to the recipient (where “harm”=“wrong”). The inflictor of pain does not have to be excused of anything. However, “having to do” an unfavorable or unwanted thing to an innocent bystander, even with due caution, (efficiently knocking unconscious an unsuspecting individual who will otherwise unintentionally divulge the whereabouts of an innocent fugitive) \textit{does cause harm} to the bystander (again, where “harm”=“wrong”). It is that harm that must be \textit{excused} by reference to “necessitous circumstances.”

I am indebted to Sumner Twiss and David Golumbowski for prompting me to take account of circumstances of necessity as they apply to an innocent but implicated bystander.

\textsuperscript{72} See fns. 69 and 75.

\textsuperscript{73} To be sure, a third-party act of necessity is justified, but the justification is not as “strong” as is ideal because of the accompanying harm to the innocent bystander. While such an act can, under extreme circumstances, be acceptable, designating it as “weakly” justified conveys its morally ambiguous character. Accordingly, those engaged in acts of necessity are described paradigmatically as persons with “dirty hands.”
support actions intended to achieve some other significant benefit for relevant others; or must support actions of “substitutionary pain-bearing” where the recipient “stands in” for others in cases of the therapeutic or disciplinary application of pain. Notice, too, that reasons in support of acts of this kind are aimed either at the over all relief of pain or at the achievement of some greater good—an example, in other words, of “purposeful pain.”

It should be added that there must be clear and demanding evidentiary standards for determining whether one or more of these justifying or excusing reasons is in fact operative in a given case. Of course, evidentiary standards, and procedures of verification, vary from culture to culture, and it remains to be seen how we might go about resolving differences among them. Here the key consideration is that societies as a rule develop some form of institutionalized procedure with exacting standards of verification for adjudicating the reasons for action wherever the infliction of pain is concerned, and for certifying whether or not they conform to one or another of the justifying or excusing reasons. This common feature would appear to underlie legal, medical, religious, and military institutions, wherever they arise, whose responsibility it is to enforce, in one way or another, a burden of proof that is, as we say, required where the application of pain is in question.

It should now be plain why self-serving or manifestly unfounded reasons for causing pain or withholding relief must fail. That is because they disregard what is required when it comes to justifying actions bearing on the experience of pain. “Grossly self-serving reasons,” typically identified as “gratuitous” (or “totally uncalled for”)—as, for example, acts undertaken primarily for the pleasure or self-gratification of the perpetrator or acts of a “willful” sort, where the perpetrator’s interest is the only thing that counts—obviously defy the prescribed calculus, according to which inflicting pain is justified if and only if it convincingly serves to benefit or discipline the recipient, or is altruistically assumed by the recipient according to an adjusted version of the same schema, or else is “excused” by the exceptional circumstances pertinent to a necessity appeal.

The same is true of “manifestly unfounded reasons.” They purport to justify or excuse inflicting pain for one or another of the required reasons, but in plain fact do not do that, and thus stand in violation in the same way as self-serving reasons do. It needs to be added that reasons for inflicting pain or failing to relieve it might be unfounded not only
because the reasons given do not in fact reduce the recipient’s overall pain, or otherwise benefit or discipline the recipient, or else excuse disregarding these considerations by means of an appeal to necessity, but also because they violate one or more “standards of due caution” that, as we saw, are required when it comes to applying pain. Obviously, the most egregious form of action would be willful or knowing misrepresentation and comprehensive negligence, although a variety of lesser mistakes, with varying degrees of liability based on proving the selective violation of one or another of the standards, could be committed, as well.

It should also now be plain why reasons of this kind are not only “morally irrational,” but “morally condemnable,” as well. Assuming “moral language” to mean, as we have, language that addresses matters of fundamental human welfare in a way that is taken to be justified and to be of great importance, the structure of pain-related reasons clearly qualifies. Considerations of avoiding or relieving pain are a constitutive part of “fundamental human welfare”; justifying or excusing reasons for action causing pain are primarily keyed to a reduction of the recipient’s overall pain, or to benefiting or disciplining the recipient or, in extreme circumstances, to benefiting or disciplining a bystander; justifying or excusing reasons concerning avoiding or relieving pain are indisputably of “great importance,” anywhere and anytime. Consequently, self-serving or mistaken reasons offered in justification of actions that inflict pain must be taken as severe moral violations. In the words of Judith Jarvis Thomson, “there is no possible world in which an act’s being an instance of ‘causes a person pain’ is irrelevant to the question whether it is wrongful.”

The connection of all this to the idea of a right, and, accordingly, to questions of “legitimate enforceability,” of a legal or extra-legal sort, also falls into place. Understanding a right simpliciter, as we do, to be “an individual entitlement to demand a certain performance or forbearance under threat of sanction for noncompliance,” inflicting pain for self-serving or manifestly mistaken reasons establishes for the victim an entitlement to censure that act and, within limits, to inflict pain in response in order to deter or curtail the action of the perpetrator. This would be an example of “legitimate enforceability.” It applies

74 Thomson, Realm of Rights, p. 15. See fn. 70, above.
to all individuals equally since, as we have seen, each individual human being is the primary locus of the pain-related reasoning process.

The problem, of course, is that legitimating defensive acts for everyone that involve the infliction of pain, even under prescribed limits, opens the door to “state of nature” conditions. The key consideration here is our reference in the first of the propositions, mentioned above, that underlay the reactions of the drafters of the UDHR, namely, fear of the strong human temptation to apply force arbitrarily, which includes the infliction of pain. Because human beings appear to have a strong interest in gaining advantage by inflicting pain for self-serving or mistaken reasons, there arises a need for carefully circumscribed institutional control in these matters, as we have just pointed out. That is an important explanation for the emergence of legal institutions, and more specifically of criminal law, one of whose primary objectives is to identify and restrain actions involving the infliction of pain undertaken for self-serving or mistaken reasons.75

While all legal systems attend in one way or another to the problem of arbitrary pain infliction, they obviously vary as to how much and what kind of attention they give to protecting individual rights as a way of achieving that objective. It is true that as the result of the ‘human rights revolution,’ constitutional provision for rights protection has spread to many countries of the world, as has ratification of the international human rights code. At the same time, by no means is every country included, and even in countries that have adopted rights-oriented constitutions, there remains considerable debate over the understanding and implementation of rights provisions. Beyond that, there is still the broader normative question of whether individual-rights-oriented legal systems are superior to others. For that reason, it is necessary to continue to reflect on the justifiability of legal rights.

**Implications of the “Logic of Pain”**
We are now in a better position to see the appeal of our central argument: The experience of fascism in the midtwentieth century produced a ‘human rights revolution’ in philosophical terms, as well as in legal and other ways, because it made transparently clear the moral power

---

75 H.L.A. Hart’s general comment about criminal law (as well as morality) “in all societies” can be applied specifically to the strong interest human beings have in inflicting pain to their own advantage: “[O]bligations and duties are thought of as characteristically involving sacrifice or renunciation, and the standing possibility of conflict between obligation or duty and interest is, in all societies, among the truisms of both the lawyer and the moralist” (*Concept of Law* (Oxford: Oxford University Press, 1961), p. 85.)
of the “logic of pain” we have been describing. In a word, our argument, we claim, provides grounds for at least one “moral apriori”: the necessary moral irrationality and condemnability of inflicting pain or failing to relieve it for self-serving or unfounded reasons. It also provides a basis for deriving a concept of individual moral right with important legal implications.

As such, the account enables us to begin to understand and appreciate how it is the drafters of the UDHR could have embraced the four propositions introduced above on pp. 17-18. Still, our comments so far have applied most directly only to propositions 1) and 4), about the requirement of “strong moral justification,” as well as the temptation to violate it, in respect to one feature of the use of force, the infliction of pain, and about the derivation of a concept of individual rights. We must now go on to say something more about propositions 2) and 3), making sure to connect them to the other propositions and to our broader argument.

Propositions 2) and 3) rest both on “normative” and “descriptive” or “empirical” claims. The normative claims concern the belief that using force for “grossly self-serving” or “manifestly unfounded” reasons equals “forms of arbitrary abuse that must be labeled ‘atrocities’ (i.e., strongly condemnable)” (2)), and the implicit judgment that the effects of Hitler’s use of force did amount to “atrocities” (3)). The descriptive claims are that “Hitler’s grounds for the kind and amount of force used at his command were [in fact] grossly self-serving and manifestly unfounded” (2)), and that Hitler had “a belief in total domination, namely the right of a government to treat citizens in any way it sees fit”(3)).

Assuming the infliction of pain and failure to relieve it was a constitutive and systematic feature of Hitler’s use of force, enough has been said to indicate how a justification of the normative claims works. As to the descriptive features, it is not difficult to supply compelling evidence. The following passages make clear the self-serving character of Hitler’s rule, as well as a fundamental conviction regarding his right to treat citizens in any way he saw fit.

[Hitler’s] twelve years’ dictatorship was barren of all ideas save one—the further extension of his own power and that of the nation with which he had
identified himself…[T]he sole theme of the Nazi revolution was domination, dressed up as the doctrine of race…[The Nazi Constitution was] ‘the will of the Fuehrer.’ This was in fact literally true. The Weimar Constitution was never replaced, it was simply suspended by the Enabling Law, which was renewed periodically and placed all power in Hitler’s hands. Hitler thus enjoyed a more complete measure of power than Napoleon or Stalin or Mussolini, since he had been careful not to allow the growth of any institution which might…be used to check him…What Hitler aimed at was arbitrary power.  

In regard to arbitrary abuse undertaken for manifestly mistaken reasons, the evidence, again, is overwhelming. In order to provide a pretext for Hitler’s invasion of Poland in the fall of 1939, Nazi agents staged a fake Polish attack on a German radio station by having a dozen or so prisoners killed and left on the premises dressed as Polish soldiers. The circumstances surrounding subsequent German invasions of other European countries are no different.

On the 10th May, 1940, the German forces invaded the Netherlands, Belgium, and Luxembourg. On the same day the German Ambassadors handed to the Netherlands and Belgian Governments a memorandum alleging that the British and French Armies, with the consent of Belgium and Holland, were planning to march through those countries to attack the Ruhr, and justifying the invasion on these grounds. Germany, however, assured the Netherlands and Belgium that their integrity and their possessions would be respected. A similar memorandum was delivered to Luxembourg on the same date.

There is no evidence…to justify the contention that the Netherlands, Belgium, and Luxembourg were invaded by Germany because their occupation had been planned by England and France. British and French staffs had been

---

76 Bullock, *Hitler: A Study in Tyranny*, pp. 806, 403, and 266.
77 Ibid., p. 546.
cooperating in making certain plans for military operations in the Low Countries, but the purpose of this planning was to defend these countries in the event of a German attack. The invasion of Belgium, Holland, and Luxembourg was entirely without justification. It was carried out in pursuance of policies long considered and prepared, and was plainly an act of aggressive war. The resolve to invade was made without any other consideration than the advancement of the aggressive policies of Germany.\footnote{Judgment of the International Military Tribunal For The Trial of German Major War Criminals. London: His Majesty's Stationery Office, 1951. Shofar FTP Archive File: imt/gmwc/ judgment/j-invasion-belgium Last-Modified: 1997/09/12.}

The same, again, is true in the case of the simultaneous invasion of Norway and Denmark on April 9, 1940. Hitler claimed that his occupation of those countries was undertaken in order to protect their neutrality against the aggressive designs of the Allied forces. However, judging from the policies subsequently instituted under occupation regarding the treatment of Jews, forced labor, diversion of natural resources, and suppression of civil liberties, together with evidence of growing resistance movements in both countries, such a reason for using force was unquestionably unfounded.

Indeed, the obvious flimsiness of Hitler’s reasons for using force is completely consistent with his general theory of propaganda, clearly delineated in \textit{Mein Kampf}. Hitler deliberately had little interest in working hard at a valid justification for his policies. While propaganda ought always, he said, contain “a certain factor of credibility,” propagandists need not worry overly about its truth or validity, since such things are never of primary concern to the “broad masses.” Rather, the masses “love a commander more than a petitioner and feel inwardly more satisfied by a doctrine, tolerating no other beside it…, than by [enjoying] liberalistic freedom…” “They are equally unaware of the shameless spiritual terrorization and the hideous abuse of their human freedom, for they absolutely fail to suspect the inner insanity of the whole doctrine. All they see is the ruthless force and brutality of its calculated manifestations, to which they always submit in the end.”\footnote{Adolf Hitler, “The Bigger the Lie, the Better,” in \textit{Man and the State: Modern Political Ideas}, William Ebenstein (New York: Rinehart and Co., 1947), p. 302 (emphasis added).}
We need hardly add that not only did Hitler’s “justifications” for the massive amounts of pain inflicted by his multiple invasions constitute “willful or knowing misrepresentation,” but they also were meant to disguise a pattern of “comprehensive negligence” in regard to what we called the standards of due caution.

Assuming, again, that Hitler’s use of force at home and abroad, inflicted enormous pain on countless human beings, along, of course, with unimaginable numbers of deaths, and forms of impairment, disablement, deprivation, and involuntary confinement, the critical point is that Hitler’s policies violated in the extreme the two indications of the unjustified infliction of pain we have adduced: self-serving and unfounded reasons. Our basic argument is that the close conjunction of our “moral apriori” about reason and pain, and the strong evidence that Hitler in fact violated in the extreme the conditions of the moral apriori, warrants the conclusion that people, whoever and wherever they might be, had an inherent right to condemn and, if possible, to resist such action (with proportionate means). It also substantiates the claim in Proposition 2) that such a realization ‘should be plain to everyone; those who fail to recognize it are themselves under moral suspicion.’

Supposing, for the moment, I am right about the “normative” side of my argument—about the moral apriori, that is—someone may, nevertheless, still object that the “empirical certainty” I claim in the Hitler case is never possible, since descriptive or empirical claims are always probabilistic, are always open to further investigation and correction. Isn’t it possible that new evidence might appear in the future disconfirming my picture of Hitler as an egregious and systematic violator of the conditions of the moral apriori? Frankly, the challenge is highly implausible. The evidence is so overwhelming, so conclusive in this case that I am moved to invoke a relevant comment by Ludwig Wittgenstein regarding, please notice, empirical certainty. According to Wittgenstein, it would not be correct to doubt that I have a brain inside my head even though “so far no one has opened my skull in order to see whether there is a brain inside.” That is so because, as he puts it, “everything speaks for, and
nothing against its being the case that that is what one would find there."\textsuperscript{80} A similar conclusion regarding the relevant facts surrounding Hitler’s actions seems equally certain.

But I want to go further than Wittgenstein. Something crucial is added by tying empirical and moral certainty together. That combination is especially compelling. Because of the logic of pain, affected individuals faced with an “open and shut case” are strongly entitled to condemn and resist. Moreover, we can better understand how the drafters of the UDHR could have come to regard the fascist experience in the way they did, and how they could have drawn the conclusions they did about how to prevent a recurrence. Human rights language is fully in order. In face of the compelling convergence of “normative” and “descriptive” characteristics evident in the fascist case, a “deontic” code of “inherent” and “inalienable” rights and correlative “duties” and “obligations,” with both moral and legal features, is very much warranted.

In the first place, it is the particular moral grounding that provides the basis for universal accountability, including legitimate legal enforceability, that is an intrinsic feature of human rights language. Without some such grounding, people are only hypothetically accountable, depending on whether they happen in one way or another to have committed themselves to human rights standards. Lacking such a commitment, an exercise of enforcement is illegitimate. So long as there is no binding basis for accountability, individuals or governments who consistently refrain from accepting such standards, as did Hitler, are morally and legally exempt from their jurisdiction.

In the second place, nonderogable rights, so essential to the whole human rights code, may be seen, among other things, as fundamental protections against violations of the logic of pain. Consider the phenomenon of torture:

[T]orture terrorizes. The body in pain winces; it trembles. The muscles themselves register fear. This is rooted in pain’s biological function of impelling us in the most urgent way possible to escape from the source of pain—for that impulse is indistinguishable from panic. U.S. interrogators have

reportedly used the technique of ‘waterboarding’ to break the will of detainees…As anyone who has ever come close to drowning or suffocating knows, the oxygen-starved brain sends panic signals that overwhelm everything else….

And torture humiliates. It makes the victim scream and beg; the terror makes him lose control of his bowels and bladder. The essence of cruelty is inflicting pain for the purpose of lording it over someone—we sometimes say ‘breaking’ them—and the mechanism of cruelty is making the victim the audience of your own mastery. Cruelty always aims at humiliation…Underneath whatever religious significance that attaches to torturing the vanquished, the victor tortures captives for the simplest of motives: to relive the victory, to demonstrate the absoluteness of his mastery, to rub the loser’s face in it, and to humiliate the loser by making him scream and beg. For the victorious warrior, it’s fun; it’s entertainment. It prolongs the rush of victory.  

As the Abu Ghraib scandal made clear, torture is the perfect tool for arbitrary domination. In its nature, it readily strips the application of pain of all moral and legal restraint. That is true even in cases of interrogational torture in face of a looming threat.

The authorities know there may be a bomb plot in the offing, and they have captured a man who may know something about it, but may not. Torture him? How much? For weeks? For months? The chances are considerable that you are torturing a man with nothing to tell you. If he doesn’t talk, does that mean it’s time to stop, or time to ramp up the level of torture? How likely does it have to be that he knows something important? Will one out of a hundred suffice to land him on the waterboard?...Do you really want to make the torture decision by running the numbers? A one-percent chance of saving a

---

thousand lives yields ten statistical lives. Does that mean that you can torture up to nine people on a one-percent chance of finding crucial information?\footnote{Ibid., pp. 1442-1443.}

This passage shows why torture is necessarily morally questionable, even against the specter of a looming threat. It is because of the uncertainty or indeterminacy under which pain is inflicted, both as to effectiveness and to limits. Arguments permitting torture in extreme circumstances, as in ticking bomb scenarios, invariably posit a high probability that the suspect possesses reliable actionable information regarding the impending catastrophe. As such, even these arguments presuppose the importance of avoiding arbitrary pain, and it is arguable that the existence of such conditions might reasonably serve to excuse the use of torture in a very narrow range of circumstances. Nevertheless, it should also be unmistakably clear why a strong general presumption against torture is properly prescribed in the human rights instruments. That is because of the irreducible difficulty of knowing whether or not such circumstances apply in a given case, as well as how to determine the amount and character of pain allowable in those circumstances. In short, torture is intrinsically liable to arbitrary use.\footnote{Add to that the overwhelming temptation, once torture is permitted, to employ it “for a wider range of purposes against an increasing proportion of the population” \textit{Torture in the Eighties}, Amnesty International (London, 1984), p. 7. A human rights worker recently informed me that in fifteen or so countries where her organization is active torture has become the dominant technique of police investigation.}

It should also be clear why the drafters considered the derogable rights—legal and political safeguards—to be so important in protecting against violations of the nonderogable rights, like the prohibition against torture. “The experience of the war had reinforced the belief [of the drafters] that the cluster of rights spelled out in articles …19, 20, and 21 [freedom of opinion and expression, of association, and participation in government] are universally the first ones dictators will seek to deny and destroy.”\footnote{Morsink, \textit{The Universal Declaration of Human Rights}, p. 69.} In the light of the fascist experience, the importance of insuring basic economic and social entitlements should also be mentioned. One of the chief instruments of suppression used by Hitler and other dictators is the withholding or diverting of the means of survival. It is not a stretch to suggest that
willfully inflicting or permitting starvation, malnutrition, and disabling sickness are as much a violation of the logic of pain as are resort to torture or to cruel and inhuman treatment or punishment.\(^85\)

We are arguing, then, that the drafters were correct to identify the consequences of fascism as a paradigm of cruel treatment, treatment that necessarily triggered the system of individual entitlements enumerated in the human rights code. With respect to the logic of pain, particularly the civil and political rights are essential for ferreting out self-serving and unfounded reasons. There will of course be areas of uncertainty over which interpretation and combination of rights is best suited for maximum protection against arbitrary pain. That is a subject for continuing dialogue and comparative reflection. There will also be areas of uncertainty over whether in one society or another different forms of legal and political arrangement may exist alongside of or as supplements to rights guarantees, but which provide worthy layers of added protection. That, too, is a subject for ongoing cross-cultural investigation and interaction. Nevertheless, the fascist model stands as the ultimate reference point for assessing all such proposals. How close to or far from the kinds of discrimination, the elimination of restraints on legal, political, and economic life, the violation of standards of decency concerning the use of torture, cruel and unusual treatment or punishment, enslavement, etc. a given government or other group is becomes the final index of moral and legal legitimacy.

---

\(^85\) I strongly disagree with Nicholas Wolterstorff’s disparagement of most “positive rights,” such as “the right to rest and leisure, including reasonable limitation of working hours and period holidays with pay” (art. 24, UDHR) or the right to education (art. 26, UDHR). The importance of limitations on working hours and provision for paid leisure should be understood against the appalling “legacy of the company town” in the US and elsewhere during the 19\(^{th}\) and early 20\(^{th}\) centuries. Talk about conditions of exploitation! Moreover, his assertion that a right to education cannot be a “human” right (meant for all human beings) because not every human being is capable of being educated ignores the fact that many of the “negative rights” (rights of noninterference) he does espouse, are also subject to a similar provision. The right of free speech cannot be said to apply meaningfully to someone who cannot speak or otherwise express him or herself. The same applies in the case of limitations on working hours or time off with pay. Such rights apply only to people capable of exercising the right. Those general limitations do not invalidate the rights for those who are capable of exercising them. (See Wolterstorff, *Justice: Rights and Wrongs*, 314ff.)
Finally, our proposed defense supports a noncomprehensive moral and legal position. That means, as we said, that the assumed moral grounds apply exclusively to the rights and freedoms enumerated in the instruments and, within limits, are otherwise deferent to and respectful of “freedom of thought, conscience, religion or belief” (art. 18 UDHR, ICCPR). The proposed position does not pass judgment on philosophical or theological controversies regarding the ultimate grounds and nature of moral life and responsibility, or the practical conclusions drawn from them, or the metaphysical and cosmological ideas related to them, but leaves such questions open to individual conscientious deliberation under the right to freedom of religion or belief.

The position would, of course, constitute “outer limits” on matters of conscientious belief in that it would enjoin the inhibition of actions deduced from particular theological or philosophical comprehensive doctrines that in practice violate the human rights code. On the other hand, it would not prohibit inter- and intra-cultural debate over the contents of the code or over efforts to amend the code according to due process.

**Conclusion**
We have endeavored to give an account of why it was the drafters composed human rights language in the way they did by suggesting a theoretical defense of that language. Our underlying conviction is that without some such defense the language cannot fulfill its intended purposes. Those purposes are to hold people everywhere accountable to the terms of the language, backed up by a provision for universally legitimate enforceability, as well as to provide standards of protection to which everyone may appeal.

Our approach is preliminary in several ways. We have not elaborated very fully on the sort of (limited) epistemological or metaphysical argument we are making, and more will, of course, eventually need to be said. Epistemologically, the appeal is, in a nutshell, an invitation to reflect on what we have called “the logic of pain,” by which we mean the way reason works in regard to the infliction or relief of pain. The idea is that one cannot correctly understand the concept of pain without simultaneously grasping its rational structure or logic in the justification of action.
We have conceded that certain metaphysical beliefs are implied by our account, though those, too, will need much more attention than is provided here. There is no denying that an idea of “rational competence” is presupposed, as it is, we pointed out, by human rights language. By definition, human rights only fully apply to people capable of being held accountable, of taking responsibility for their actions, like respecting freedom of religion and cultural expression, as well as freedom of speech, assembly, and participation in government, actions that only make sense in respect to competent adult human beings. Our conviction—and here the arguments of Martha Nussbaum are helpful—is that the capabilities necessary for appealing and being held accountable to human rights language have a special status as necessary presuppositions for acting in accord with human rights standards. Perhaps more than Martha Nussbaum, I do not flinch at making requisite metaphysical claims insofar as they are entailed by the epistemological argument I am advancing. This is, I concede, only a beginning, but it perhaps succeeds in sketching out how a fuller discussion might proceed.

Nor have we said nearly enough about how to assess reasons for inflicting or failing to relieve pain beyond the necessary unacceptability of two minimal indications: self-serving and manifestly unfounded reasons. This is a very important challenge, but I may soften its impact by making two points:

1) I believe that these two indications, however minimal, are nevertheless analytically highly potent, as their application to the Hitler case (I hope) makes clear. They are all we really needed to make our case, and they are similarly illuminating, I submit, in our ongoing assessment of the practices of governments and others around the world. It is not hard to show that the recent cases of “mass atrocity crimes,” identified with Rwanda, Srebrenica, Kurdish Iraq, Somalia, Darfur, Burma, etc., are obvious violations of one or both of these indications. And surely, it is cases like these that ought above all to command the most urgent and sustained international attention and reaction.

We may add that another reason for favoring our approach is the increasing effectiveness, under conditions of globalization and the growing availability of advanced instruments of military and political domination, of inflicting pain and other aversive
experiences on defenseless citizens. As Albert Speer pointed out in testimony at the Nuremberg trials, “Hitler’s dictatorship differed in one fundamental point from all its predecessors in history. His was the first dictatorship in the present period of modern technical development, a dictatorship which made complete use of all technical means for the domination of its own country…[One] result was the far-reaching supervision of the citizens of the state and the maintenance of a high degree of secrecy for criminal acts.”\textsuperscript{86} Things have only gotten more ominous in this respect since Hitler’s time.

2) I also suggest these two indications are an important beginning place, at least, for applying the approach historically. That is, I assume that the basic wrongness of inflicting pain or failing to relieve it for self-serving or manifestly unfounded reasons is an indispensable reference point for what we might call a comparative study of tyranny. An important part of such a study would be to investigate the adequacy or inadequacy of the “institutions of restraint,” according to which the reasons for applying pain by rulers or others were or were not subject to effective public scrutiny and evaluation.

Furthermore, the strong temptation to inflict pain or to fail to relieve it for self-serving or mistaken reasons, to which we have alluded throughout, together with what appears to be an infinite capacity of human beings to create and sustain political systems weighted against public scrutiny, evaluation and restraint, provides an important explanation for the prominence of tyranny in human history, and of the phlegmatic pace at which effective resistance to it has proceeded.

THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA

SEPTEMBER 2002
The great struggles of the twentieth century between liberty and totalitarianism ended with a decisive victory for the forces of freedom—and a single sustainable model for national success: freedom, democracy, and free enterprise. In the twenty-first century, only nations that share a commitment to protecting basic human rights and guaranteeing political and economic freedom will be able to unleash the potential of their people and assure their future prosperity. People everywhere want to be able to speak freely; choose who will govern them; worship as they please; educate their children—male and female; own property; and enjoy the benefits of their labor. These values of freedom are right and true for every person, in every society—and the duty of protecting these values against their enemies is the common calling of freedom-loving people across the globe and across the ages.

Today, the United States enjoys a position of unparalleled military strength and great economic and political influence. In keeping with our heritage and principles, we do not use our strength to press for unilateral advantage. We seek instead to create a balance of power that favors human freedom: conditions in which all nations and all societies can choose for themselves the rewards and challenges of political and economic liberty. In a world that is safe, people will be able to make their own lives better. We will defend the peace by fighting terrorists and tyrants. We will preserve the peace by building good relations among the great powers. We will extend the peace by encouraging free and open societies on every continent.

Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government. Today, that task has changed dramatically. Enemies in the past needed great armies and great industrial capabilities to endanger America. Now, shadowy networks of individuals can bring great chaos and suffering to our shores for less than it costs to purchase a single tank. Terrorists are organized to penetrate open societies and to turn the power of modern technologies against us.

To defeat this threat we must make use of every tool in our arsenal—military power, better homeland defenses, law enforcement, intelligence, and vigorous efforts to cut off terrorist financing. The war against terrorists of global reach is a global enterprise of uncertain duration. America will help nations that need our assistance in combating terror. And America will hold
to account nations that are compromised by terror, including those who harbor terrorists—because the allies of terror are the enemies of civilization. The United States and countries cooperating with us must not allow the terrorists to develop new home bases. Together, we will seek to deny them sanctuary at every turn.

The gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, 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’ efforts 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.

As we defend the peace, we will also take advantage of an historic opportunity to preserve the peace. Today, the international community has the best chance since the rise of the nation-state in the seventeenth century to build a world where great powers compete in peace instead of continually prepare for war. Today, the world’s great powers find ourselves on the same side—united by common dangers of terrorist violence and chaos. The United States will build on these common interests to promote global security. We are also increasingly united by common values. Russia is in the midst of a hopeful transition, reaching for its democratic future and a partner in the war on terror. Chinese leaders are discovering that economic freedom is the only source of national wealth. In time, they will find that social and political freedom is the only source of national greatness. America will encourage the advancement of democracy and economic openness in both nations, because these are the best foundations for domestic stability and international order. We will strongly resist aggression from other great powers—even as we welcome their peaceful pursuit of prosperity, trade, and cultural advancement.

Finally, the United States will use this moment of opportunity to extend the benefits of freedom across the globe. We will actively work to bring the hope of democracy, development, free markets, and free trade to every corner of the world. The events of September 11, 2001, taught us that weak states, like Afghanistan, can pose as great a danger to our national interests as strong states. Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders.
The United States will stand beside any nation determined to build a better future by seeking the rewards of liberty for its people. Free trade and free markets have proven their ability to lift whole societies out of poverty—so the United States will work with individual nations, entire regions, and the entire global trading community to build a world that trades in freedom and therefore grows in prosperity. The United States will deliver greater development assistance through the New Millennium Challenge Account to nations that govern justly, invest in their people, and encourage economic freedom. We will also continue to lead the world in efforts to reduce the terrible toll of HIV/AIDS and other infectious diseases.

In building a balance of power that favors freedom, the United States is guided by the conviction that all nations have important responsibilities. Nations that enjoy freedom must actively fight terror. Nations that depend on international stability must help prevent the spread of weapons of mass destruction. Nations that seek international aid must govern themselves wisely, so that aid is well spent. For freedom to thrive, accountability must be expected and required.

We are also guided by the conviction that no nation can build a safer, better world alone. Alliances and multilateral institutions can multiply the strength of freedom-loving nations. The United States is committed to lasting institutions like the United Nations, the World Trade Organization, the Organization of American States, and NATO as well as other long-standing alliances. Coalitions of the willing can augment these permanent institutions. In all cases, international obligations are to be taken seriously. They are not to be undertaken symbolically to rally support for an ideal without furthering its attainment.

Freedom is the non-negotiable demand of human dignity; the birthright of every person—in every civilization. Throughout history, freedom has been threatened by war and terror; it has been challenged by the clashing wills of powerful states and the evil designs of tyrants; and it has been tested by widespread poverty and disease. Today, humanity holds in its hands the opportunity to further freedom's triumph over all these foes. The United States welcomes our responsibility to lead in this great mission.

\[\text{Signature}\]

THE WHITE HOUSE, September 17, 2002
TABLE OF CONTENTS

I. Overview of America's International Strategy ...........................................1
II. Champion Aspirations for Human Dignity ..............................................3
III. Strengthen Alliances to Defeat Global Terrorism and Work to Prevent Attacks Against Us and Our Friends ..........................................................5
IV. Work with Others to Defuse Regional Conflicts ....................................9
V. Prevent Our Enemies from Threatening Us, Our Allies, and Our Friends with Weapons of Mass Destruction ..............................................13
VI. Ignite a New Era of Global Economic Growth through Free Markets and Free Trade .................................................................17
VII. Expand the Circle of Development by Opening Societies and Building the Infrastructure of Democracy .................................................21
VIII. Develop Agendas for Cooperative Action with the Other Main Centers of Global Power ...............................................................25
IX. Transform America's National Security Institutions to Meet the Challenges and Opportunities of the Twenty-First Century .................29
1. Overview of America’s International Strategy

“Our Nation’s cause has always been larger than our Nation’s defense. We fight, as we always fight, for a just peace—a peace that favors liberty. We will defend the peace against the threats from terrorists and tyrants. We will preserve the peace by building good relations among the great powers. And we will extend the peace by encouraging free and open societies on every continent.”

President Bush
West Point, New York
June 1, 2002

The United States possesses unprecedented—and unequalled—strength and influence in the world. Sustained by faith in the principles of liberty, and the value of a free society, this position comes with unparalleled responsibilities, obligations, and opportunity. The great strength of this nation must be used to promote a balance of power that favors freedom.

For most of the twentieth century, the world was divided by a great struggle over ideas: destructive totalitarian visions versus freedom and equality.

That great struggle is over. The militant visions of class, nation, and race which promised utopia and delivered misery have been defeated and discredited. America is now threatened less by conquering states than we are by failing ones. We are menaced less by fleets and armies than by catastrophic technologies in the hands of the embittered few. We must defeat these threats to our Nation, allies, and friends.

This is also a time of opportunity for America. We will work to translate this moment of influence into decades of peace, prosperity, and liberty. The U.S. national security strategy will be based on a distinctly American internationalism that reflects the union of our values and our national interests. The aim of this strategy is to help make the world not just safer but better. Our goals on the path to progress are clear: political and economic freedom, peaceful relations with other states, and respect for human dignity.

And this path is not America’s alone. It is open to all.

To achieve these goals, the United States will:
• champion aspirations for human dignity;
• strengthen alliances to defeat global terrorism and work to prevent attacks against us and our friends;
• work with others to defuse regional conflicts;
• prevent our enemies from threatening us, our allies, and our friends, with weapons of mass destruction;
• ignite a new era of global economic growth through free markets and free trade;
• expand the circle of development by opening societies and building the infrastructure of democracy;

• develop agendas for cooperative action with other main centers of global power; and

• transform America's national security institutions to meet the challenges and opportunities of the twenty-first century.
11. Champion Aspirations for Human Dignity

"Some worry that it is somehow undiplomatic or impolite to speak the language of right and wrong. I disagree. Different circumstances require different methods, but not different moralities."

President Bush
West Point, New York
June 1, 2002

In pursuit of our goals, our first imperative is to clarify what we stand for: the United States must defend liberty and justice because these principles are right and true for all people everywhere. No nation owns these aspirations, and no nation is exempt from them. Fathers and mothers in all societies want their children to be educated and to live free from poverty and violence. No people on earth yearn to be oppressed, aspire to servitude, or eagerly await the midnight knock of the secret police.

America must stand firmly for the nonnegotiable demands of human dignity: the rule of law; limits on the absolute power of the state; free speech; freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property.

These demands can be met in many ways. America's Constitution has served us well. Many other nations, with different histories and cultures, facing different circumstances, have successfully incorporated these core principles into their own systems of governance. History has not been kind to those nations which ignored or flouted the rights and aspirations of their people.

America's experience as a great multi-ethnic democracy affirms our conviction that people of many heritages and faiths can live and prosper in peace. Our own history is a long struggle to live up to our ideals. But even in our worst moments, the principles enshrined in the Declaration of Independence were there to guide us. As a result, America is not just a stronger, but a freer and more just society.

Today, these ideals are a lifeline to lonely defenders of liberty. And when openings arrive, we can encourage change—as we did in central and eastern Europe between 1989 and 1991, or in Belgrade in 2000. When we see democratic processes take hold among our friends in Taiwan or in the Republic of Korea, and see elected leaders replace generals in Latin America and Africa, we see examples of how authoritarian systems can evolve, marrying local history and traditions with the principles we all cherish.

Embodying lessons from our past and using the opportunity we have today, the national security strategy of the United States must start from these core beliefs and look outward for possibilities to expand liberty.
Our principles will guide our government’s decisions about international cooperation, the character of our foreign assistance, and the allocation of resources. They will guide our actions and our words in international bodies.

We will:

- speak out honestly about violations of the non-negotiable demands of human dignity using our voice and vote in international institutions to advance freedom;
- use our foreign aid to promote freedom and support those who struggle non-violently for it, ensuring that nations moving toward democracy are rewarded for the steps they take;
- make freedom and the development of democratic institutions key themes in our bilateral relations, seeking solidarity and cooperation from other democracies while we press governments that deny human rights to move toward a better future; and
- take special efforts to promote freedom of religion and conscience and defend it from encroachment by repressive governments.

We will champion the cause of human dignity and oppose those who resist it.
III. STRENGTHEN ALLIANCES TO DEFEAT
GLOBAL TERRORISM AND WORK TO PREVENT
ATTACKS AGAINST US AND OUR FRIENDS

"Just three days removed from these events, Americans do not yet have
the distance of history. But our responsibility to history is already clear:
to answer these attacks and rid the world of evil. War has been
waged against us by stealth and deceit and murder. This nation is peaceful,
but fierce when stirred to anger. The conflict was begun on the timing and terms
of others. It will end in a way, and at an hour, of our choosing."

PRESIDENT BUSH
WASHINGTON, D.C. (THE NATIONAL CATHEDRAL)
SEPTEMBER 14, 2001

The United States of America is fighting
a war against terrorists of global reach. The
enemy is not a single political regime or person
or religion or ideology. The enemy is terrorism—
premeditated, politically motivated violence
perpetrated against innocents.

In many regions, legitimate grievances prevent
the emergence of a lasting peace. Such grievances
deserve to be, and must be, addressed within a
political process. But no cause justifies terror. The
United States will make no concessions to terrorist
demands and strike no deals with them. We make
no distinctions between terrorists and those who
knowingly harbor or provide aid to them.

The struggle against global terrorism is different
from any other war in our history. It will be fought
on many fronts against a particularly elusive
enemy over an extended period of time. Progress
will come through the persistent accumulation of
successes—some seen, some unseen.

Today our enemies have seen the results of what civilized nations can and will do against
terrorist regimes that harbor, support, and use terrorism to
achieve their political goals. Afghanistan has been
liberated; coalition forces continue to hunt down
the Taliban and al-Qaida. But it is not only this
battlefield on which we will engage terrorists.

Thousands of trained terrorists remain at large
with cells in North America, South America,
Europe, Africa, the Middle East, and across Asia.

Our priority will be first to disrupt and destroy
terrorist organizations of global reach and attack
their leadership; command, control, and commu-
nications; material support; and finances. This will
have a disabling effect upon the terrorists' ability
to plan and operate.
We will continue to encourage our regional partners to take up a coordinated effort that isolates the terrorists. Once the regional campaign localizes the threat to a particular state, we will help ensure the state has the military, law enforce-
ment, political, and financial tools necessary to finish the task.

The United States will continue to work with our allies to disrupt the financing of terrorism. We will identify and block the sources of funding for terrorism, freeze the assets of terrorists and those who support them, deny terrorists access to the international financial system, protect legitimate charities from being abused by terrorists, and prevent the movement of terrorists’ assets through alternative financial networks.

However, this campaign need not be sequential to be effective, the cumulative effect across all regions will help achieve the results we seek.

We will disrupt and destroy terrorist organizations by:

- direct and continuous action using all the elements of national and international power. Our immediate focus will be those terrorist organizations of global reach and any terrorist or state sponsor of terrorism which attempts to gain or use weapons of mass destruction (WMD) or their precursors;
- defending the United States, the American people, and our interests at home and abroad by identifying and destroying the threat before it reaches our borders. 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 against such terrorists, to prevent them from doing harm against our people and our country; and
- denying further sponsorship, support, and sanctuary to terrorists by convincing or compelling states to accept their sovereign responsibilities.

We will also wage a war of ideas to win the battle against international terrorism. This includes:

- using the full influence of the United States, and working closely with allies and friends, to make clear that all acts of terrorism are illegitimate so that terrorism will be viewed in the same light as slavery, piracy, or genocide: behavior that no respectable government can condone or support and all must oppose;
- supporting moderate and modern government, especially in the Muslim world, to ensure that the conditions and ideologies that promote terrorism do not find fertile ground in any nation;
- diminishing the underlying conditions that spawn terrorism by enlisting the international community to focus its efforts and resources on areas most at risk; and
- using effective public diplomacy to promote the free flow of information and ideas to kindle the hopes and aspirations of freedom of those in societies ruled by the sponsors of global terrorism.

While we recognize that our best defense is a good offense, we are also strengthening America’s homeland security to protect against and deter attack.

This Administration has proposed the largest government reorganization since the Truman Administration created the National Security Council and the Department of Defense. Centered on a new Department of Homeland Security and including a new unified military command and a fundamental reordering of the FBI, our comprehensive plan to secure the homeland encompasses every level of government and the cooperation of the public and the private sector.

This strategy will turn adversity into opportunity. For example, emergency management systems will be better able to cope not just with terrorism but with all hazards. Our medical system will be strengthened to manage not just
bioterror, but all infectious diseases and mass-casualty dangers. Our border controls will not just stop terrorists, but improve the efficient movement of legitimate traffic.

While our focus is protecting America, we know that to defeat terrorism in today’s globalized world we need support from our allies and friends. Wherever possible, the United States will rely on regional organizations and state powers to meet their obligations to fight terrorism. Where governments find the fight against terrorism beyond their capacities, we will match their willpower and their resources with whatever help we and our allies can provide.

As we pursue the terrorists in Afghanistan, we will continue to work with international organizations such as the United Nations, as well as non-governmental organizations, and other countries to provide the humanitarian, political, economic, and security assistance necessary to rebuild Afghanistan so that it will never again abuse its people, threaten its neighbors, and provide a haven for terrorists.

In the war against global terrorism, we will never forget that we are ultimately fighting for our democratic values and way of life. Freedom and fear are at war, and there will be no quick or easy end to this conflict. In leading the campaign against terrorism, we are forging new, productive international relationships and redefining existing ones in ways that meet the challenges of the twenty-first century.
Concerned nations must remain actively engaged in critical regional disputes to avoid explosive escalation and minimize human suffering. In an increasingly interconnected world, regional crises can strain our alliances, rekindle rivalries among the major powers, and create horrifying affronts to human dignity. When violence erupts and states falter, the United States will work with friends and partners to alleviate suffering and restore stability.

No doctrine can anticipate every circumstance in which U.S. action—direct or indirect—is warranted. We have finite political, economic, and military resources to meet our global priorities. The United States will approach each case with these strategic principles in mind:

- The United States should invest time and resources into building international relationships and institutions that can help manage local crises when they emerge.

- The United States should be realistic about its ability to help those who are unwilling or unable to help themselves. Where and when people are ready to do their part, we will be willing to move decisively.

The Israeli-Palestinian conflict is critical because of the toll of human suffering, because of America's close relationship with the state of Israel and key Arab states, and because of that region's importance to other global priorities of the United States. There can be no peace for either side without freedom for both sides. America stands committed to an independent and democratic Palestine, living beside Israel in peace and security. Like all other people, Palestinians deserve a government that serves their interests and respects their voices. The United States will continue to encourage all parties to step up to their responsibilities as we seek a just and comprehensive settlement to the conflict.

The United States, the international donor community, and the World Bank stand ready to work with a reformed Palestinian government on economic development, increased humanitarian assistance, and a program to establish, finance, and monitor a truly independent judiciary. If Palestinians embrace democracy, and the rule of law, confront corruption, and firmly reject terror, they can count on American support for the creation of a Palestinian state.
Israel also has a large stake in the success of a democratic Palestine. Permanent occupation threatens Israel's identity and democracy. So the United States continues to challenge Israeli leaders to take concrete steps to support the emergence of a viable, credible Palestinian state. As there is progress towards security, Israeli forces need to withdraw fully to positions they held prior to September 28, 2000. And consistent with the recommendations of the Mitchell Committee, Israeli settlement activity in the occupied territories must stop. As violence subsides, freedom of movement should be restored, permitting innocent Palestinians to resume work and normal life. The United States can play a crucial role but, ultimately, lasting peace can only come when Israelis and Palestinians resolve the issues and end the conflict between them.

In South Asia, the United States has also emphasized the need for India and Pakistan to resolve their disputes. This Administration invested time and resources building strong bilateral relations with India and Pakistan. These strong relations then gave us leverage to play a constructive role when tensions in the region became acute. With Pakistan, our bilateral relations have been bolstered by Pakistan's choice to join the war against terror and move toward building a more open and tolerant society. The Administration sees India's potential to become one of the great democratic powers of the twenty-first century and has worked hard to transform our relationship accordingly. Our involvement in this regional dispute, building on earlier investments in bilateral relations, looks first to concrete steps by India and Pakistan that can help defuse military confrontation.

Indonesia took courageous steps to create a working democracy and respect for the rule of law. By tolerating ethnic minorities, respecting the rule of law, and accepting open markets, Indonesia may be able to employ the engine of opportunity that has helped lift some of its neighbors out of poverty and desperation. It is the initiative by Indonesia that allows U.S. assistance to make a difference.

In the Western Hemisphere we have formed flexible coalitions with countries that share our priorities, particularly Mexico, Brazil, Canada, Chile, and Colombia. Together we will promote a truly democratic hemisphere where our integration advances security, prosperity, opportunity, and hope. We will work with regional institutions, such as the Summit of the Americas process, the Organization of American States (OAS), and the Defense Ministerial of the Americas for the benefit of the entire hemisphere.

Parts of Latin America confront regional conflict, especially arising from the violence of drug cartels and their accomplices. This conflict and unrestrained narcotics trafficking could imperil the health and security of the United States. Therefore we have developed an active strategy to help the Andean nations adjust their economies, enforce their laws, defeat terrorist organizations, and cut off the supply of drugs, as important—we work to reduce the demand for drugs in our own country.

In Colombia, we recognize the link between terrorist and extremist groups that challenge the security of the state and drug trafficking activities that help finance the operations of such groups. We are working to help Colombia defend its democratic institutions and defeat illegal armed groups of both the left and right by extending effective sovereignty over the entire national territory and provide basic security to the Colombian people.

In Africa, promise and opportunity sit side by side with disease, war, and desperate poverty. This threatens both a core value of the United States—preserving human dignity—and our strategic priority—combating global terror. American interests and American principles, therefore, lead in the same direction: we will work with others for an African continent that lives in liberty, peace, and growing prosperity. Together with our European allies, we must help strengthen Africa's fragile states, help build indigenous capability to secure porous borders, and help build up the law
enforcement and intelligence infrastructure to deny havens for terrorists.

As ever more lethal environment exists in Africa as local civil wars spread beyond borders to create regional war zones. Forming coalitions of the willing and cooperative security arrangements are key to confronting these emerging transnational threats.

Africa’s great size and diversity requires a security strategy that focuses on bilateral engagement and build coalitions of the willing. This Administration will focus on three interlocking strategies for the region:

- countries with major impact on their neighborhood such as South Africa, Nigeria, Kenya, and Ethiopia are anchors for regional engagement and require focused attention;
- coordination with European allies and international institutions is essential for constructive conflict mediation and successful peace operations; and
- Africa’s capable reforming states and sub-regional organizations must be strengthened as the primary means to address transnational threats on a sustained basis.

Ultimately the path of political and economic freedom presents the most route to progress in sub-Saharan Africa, where most wars are conflicts over natural resources and political access often tragically waged on the basis of ethnic and religious difference. The transition to the African Union with its stated commitment to good governance and a common responsibility for democratic political systems offers opportunities to strengthen democracy on the continent.
v. Prevent Our Enemies from Threatening Us, Our Allies, and Our Friends with Weapons of Mass Destruction

“The gravest danger to freedom lies at the crossroads of radicalism and technology. When the spread of chemical and biological and nuclear weapons, along with ballistic missile technology—when that occurs, even weak states and small groups could attain a catastrophic power to strike great nations. Our enemies have declared this very intention, and have been caught seeking these terrible weapons. They want the capability to blackmail us, or to harm us, or to harm our friends—and we will oppose them with all our power.”

President Bush
West Point, New York
June 1, 2002

The nature of the Cold War threat required the United States—with our allies and friends—to emphasize deterrence of the enemy’s use of force, producing a grim strategy of mutual assured destruction. With the collapse of the Soviet Union and the end of the Cold War, our security environment has undergone profound transformation.

Having moved from confrontation to cooperation as the hallmark of our relationship with Russia, the dividends are evident: an end to the balance of terror that divided us; an historic reduction in the nuclear arsenals on both sides; and cooperation in areas such as counterterrorism and missile defense that until recently were inconceivable.

But new deadly challenges have emerged from rogue states and terrorists. None of these contemporary threats equal the sheer destructive power that was arrayed against us by the Soviet Union. However, the nature and motivations of these new adversaries, their determination to obtain destructive powers hitherto available only to the world’s strongest states, and the greater likelihood that they will use weapons of mass destruction against us, make today’s security environment more complex and dangerous.

In the 1990s we witnessed the emergence of a small number of rogue states that, while different in important ways, share a number of attributes. These states:
• brutalize their own people and squander their national resources for the personal gain of the rulers;
• display no regard for international law, threaten their neighbors, and callously violate international treaties to which they are party;
• are determined to acquire weapons of mass destruction, along with other advanced military technology, to be used as threats or offensively to achieve the aggressive designs of these regimes;
• sponsor terrorism around the globe; and
• reject basic human values and hate the United States and everything for which it stands.

At the time of the Gulf War, we acquired irrefutable proof that Iraq's designs were not limited to the chemical weapons it had used against Iran and its own people but also extended to the acquisition of nuclear weapons and biological agents. In the past decade North Korea has become the world's principal purveyor of ballistic missiles, and has tested increasingly capable missiles while developing its own WMD arsenal. Other rogue regimes seek nuclear, biological, and chemical weapons as well. These states' pursuit of, and global trade in, such weapons has become a looming threat to all nations.

We must be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction against the United States and our allies and friends. Our response must take full advantage of strengthened alliances, the establishment of new partnerships with former adversaries, innovation in the use of military forces, modern technologies, including the development of an effective missile defense system, and increased emphasis on intelligence collection and analysis.

Our comprehensive strategy to combat WMD includes:

• Proactive counterproliferation efforts. We must deter and defend against the threat before it is unleashed. We must ensure that key capabilities—detection, active and passive defenses, and counterforce capabilities—are integrated into our defense transformation and our homeland security systems. Counterproliferation must also be integrated into the doctrine, training, and equipping of our forces and those of our allies to ensure that we can prevail in any conflict with WMD-armed adversaries.

• Strengthened nonproliferation efforts to prevent rogue states and terrorists from acquiring the materials, technologies, and expertise necessary for weapons of mass destruction. We will enhance diplomacy, arms control, multilateral export controls, and threat reduction assistance that impede states and terrorists seeking WMD, and when necessary, interdict enabling technologies and materials. We will continue to build coalitions to support these efforts, encouraging their increased political and financial support for nonproliferation and threat reduction programs. The recent G-8 agreement to commit up to $20 billion to a global partnership against proliferation marks a major step forward.

• Effective consequence management to respond to the effects of WMD use, whether by terrorist or hostile states. Minimizing the effects of WMD use against our people will help deter those who possess such weapons and dissuade those who seek to acquire them by persuading enemies that they cannot attain their desired ends. The United States must also be prepared to respond to the effects of WMD use against our forces abroad, and to help friends and allies if they are attacked.
It has taken almost a decade for us to comprehend the true nature of this new threat. Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first.

- In the Cold War, especially following the Cuban missile crisis, we faced a generally status quo, risk-averse adversary. Deterrence was as effective defense. But deterrence based only upon the threat of retaliation is less likely to work against leaders of rogue states more willing to take risks, gambling with the lives of their people, and the wealth of their nations.

- In the Cold War, weapons of mass destruction were considered weapons of last resort whose use risked the destruction of those who used them. Today, our enemies see weapons of mass destruction as weapons of choice. For rogue states these weapons are tools of intimidation and military aggression against their neighbors. These weapons may also allow these states to attempt to blackmail the United States and our allies to prevent us from deterring or repelling the aggressive behavior of rogue states. Such states also see these weapons as their best means of overcoming the conventional superiority of the United States.

- Traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents; whose so-called soldiers seek martyrdom in death and whose most potent protection is statelessness. The overlap between states that sponsor terror and those that pursue WMD compels us to act.

For centuries, international law recognized that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack. Legal scholars and international jurists often conditioned the legitimacy of preemption on the existence of an imminent threat—most often a visible mobilization of armies, navies, and air forces preparing to attack.

We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means. They know such attacks would fail. Instead, they rely on acts of terror and, potentially, the use of weapons of mass destruction—weapons that can be easily concealed, delivered covertly, and used without warning.

The targets of these attacks are our military forces and our civilian population, in direct violation of one of the principal norms of the law of warfare. As was demonstrated by the losses on September 11, 2001, mass civilian casualties is the specific objective of terrorists and these losses would be exponentially more severe if terrorists acquired and used weapons of mass destruction.

The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.

The United States will not use force in all cases to preempt emerging threats, nor should nations use preemption as a pretext for aggression. Yet in an age where the enemies of civilization openly and actively seek the world's most destructive technologies, the United States cannot remain idle while dangers gather.
We will always proceed deliberately, weighing the consequences of our actions. To support preemptive options, we will:

- build better, more integrated intelligence capabilities to provide timely, accurate information on threats, wherever they may emerge;
- coordinate closely with allies to form a common assessment of the most dangerous threats; and

- continue to transform our military forces to ensure our ability to conduct rapid and precise operations to achieve decisive results.

The purpose of our actions will always be to eliminate a specific threat to the United States or our allies and friends. The reasons for our actions will be clear, the force measured, and the cause just.
A strong world economy enhances our national security by advancing prosperity and freedom in the rest of the world. Economic growth supported by free trade and free markets creates new jobs and higher incomes. It allows people to lift their lives out of poverty, spurs economic and legal reform, and the fight against corruption, and it reinforces the habits of liberty.

We will promote economic growth and economic freedom beyond America’s shores. All governments are responsible for creating their own economic policies and responding to their own economic challenges. We will use our economic engagement with other countries to underscore the benefits of policies that generate higher productivity and sustained economic growth, including:

- pro-growth legal and regulatory policies to encourage business investment, innovation, and entrepreneurial activity,
- tax policies—particularly lower marginal tax rates—that improve incentives for work and investment;
- rule of law and intolerance of corruption so that people are confident that they will be able to enjoy the fruits of their economic endeavors;
- strong financial systems that allow capital to be put to its most efficient use;
- sound fiscal policies to support business activity;
- investments in health and education that improve the well-being and skills of the labor force and population as a whole; and
- free trade that provides new avenues for growth and fosters the diffusion of technologies and ideas that increase productivity and opportunity.

The lessons of history are clear: market economies, not command-and-control economies with the heavy hand of government, are the best way to promote prosperity and reduce poverty. Policies that further strengthen market incentives and market institutions are relevant for all economies—industrialized countries, emerging markets, and the developing world.
A return to strong economic growth in Europe and Japan is vital to U.S. national security interests. We want our allies to have strong economies for their own sake, for the sake of the global economy, and for the sake of global security. European efforts to remove structural barriers in their economies are particularly important in this regard, as are Japan’s efforts to end deflation and address the problems of non-performing loans in the Japanese banking system. We will continue to use our regular consultations with Japan and our European partners—including through the Group of Seven (G-7)—to discuss policies they are adopting to promote growth in their economies and support higher global economic growth.

Improving stability in emerging markets is also key to global economic growth. International flows of investment capital are needed to expand the productive potential of these economies. These flows allow emerging markets and developing countries to make the investments that raise living standards and reduce poverty. Our long-term objective should be a world in which all countries have investment-grade credit ratings that allow them access to international capital markets and to invest in their future.

We are committed to policies that will help emerging markets achieve access to larger capital flows at lower cost. To this end, we will continue to pursue reforms aimed at reducing uncertainty in financial markets. We will work actively with other countries, the International Monetary Fund (IMF), and the private sector to implement the G-7 Action Plan negotiated earlier this year for preventing financial crises and more effectively resolving them when they occur.

The best way to deal with financial crises is to prevent them from occurring, and we have encouraged the IMF to improve its efforts doing so. We will continue to work with the IMF to streamline the policy conditions for its lending and to focus its lending strategy on achieving economic growth through sound fiscal and monetary policy, exchange rate policy, and financial sector policy.

The concept of “free trade” arose as a moral principle even before it became a pillar of economics. If you can make something that others value, you should be able to sell it to them. If others make something that you value, you should be able to buy it. This is real freedom, the freedom for a person—or a nation—to make a living. To promote free trade, the United States has developed a comprehensive strategy:

- **Seize the global initiative.** The new global trade negotiations we helped launch at Doha in November 2001 will have an ambitious agenda, especially in agriculture, manufacturing, and services, targeted for completion in 2005. The United States has led the way in completing the accession of China and a democratic Taiwan to the World Trade Organization. We will assist Russia’s preparations to join the WTO.

- **Press regional initiatives.** The United States and other democracies in the Western Hemisphere have agreed to create the Free Trade Area of the Americas, targeted for completion in 2005. This year the United States will advocate market-access negotiations with its partners, targeted on agriculture, industrial goods, services, investment, and government procurement. We will also offer more opportunity to the poorest continent, Africa, starting with full use of the preferences allowed in the African Growth and Opportunity Act, and leading to free trade.

- **Move ahead with bilateral free trade agreements.** Building on the free trade agreement with Jordan enacted in 2001, the Administration will work this year to complete free trade agreements with Chile and Singapore. Our aim is to achieve free trade agreements with a mix of developed
and developing countries in all regions of the world. Initially, Central America, Southern Africa, Morocco, and Australia will be our principal focal points.

- Renew the executive-congressional partnership. Every administration's trade strategy depends on a productive partnership with Congress. After a gap of 8 years, the Administration reestablished majority support in the Congress for trade liberalization by passing Trade Promotion Authority and the other market opening measures for developing countries in the Trade Act of 2002. This Administration will work with Congress to enact new bilateral, regional, and global trade agreements that will be concluded under the recently passed Trade Promotion Authority.

- Promote the connection between trade and development. Trade policies can help developing countries strengthen property rights, competition, the rule of law, investment, the spread of knowledge, open societies, the efficient allocation of resources, and regional integration—all leading to growth, opportunity, and confidence in developing countries. The United States is implementing the Africa Growth and Opportunity Act to provide market-access for nearly all goods produced in the 35 countries of sub-Saharan Africa. We will make more use of the act and its equivalent for the Caribbean Basin and continue to work with multilateral and regional institutions to help poorer countries take advantage of these opportunities. Beyond market access, the most important area where trade intersects with poverty is in public health. We will ensure that the WTO intellectual property rules are flexible enough to allow developing nations to gain access to critical medicines for extraordinary dangers like HIV/AIDS, tuberculosis, and malaria.

- Enforce trade agreements and laws against unfair practices. Commerce depends on the rule of law; international trade depends on enforceable agreements. Our top priorities are to resolve ongoing disputes with the European Union, Canada, and Mexico and to make a global effort to address new technology, science, and health regulations that needlessly impede farm exports and improved agriculture. Laws against unfair trade practices are often abused, but the international community must be able to address genuine concerns about government subsidies and dumping. International industrial espionage which undermines fair competition must be detected and deterred.

- Help domestic industries and workers adjust. There is a sound statutory framework for these transitional safeguards which we have used in the agricultural sector and which we are using this year to help the American steel industry. The benefits of free trade depend upon the enforcement of fair trading practices. These safeguards help ensure that the benefits of free trade do not come at the expense of American workers. Trade adjustment assistance will help workers adapt to the change and dynamism of open markets.

- Protect the environment and workers. The United States must foster economic growth in ways that will provide a better life along with widening prosperity. We will incorporate labor and environmental concerns into U.S. trade negotiations, creating a healthy "network" between multilateral environmental agreements with the WTO, and use the International Labor Organization, trade preference programs, and trade talks to improve working conditions in conjunction with fair trade.

- Enhance energy security. We will strengthen our own energy security and the shared prosperity of the global economy by working with our allies, trading partners,
and energy producers to expand the sources and types of global energy supplied, especially in the Western Hemisphere, Africa, Central Asia, and the Caspian region. We will also continue to work with our partners to develop cleaner and more energy efficient technologies.

Economic growth should be accompanied by global efforts to stabilize greenhouse gas concentrations associated with this growth, containing them at a level that prevents dangerous human interference with the global climate. Our overall objective is to reduce America's greenhouse gas emissions relative to the size of our economy, cutting such emissions per unit of economic activity by 18 percent over the next 10 years by the year 2012. Our strategies for achieving this goal will be to:

- remain committed to the basic U.N. Framework Convention for international cooperation;
- obtain agreements with key industries to cut emissions of some of the most potent greenhouse gases and give transferable credits to companies that can show real cuts;
- develop improved standards for measuring and registering emission reductions;
- promote renewable energy production and clean coal technology, as well as nuclear power—which produces no greenhouse gas emissions, while also improving fuel economy for 1/3 of cars and trucks;
- increase spending on research and new conservation technologies, to a total of $4.5 billion—the largest sum being spent on climate change by any country in the world and a $700 million increase over last year's budget; and
- assist developing countries, especially the major greenhouse gas emitters such as China and India, so that they will have the tools and resources to join this effort and be able to grow along a cleaner and better path.
A world where some live in comfort and plenty, while half of the human race lives on less than $2 a day, is neither just nor stable. Including all of the world's poor in an expanding circle of development—and opportunity—is a moral imperative and one of the top priorities of U.S. international policy.

Decades of massive development assistance have failed to spur economic growth in the poorest countries. Worse, development aid has often served to prop up failed policies, relieving the pressure for reform and perpetuating misery. Results of aid are typically measured in dollars spent by donors, not in the rates of growth and poverty reduction achieved by recipients. These are the indicators of a failed strategy.

Working with other nations, the United States is confronting this failure. We forged a new consensus at the U.N. Conference on Financing for Development in Monterrey that the objectives of assistance—and the strategies to achieve those objectives—must change.

This Administration's goal is to help unleash the productive potential of individuals in all nations. Sustained growth and poverty reduction is impossible without the right national policies. Where governments have implemented ill policy changes, we will provide significant new levels of assistance. The United States and other developed countries should set an ambitious and specific target: to double the size of the world's poorer economies within a decade.

The United States Government will pursue these major strategies to achieve this goal:

- Provide resources to aid countries that have met the challenge of national reform. We propose a 50 percent increase in the core development assistance given by the United States. While continuing our present programs, including humanitarian assistance based on need alone, these billions of new dollars will form a new Millennium Challenge Account for projects in countries whose governments rate justly, invest in
their people, and encourage economic freedom. Governments must fight corruption, respect basic human rights, embrace the rule of law, invest in health care and education, follow responsible economic policies, and enable entrepreneurship. The Millennium Challenge Account will reward countries that have demonstrated real policy change and challenge those that have not to implement reforms.

- Improve the effectiveness of the World Bank and other development banks in raising living standards. The United States is committed to a comprehensive reform agenda for making the World Bank and the other multilateral development banks more effective in improving the lives of the world’s poor. We have reversed the downward trend in U.S. contributions and proposed an 18 percent increase in the U.S. contributions to the International Development Association (IDA)—the World Bank’s fund for the poorest countries—and the African Development Fund. The key to raising living standards and reducing poverty around the world is increasing productivity growth, especially in the poorest countries. We will continue to press the multilateral development banks to focus on activities that increase economic productivity, such as improvements in education, health, rule of law, and private sector development. Every project, every loan, every grant must be judged by how much it will increase productivity growth in developing countries.

- Insist upon measurable results to ensure that development assistance is actually making a difference in the lives of the world’s poor. When it comes to economic development, what really matters is that more children are getting a better education, more people have access to health care and clean water, or more workers can find jobs to make a better future for their families. We have a moral obligation to measure the success of our development assistance by whether it is delivering results. For this reason, we will continue to demand that our own development assistance as well as assistance from the multilateral development banks has measurable goals and concrete benchmarks for achieving those goals. Thanks to U.S. leadership, the recent IDA replenishment agreement will establish a monitoring and evaluation system that measures recipient countries’ progress. For the first time, donors can link a portion of their contributions to IDA to the achievement of actual development results, and parts of the U.S. contribution is linked in this way. We will strive to make sure that the World Bank and other multilateral development banks build on this progress so that a focus on results is an integral part of everything that these institutions do.

- Increase the amount of development assistance that is provided in the form of grants instead of loans. Greater use of results-based grants is the best way to help poor countries make productive investments, particularly in social sectors, without saddling them with ever-larger debt burdens. As a result of U.S. leadership, the recent IDA agreement provided for significant increases in grant funding for the poorest countries for education, HIV/AIDS, health, nutrition, water, sanitation, and other human needs. Our goal is to build on that progress by increasing the use of grants at the other multilateral development banks. We will also challenge universities, nonprofits, and the private sector to match government efforts by using grants to support development projects that show results.

- Open societies to commerce and investment. Trade and investment are the real engines of economic growth. Even if government aid increases, most money for development
must come from trade, domestic capital, and foreign investment. An effective strategy must try to expand these flows as well. Free markets and free trade are key priorities of our national security strategy.

- **Secre public health.** The scale of the public health crisis in poor countries is enormous. In countries afflicted by epidemics and pandemics like HIV/AIDS, malaria, and tuberculosis, growth and development will be threatened until these scourges can be contained. Resources from the developed world are necessary but will be effective only with honest governance, which supports prevention programs and provides effective local infrastructure. The United States has strongly backed the new global fund for HIV/AIDS organized by U.N. Secretary General Kofi Annan and its focus on combining prevention with a broad strategy for treatment and care. The United States already contributes more than twice as much money to such efforts as the next largest donor. If the global fund demonstrates its promise, we will be ready to give even more.

- **Emphasize education.** Literacy and learning are the foundation of democracy and development. Only about 7 percent of World Bank resources are devoted to education. This proportion should grow. The United States will increase its own funding for education assistance by at least 20 percent with an emphasis on improving basic education and teacher training in Africa. The United States can also bring information technology to these societies, many of whose education systems have been devastated by HIV/AIDS.

- **Continue to aid agricultural development.** New technologies, including biotechnology, have enormous potential to improve crop yields in developing countries while using fewer pesticides and less water. Using sound science, the United States should help bring these benefits to the 800 million people, including 300 million children, who still suffer from hunger and malnutrition.
VIII. DEVELOP AGENDAS FOR COOPERATIVE ACTION WITH THE OTHER MAIN CENTERS OF GLOBAL POWER

"We have our best chance since the rise of the nation-state in the 17th century to build a world where the great powers compete in peace instead of prepare for war."

President Bush
West Point, New York
June 1, 2002

America will implement its strategies by organizing coalitions—as broad as practicable—of states able and willing to promote a balance of power that favors freedom. Effective coalition leadership requires clear priorities, an appreciation of others' interests, and consistent consultations among partners with a spirit of humility.

There is little of lasting consequence that the United States can accomplish in the world without the sustained cooperation of its allies and friends in Canada and Europe. Europe is also the seat of two of the strongest and most able international institutions in the world: the North Atlantic Treaty Organization (NATO), which has, since its inception been the cradle of transatlantic and inter-European security, and the European Union (EU), our partner in opening world trade.

The attacks of September 11 were also an attack on NATO, as NATO itself recognized when it invoked its Article V self-defense clause for the first time. NATO's core mission—collective defense of the transatlantic alliance of democracies—remains, but NATO must develop new structures and capabilities to carry out that mission under new circumstances. NATO must build a capability to field, at short notice, highly mobile, specially trained forces whenever they are needed to respond to a threat against any member of the alliance.

The alliance must be able to act wherever our interests are threatened, creating coalitions under NATO's own mandate, as well as contributing to mission-based coalitions. To achieve this, we must:

• expand NATO's membership to those democracies willing and able to share the burden of defending and advancing our common interests;
• ensure that the military forces of NATO nations have appropriate combat contributions to make in coalition warfare;
• develop planning processes to enable those contributions to become effective multinational fighting forces;
• take advantage of the technological opportunities and economies of scale in our defense spending to transform NATO military forces so that they dominate potential aggressors and diminish our vulnerabilities;

National Security Strategy 25
• streamline and increase the flexibility of command structures to meet new operational demands and the associated requirements of training, integrating, and experimenting with new force configurations; and

• maintain the ability to work and fight together as allies even as we take the necessary steps to transform and modernize our forces.

If NATO succeeds in enacting these changes, the rewards will be a partnership as central to the security and interests of its member states as was the case during the Cold War. We will sustain a common perspective on the threats to our societies and improve our ability to take common action in defense of our nations and their interests. At the same time, we welcome our European allies’ efforts to forge a greater foreign policy and defense identity with the EU, and commit ourselves to close consultations to ensure that these developments work with NATO. We cannot afford to lose this opportunity to better prepare the family of transatlantic democracies for the challenges to come.

The attacks of September 11 energized America’s Asian alliances. Australia invoked the ANZUS Treaty to declare the September 11 was an attack on Australia itself, following that historic decision with the dispatch of some of the world’s finest combat forces for Operation Enduring Freedom. Japan and the Republic of Korea provided unprecedented levels of military logistical support within weeks of the terrorist attack. We have deepened cooperation on counter-terrorism with our alliance partners in Thailand and the Philippines and received invaluable assistance from close friends like Singapore and New Zealand.

The war against terrorism has proven that America’s alliances in Asia not only underpin regional peace and stability, but are flexible and ready to deal with new challenges. To enhance our Asian alliances and friendships, we will:

• look to Japan to continue forging a leading role in regional and global affairs based on our common interests, our common values, and our close defense and diplomatic cooperation;

• work with South Korea to maintain vigilance towards the North while preparing our alliance to make contributions to the broader stability of the region over the longer term;

• build on 50 years of U.S.-Australian alliance cooperation as we continue working together to resolve regional and global problems—as we have so many times from the Battle of the Coral Sea to Tora Bora;

• maintain forces in the region that reflect our commitments to our allies, our requirements, our technological advances, and the strategic environment; and

• build on stability provided by these alliances, as well as with institutions such as ASEAN and the Asia-Pacific Economic Cooperation forum, to develop a mix of regional and bilateral strategies to manage change in this dynamic region.

We are attentive to the possible renewal of old patterns of great power competition. Several potential great powers are now in the midst of internal transition—most importantly Russia, India, and China. In all three cases, recent developments have encouraged our hope that a truly global consensus about basic principles is slowly taking shape.

With Russia, we are already building a new strategic relationship based on a central reality of the twenty-first century: the United States and Russia are no longer strategic adversaries. The Moscow Treaty on Strategic Reductions is emblematic of this new reality and reflects a critical change in Russian thinking that promises to lead to productive, long-term relations with the Euro-Atlantic community and the United States. Russia’s top leaders have a realistic assessment of
their country's current weakness and the policies—internal and external—needed to reverse those weaknesses. They understand, increasingly, that Cold War approaches do not serve their national interests and that Russian and American strategic interests overlap in many areas.

United States policy seeks to use this turn in Russian thinking to refocus our relationship on emerging and potential common interests and challenges. We are broadening our already extensive cooperation in the global war on terrorism. We are facilitating Russia's entry into the World Trade Organization, without lowering standards for accession, to promote beneficial bilateral trade and investment relations. We have created the NATO-Russia Council with the goal of deepening security cooperation among Russia, our European allies, and ourselves. We will continue to bolster the independence and stability of the states of the former Soviet Union in the belief that a prosperous and stable neighborhood will reinforce Russia's growing commitment to integration into the Euro-Atlantic community.

At the same time, we are realistic about the differences that still divide us from Russia and about the time and effort it will take to build an enduring strategic partnership. Lingering distrust of our motives and policies by key Russian elites slows improvement in our relations. Russia's uneven commitment to the basic values of free-market democracy and dubious record in combating the proliferation of weapons of mass destruction remain matters of great concern. Russia's very weakness limits the opportunities for cooperation. Nevertheless, those opportunities are vastly greater now than in recent years—or even decades.

The United States has undertaken a transformation in its bilateral relationship with India based on a conviction that U.S. interests require a strong relationship with India. We are the two largest democracies, committed to political freedom protected by representative government. India is moving toward greater economic freedom as well. We have a common interest in the free flow of commerce, including through the vital sea lanes of the Indian Ocean. Finally, we share an interest in fighting terrorism and in creating a strategically stable Asia.

Differences remain, including over the development of India's nuclear and missile programs, and the pace of India's economic reforms. But while in the past these concerns may have dominated our thinking about India, today we start with a view of India as a growing world power with which we have common strategic interests. Through a strong partnership with India, we can best address any differences and shape a dynamic future.

The United States relationship with China is an important part of our strategy to promote a stable, peaceful, and prosperous Asia-Pacific region. We welcome the emergence of a strong, peaceful, and prosperous China. The democratic development of China is crucial to that future. Yet, a quarter century after beginning the process of shedding the worst features of the Communist legacy, China's leaders have not yet made the next series of fundamental choices about the character of their state. In pursuing advanced military capabilities that can threaten its neighbors in the Asia-Pacific region, China is following an outdated path that, in the end, will hamper its own path of national greatness. In time, China will find that social and political freedom is the only source of that greatness.

The United States seeks a constructive relationship with a changing China. We already cooperate well where our interests overlap, including the current war on terrorism and in promoting stability on the Korean peninsula. Likewise, we have coordinated on the future of Afghanistan and have initiated a comprehensive dialogue on counterterrorism and similar transitional concerns. Shared health and environmental threats, such as the spread of HIV/AIDS, challenge us to promote jointly the welfare of our citizens. Addressing these transnational threats will challenge China to become more open with
information, promote the development of civil society, and enhance individual human rights. China has begun to take the road to political openness, permitting many personal freedoms and conducting village-level elections, yet remains strongly committed to national one-party rule by the Communist Party. To make that nation truly accountable to its citizen's needs and aspirations, however, much work remains to be done. Only by allowing the Chinese people to think, assemble, and worship freely can China reach its full potential.

Our important trade relationship will benefit from China's entry into the World Trade Organization, which will create more export opportunities and ultimately more jobs for American farmers, workers, and companies. China is our fourth largest trading partner, with over $100 billion in annual two-way trade. The power of market principles and the WTO's requirements for transparency and accountability will advance openness and the rule of law in China to help establish basic protections for commerce and for citizens. There are, however, other areas in which we have profound disagreements. Our commitment to the self-defense of Taiwan under the Taiwan Relations Act is one. Human rights is another. We expect China to adhere to its nonproliferation commitments. We will work to narrow differences where they exist, but not allow them to preclude cooperation where we agree.

The events of September 11, 2001, fundamentally changed the context for relations between the United States and other main centers of global power, and opened vast, new opportunities. With our long-standing allies in Europe and Asia, and with leaders in Russia, India, and China, we must develop active agendas of cooperation lest these relationships become routine and unproductive.

Every agency of the United States Government shares the challenge. We can build fruitful habits of consultation, quiet argument, sober analysis, and common action. In the long-term, these are the practices that will sustain the supremacy of our common principles and keep open the path of progress.
The major institutions of American national security were designed in a different era to meet different requirements. All of them must be transformed.

It is time to reaffirm the essential role of American military strength. We must build and maintain our defenses beyond challenge. Our military’s highest priority is to defend the United States. To do so effectively, our military must:

- assure our allies and friends;
- dissuade future military competition;
- deter threats against U.S. interests, allies, and friends; and
- decisively defeat any adversary if deterrence fails.

The unparalleled strength of the United States armed forces, and their forward presence, have maintained the peace in some of the world’s most strategically vital regions. However, the threats and enemies we must confront have changed, and so must our forces. A military structured to deter massive Cold War-era armies must be transformed to focus more on how an adversary might fight rather than where and when a war might occur. We will channel our energies to overcome a host of operational challenges.

The presence of American forces overseas is one of the most profound symbols of the U.S. commitments to allies and friends. Through our willingness to use force in our own defense and in defense of others, the United States demonstrates its resolve to maintain a balance of power that favors freedom. To contend with uncertainty and to meet the many security challenges we face, the United States will require bases and stations within and beyond Western Europe and Northeast Asia, as well as temporary access arrangements for the long-distance deployment of U.S. forces.

Before the war in Afghanistan, that area was low on the list of major planning contingencies. Yet, in a very short time, we had to operate across the length and breadth of that remote nation, using every branch of the armed forces. We must prepare for more such deployments by developing assets such as advanced satellite sensing, long-range precision strike capabilities, and

498

National Security Strategy 29
transformed maneuver and expeditionary forces. This broad portfolio of military capabilities must also include the ability to defend the homeland, conduct information operations, ensure U.S. access to distant theaters, and protect critical U.S. infrastructure and assets in outer space.

Innovation within the armed forces will rest on experimentation with new approaches to warfare, strengthening joint operations, exploiting U.S. intelligence advantages, and taking full advantage of science and technology. We must also transform the way the Department of Defense is run, especially in financial management and recruitment and retention. Finally, while maintaining near-term readiness and the ability to fight the war on terrorism, the goal must be to provide the President with a wider range of strategic options to discourage aggression or any form of coercion against the United States, our allies, and our friends.

We know from history that deterrence can fail; and we know from experience that some enemies cannot be deterred. The United States must and will maintain the capability to deter any attempt by an enemy—whether a state or non-state actor—to impose its will on the United States, our allies, or our friends. We will maintain the forces sufficient to support our obligations, and to defend freedom. Our forces will be strong enough to dissuade potential adversaries from pursuing a military build-up in hopes of surpassing, or equaling, the power of the United States.

Intelligence—and how we use it—is our first line of defense against terrorists and the threat posed by hostile states. Designed around the priority of gathering enormous information about a massive, fixed object—the Soviet bloc—the intelligence community is coping with the challenge of following a far more complex and elusive set of targets.

We must transform our intelligence capabilities and build new ones to keep pace with the nature of these threats. Intelligence must be appropriately integrated with our defense and law enforcement systems and coordinated with our allies and friends. We need to protect the capabilities we have so that we do not arm our enemies with the knowledge of how best to surprise us. Those who would harm us also seek the benefit of surprise to limit our prevention and response options and to maximize injury.

We must strengthen intelligence warning and analysis to provide integrated threat assessments for rational and homeland security. Since the threats inspired by foreign governments and groups may be conducted inside the United States, we must also ensure the proper fusion of information between intelligence and law enforcement.

Initiatives in this area will include:

- strengthening the authority of the Director of Central Intelligence to lead the development and actions of the Nation’s foreign intelligence capabilities;
- establishing a new framework for intelligence warning that provides seamless and integrated warning across the spectrum of threats facing the nation and our allies;
- continuing to develop new methods of collecting information, to sustain our intelligence advantage;
- investing in future capabilities while working to protect them through a more vigorous effort to prevent the compromise of intelligence capabilities; and
- collecting intelligence against the terrorist danger across the government with all-source analysis.

As the United States Government relies on the armed forces to defend America’s interests, it must rely on diplomacy to interact with other nations. We will ensure that the Department of State receives funding sufficient to ensure the success of American diplomacy. The State Department takes the lead in managing our bilateral relationships with other governments. And in this new era, its
people and institutions must be able to interact equally adroitly with non-governmental organizations and international institutions. Officials trained mainly in international politics must also extend their reach to understand complex issues of domestic governance around the world, including public health, education, law enforcement, the judiciary, and public diplomacy.

Our diplomats serve at the front line of complex negotiations, civil wars, and other humanitarian catastrophes. As humanitarian relief requirements are better understood, we must also be able to help build police forces, court systems, and legal codes, local and provincial government institutions, and electoral systems. Effective international cooperation is needed to accomplish these goals, backed by American readiness to play our part.

Just as our diplomatic institutions must adapt so that we can reach out to others, we also need a different and more comprehensive approach to public information efforts that can help people around the world learn about and understand America. The war on terrorism is not a clash of civilizations. It does, however, reveal the clash inside a civilization, a battle for the future of the Muslim world. This is a struggle of ideas and this is an area where America must excel.

We will take the actions necessary to ensure that our efforts to meet our global security commitments and protect Americans are not impaired by the potential for investigations, inquiry, or prosecution by the International Criminal Court (ICC), whose jurisdiction does not extend to Americans and which we do not accept. We will work together with other nations to avoid complications in our military operations and cooperation, through such mechanisms as multilateral and bilateral agreements that will protect U.S. nationals from the ICC. We will implement fully the American Servicemembers Protection Act, whose provisions are intended to ensure and enhance the protection of U.S. personnel and officials.

We will make hard choices in the coming year and beyond to ensure the right level and allocation of government spending on national security. The United States Government must strengthen its defenses to win this war. At home, our most important priority is to protect the homeland for the American people.

Today, the distinction between domestic and foreign affairs is diminishing. In a globalized world, events beyond America’s borders have a greater impact inside them. Our society must be open to people, ideas, and goods from across the globe. The characteristics we most cherish—our freedom, our cities, our systems of movement, and modern life—are vulnerable to terrorism. This vulnerability will persist long after we bring to justice those responsible for the September 11 attacks. As time passes, individuals may gain access to means of destruction that until now could be wielded only by armies, fleets, and squadrons. This is a new condition of life. We will adjust to it and thrive—in spite of it.

In exercising our leadership, we will respect the values, judgment, and interests of our friends and partners. Still, we will be prepared to act apart when our interests and unique responsibilities require. When we disagree on particulars, we will explain forthrightly the grounds for our concerns and strive to forge viable alternatives. We will not allow such disagreements to obscure our determination to secure together, with our allies and our friends, our shared fundamental interests and values.

Ultimately, the foundation of American strength is at home. It is in the skills of our people, the dynamism of our economy, and the resilience of our institutions. A diverse, modern society has inherent, ambitious, entrepreneurial energy. Our strength comes from what we do with that energy. That is where our national security begins.
President Delivers State of the Union Address
The President's State of the Union Address
The United States Capitol
Washington, D.C.

9:15 P.M. EST

THE PRESIDENT: Thank you very much. Mr. Speaker, Vice President Cheney, members of Congress, distinguished guests, fellow citizens. As we gather tonight, our nation is at war, our economy is in recession, and the civilized world faces unprecedented dangers. Yet the state of our Union has never been stronger.

(Appause.)

We last met in an hour of shock and suffering. In four short months, our nation has comforted the victims, begun to rebuild New York and the Pentagon, rallied a great coalition, captured, arrested, and rid the world of thousands of terrorists, destroyed Afghanistan's terrorist training camps, saved a people from starvation, and freed a country from brutal oppression. (Applause.)

The American flag flies again over our embassy in Kabul. Terrorists who once occupied Afghanistan now occupy cells at Guantanamo Bay. (Applause.) And terrorist leaders who urged followers to sacrifice their lives are running for their own. (Applause.)

America and Afghanistan are now allies against terror. We'll be partners in rebuilding that country. And this evening we welcome the distinguished interim leader of a liberated Afghanistan: Chairman Hamid Karzai. (Applause.)

The last time we met in this chamber, the mothers and daughters of Afghanistan were captives in their own homes, forbidden from working or going to school. Today women are free, and part of Afghanistan's new government. And we welcome the new Minister of Women's Affairs, Doctor Sima Samar. (Applause.)

Our progress is a tribute to the spirit of the Afghan people, to the resolve of our coalition, and to the might of the United States military. (Applause.) When I called our troops into action, I did so with complete confidence in their courage and skill. And tonight, thanks to them, we are winning the war on terror. (Applause.) The man and women of our Armed Forces have delivered a message now clear to every enemy of the United States: Even 7,000 miles away, across oceans and continents, on mountain tops and in caves — you will not escape the justice of this nation. (Applause.)

For many Americans, these four months have brought sorrow, and pain that will never completely go away. Everyday a retired firefighter returns to Ground Zero, to feel closer to his two sons who died there. At a memorial in New York, a little boy left his football with a note for his lost father: Dear Daddy, please take this to heaven. I don't want to play football until I can play with you again some day.

Last month, at the grave of her husband, Michael, a CIA officer and Marine who died in Mazurka-Sharif, Shannon Spann said these words of farewell "Semper Fi, my love." Shannon is with us tonight. (Applause.)


12/9/2005
Shannon, I assure you and all who have lost a loved one that our cause is just, and our country will never forget the debt we owe Michael and all who gave their lives for freedom.

Our cause is just, and it continues. Our discoveries in Afghanistan confirmed our worst fears, and showed us the true scope of the task ahead. We have seen the depth of our enemies’ hatred in videos, where they laugh about the loss of innocent life. And the depth of their hatred is equalized by the madness of the destruction they design. We have found schematics of American nuclear power plants and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities, and thorough descriptions of landmarks in America and throughout the world.

What we have found in Afghanistan confirms that, far from ending there, our war against terror is only beginning. Most of the 19 men who hijacked planes on September the 11th were trained in Afghanistan’s camps, and so were tens of thousands of others. Thousands of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs, set to go off without warning.

Thanks to the work of our law enforcement officials and coalition partners, hundreds of terrorists have been arrested. Yet, tens of thousands of trained terrorists are still at large. These enemies view the entire world as a battlefield, and we must pursue them wherever they are. (Applause.) So long as training camps operate, so long as nations harbor terrorists, freedom is at risk. And America and our allies must not, and will not, allow it. (Applause.)

Our nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. And, second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world. (Applause.)

Our military has put the terror training camps of Afghanistan out of business, yet camps still exist in at least a dozen countries. A terrorist underworld — including groups like Hamas, Hezbollah, Islamic Jihad, Jaish-i- lhamma — operates in remote jungles and deserts, and hides in the centers of large cities.

While the most visible military action is in Afghanistan, America is acting elsewhere. We now have troops in the Philippines, helping to train that country’s armed forces to go after terrorist cells that have executed an American, and still hold hostages. Our soldiers, working with the Bosnian government, seized terrorists who were plotting to bomb our embassy. Our Navy is patrolling the coast of Africa to block the shipment of weapons and the establishment of terrorist camps in Somalia.

My hope is that all nations will heed our call, and eliminate the terrorist parasites who threaten their countries and our own. Many nations are acting forcefully. Pakistan is now cracking down on terror, and I admire the strong leadership of President Musharraf. (Applause.)

But some governments will be timid in the face of terror. And make no mistake about it: If they do not act, America will. (Applause.)

Our second goal is to prevent regimes that sponsor terror from threatening America or our friends and allies with weapons of mass destruction. Some of these regimes have been pretty quiet since September the 11th. But we know their true nature. North Korea is a regime armed with missiles and weapons of mass destruction, while starving its citizens.

Iran continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens — leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections — then kicked out the inspectors. This is a regime that has something to hide from the civilized world.


12/9/2005
States like these, and their terrorist allies, constitute an axis of evil, aiming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.

We will work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction. We will develop and deploy effective missile defenses to protect America and our allies from sudden attack. (Applause.) And all nations should know: America will do what is necessary to ensure our nation's security.

We'll be deliberate, yet time is not on our side. I will not wait on events, while dangers gather. I will not stand by, as peril draws closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons. (Applause.)

Our war on terror is well begun, but it is only begun. This campaign may not be finished on our watch — yet it must be and it will be waged on our watch.

We can't stop short. If we stop now -- leaving terror camps intact and terror states unchecked -- our sense of security would be false and temporary. History has called America and our allies to action, and it is both our responsibility and our privilege to fight freedom's fight. (Applause.)

Our first priority must always be the security of our nation, and that will be reflected in the budget I send to Congress. My budget supports three great goals for America: We will win this war; we'll protect our homeland; and we will revive our economy.

September the 11th brought out the besi in America, and the best in this Congress. And I join the American people in applauding your unity and resolve. (Applause.) Now Americans deserve to have this same spirit directed toward addressing problems here at home. I'm a proud member of my party — yet as we act to win the war, protect our people, and create jobs in America, we must act, first and foremost, not as Republicans, not as Democrats, but as Americans. (Applause.)

It costs a lot to fight this war. We have spent more than a billion dollars a month -- over $30 million a day -- and we must be prepared for future operations. Afghanistan proved that expensive precision weapons defeat the enemy and spare innocent lives, and we need more of them. We need to replace aging aircraft and make our military more agile, to put our troops anywhere in the world quickly and safely. Our men and women in uniform deserve the best weapons, the best equipment, the best training -- and they also deserve another pay raise. (Applause.)

My budget includes the largest increase in defense spending in two decades -- because while the price of freedom and security is high, it is never too high. Whatever it costs to defend our country, we will pay. (Applause.)

The next priority of my budget is to do everything possible to protect our citizens and strengthen our nation against the ongoing threat of another attack. Time and distance from the events of September the 11th will not make us safer unless we act on its lessons. America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad, and increased vigilance at home.

My budget nearly doubles funding for a sustained strategy of homeland security, focused on four key areas: bioterrorism, emergency response, airport and border security, and improved intelligence. We will develop vaccines to fight anthrax and other deadly diseases. We'll increase funding to help states and communities train and equip our heroic police and firefighters. (Applause.) We will improve intelligence collection and sharing, expand patrols at our borders, strengthen the security of air travel, and use technology to track the arrivals and departures of visitors to the United States. (Applause.)

Homeland security will make America not only stronger, but, in many ways, better. Knowledge gained from bioterrorism research will improve public health. Stronger police and fire departments will mean safer neighborhoods. Stricter border enforcement will help combat illegal drugs. (Applause.) And as government works to better secure our homeland, America will continue to depend on the eyes and ears of avert citizens.


12/9/2005
A few days before Christmas, an airline flight attendant spotted a passenger lighting a match. The crew and passengers quickly subdued the man, who had been trained by al Qaeda and was armed with explosives. The people on that plane were alert and, as a result, likely saved nearly 200 lives. And tonight we welcome and thank flight attendants Hermina Moutardier and Christina Jones. (Applause.)

Once we have funded our national security and our homeland security, the final great priority of my budget is economic security for the American people. (Applause.) To achieve these great national objectives -- to win the war, protect the homeland, and revitalize our economy -- our budget will run a deficit that will be small and short-term, so long as Congress restrains spending and acts in a fiscally responsible manner. (Applause.) We have clear priorities and we must act at home with the same purpose and resolve we have shown overseas: We’ll prevail in the war, and we will defeat this recession. (Applause.)

Americans who have lost their jobs need our help and I support extending unemployment benefits and direct assistance for health care coverage. (Applause.) Yet, American workers want more than unemployment checks -- they want a steady paycheck. (Applause.) When America works, America prospers, so my economic security plan can be summed up in one word: jobs. (Applause.)

Good jobs begin with good schools, and here we’ve made a fine start. (Applause.) Republicans and Democrats worked together to achieve historic education reform so that no child is left behind. I was proud to work with members of both parties: Chairman John Boehner and Congressman George Miller. (Applause.) Senator Judd Gregg. (Applause.) And I was so proud of our work, I even had nice things to say about my friend, Ted Kennedy. (Laughter and applause.) I know the folks at the Crawford coffee shop couldn’t believe I’d say such a thing -- (laughter) -- but our work on this bill shows what is possible if we set aside posturing and focus on results. (Applause.)

There is more to do. We need to prepare our children to read and succeed in school with improved Head Start and early childhood development programs. (Applause.) We must upgrade our teacher colleges and teacher training and launch a major recruiting drive with a great goal for America: a quality teacher in every classroom. (Applause.)

Good jobs also depend on reliable and affordable energy. This Congress must act to encourage conservation, promote technology, build infrastructure, and it must act to increase energy production at home so America is less dependent on foreign oil. (Applause.)

Good jobs depend on expanded trade. Selling into new markets creates new jobs, so I ask Congress to finally approve trade promotion authority. (Applause.) On these two key issues, trade and energy, the House of Representatives has acted to create jobs, and I urge the Senate to pass this legislation. (Applause.)

Good jobs depend on sound tax policy. (Applause.) Last year, some in this hall thought my tax relief plan was too small, some thought it was too big. (Applause.) But when the checks arrived in the mail, most Americans thought tax relief was just about right. (Applause.) Congress listened to the people and responded by reducing tax rates, doubling the child credit, and ending the death tax. For the sake of long-term growth and to help Americans plan for the future, let’s make these tax cuts permanent. (Applause.)

The way out of this recession, the way to create jobs, is to grow the economy by encouraging investment in factories and equipment, and by speeding up tax relief so people have more money to spend. For the sake of American workers, let’s pass a stimulus package. (Applause.)

Good jobs must be the aim of welfare reform. As we reauthorize these important reforms, we must always remember the goal is to reduce dependency on government and offer every American the dignity of a job. (Applause.)

Americans know economic security can vanish in an instant without health security. I ask Congress to join me this year to enact a patients’ bill of rights -- (applause) -- to give uninsured workers credits to help buy health coverage -- (applause) -- to approve an historic increase in the spending for veterans’ health -- (applause) -- and to give seniors a sound and modern Medicare system that includes coverage for prescription drugs. (Applause.)

A good job should lead to security in retirement. I ask Congress to enact new safeguards for 401K and pension

12/9/2005
plans. (Applause.) Employees who have worked hard and saved all their lives should not have to risk losing everything if their company fails. (Applause.) Through stricter accounting standards and tougher disclosure requirements, corporate America must be made more accountable to employees and shareholders and held to the highest standards of conduct. (Applause.)

Retirement security also depends upon keeping the commitments of Social Security, and we will. We must make Social Security financially stable and allow personal retirement accounts for younger workers who choose them. (Applause.)

Members, you and I will work together in the months ahead on other issues: productive farm policy -- (applause) -- a cleaner environment, -- (applause) -- broader home ownership, especially among minorities -- (applause) -- and ways to encourage the good work of charities and faith-based groups. (Applause.) I ask you to join me on these important domestic issues in the same spirit of cooperation we've applied to our war against terrorism. (Applause.)

During these last few months, I've been humbled and privileged to see the true character of this country in a time of testing. Our enemies believed America was weak and materialistic, that we would splinter in fear and selfishness. They were as wrong as they are evil. (Applause.)

The American people have responded magnificently, with courage and compassion, strength and resolve. As I have met the heroes, hugged the families, and looked into the tired faces of rescuers, I have stood in awe of the American people.

And I hope you will join me -- I hope you will join me in expressing thanks to one American for the strength and calm and comfort she brings to our nation in crisis, our First Lady, Laura Bush. (Applause.)

None of us would ever wish the evil that was done on September the 11th. Yet after America was attacked, it was as if our entire country looked into a mirror and saw our better selves. We were reminded that we are citizens, with obligations to each other, to our country, and to history. We began to think less of the goods we can accumulate, and more about the good we can do.

For too long our culture has said, "If it feels good, do it." Now America is embracing a new ethic and a new creed: "Let's roll." (Applause.) In the sacrifice of soldiers, the fierce brotherhood of firefighters, and the bravery and generosity of ordinary citizens, we have glimpsed what a new culture of responsibility could look like. We want to be a nation that serves goals larger than self. We've been offered a unique opportunity, and we must not let this moment pass. (Applause.)

My call tonight is for every American to commit at least two years -- 4,000 hours over the rest of your lifetime -- to the service of your neighbors and your nation. (Applause.) Many are already serving, and I thank you. If you aren't sure how to help, I've got a good place to start. To sustain and extend the best that has emerged in America, I invite you to join the new USA Freedom Corps. The Freedom Corps will focus on three areas of need: responding in case of crisis at home; rebuilding our communities; and extending American compassion throughout the world.

One purpose of the USA Freedom Corps will be homeland security. America needs retired doctors and nurses who can be mobilized in major emergencies; volunteers to help police and fire departments; transportation and utility workers well-trained in spotting danger.

Our country also needs citizens working to rebuild our communities. We need mentors to love children, especially children whose parents are in prison. And we need more talented teachers in troubled schools. USA Freedom Corps will expand and improve the good efforts of AmeriCorps and Senior Corps to recruit more than 200,000 new volunteers.

And America needs citizens to extend the compassion of our country to every part of the world. So we will renew the promise of the Peace Corps, double its volunteers over the next five years -- (applause) -- and ask it to join a new effort to encourage development and education and opportunity in the Islamic world. (Applause.)


12/9/2005
This time of adversity offers a unique moment of opportunity -- a moment we must seize to change our culture. Through the gathering momentum of millions of acts of service and decency and kindness, I know we can overcome evil with greater good. (Applause.) And we have a great opportunity during this time of war to lead the world toward the values that will bring lasting peace.

All fathers and mothers, in all societies, want their children to be educated, and live free from poverty and violence. No people on Earth yearn to be oppressed, or aspire to servitude, or eagerly await the midnight knock of the secret police.

If anyone doubts this, let them look to Afghanistan, where the Islamic "street" greeted the fall of tyranny with song and celebration. Let the skeptics look to Islam's own rich history, with its centuries of learning, and tolerance and progress. America will lead by defending liberty and justice because they are right and true and unchanging for all people everywhere. (Applause.)

No nation owns these aspirations, and no nation is exempt from them. We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; respect for women; private property; free speech; equal justice; and religious tolerance. (Applause.)

America will take the side of brave men and women who advocate these values around the world, including the Islamic world, because we have a greater objective than eliminating threats and containing resentment. We seek a just and peaceful world beyond the war on terror.

In this moment of opportunity, a common danger is erasing old rivalries. America is working with Russia and China and India, in ways we have never before, to achieve peace and prosperity. In every region, free markets and free trade and free societies are proving their power to lift lives. Together with friends and allies from Europe to Asia, and Africa to Latin America, we will demonstrate that the forces of terror cannot stop the momentum of freedom. (Applause.)

The last time I spoke here, I expressed the hope that life would return to normal. In some ways, it has. In others, it never will. Those of us who have lived through these challenging times have been changed by them. We've come to know truths that we will never question: evil is real, and it must be opposed. (Applause.) Beyond all differences of race or creed, we are one country, mourning together and facing danger together. Deep in the American character, there is honor, and it is stronger than cynicism. And many have discovered again that even in tragedy -- especially in tragedy -- God is near. (Applause.)

In a single instant, we realized that this will be a decisive decade in the history of liberty, that we've been called to a unique role in human events. Rarely has the world faced a choice more clear or consequential.

Our enemies send other people's children on missions of suicide and murder. They embrace tyranny and death as a cause and a creed. We stand for a different choice, made long ago, on the day of our founding. We affirm it again today. We choose freedom and the dignity of every life. (Applause.)

Steadfast in our purpose, we now press on. We have known freedom's price. We have shown freedom's power. And in this great conflict, my fellow Americans, we will see freedom's victory.

Thank you all. May God bless. (Applause.)

END 10:03 P.M. EST

Return to this article at: http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html

Click to Print this document

President Bush Delivers Graduation Speech at West Point
United States Military Academy
West Point, New York

9:13 A.M. EDT

THE PRESIDENT: Thank you very much, General Llennox. Mr. Secretary, Governor Pataki, members of the United States Congress, Academy staff and faculty, distinguished guests, proud family members, and graduates. I want to thank you for your welcome. Laura and I are especially honored to visit this great institution in your bicentennial year.

In every corner of America, the words "West Point" command immediate respect. This place where the Hudson River bends is more than a fine institution of learning. The United States Military Academy is the guardian of values that have shaped the soldiers who have shaped the history of the world.

A few of you have followed in the path of the perfect West Point graduate, Robert E. Lee, who never received a single demerit in four years. Some of you followed in the path of the imperfect graduate, Ulysses S. Grant, who had his fair share of demerits, and said the happiest day of his life was "the day I left West Point." (Laughter.) During my college years I guess you could say I was -- (laughter.) During my college years I guess you could say I was a Grant man. (Laughter.)

You walk in the tradition of Eisenhower and MacArthur, Patton and Bradley -- the commanders who saved a civilization. And you walk in the tradition of second lieutenants who did the same, by fighting and dying on distant battlefields.

Graduates of this academy have brought creativity and courage to every field of endeavor. West Point produced the chief engineer of the Panama Canal, the mind behind the Manhattan Project, the first American to walk in space. This fine institution gave us the man they say invented baseball, and other young men over the years who perfected the game of football.

You know this, but many in America don't -- George C. Marshall, a VMI graduate, is said to have given this order: "I want an officer for a secret and dangerous mission. I want a West Point football player." (Applause.)

As you leave here today, I know there's one thing you'll never miss about this place: Being a plebe. (Applause.) But even a plebe at West Point is made to feel he or she has some standing in the world. (Laughter.) I'm told that plebes, when asked whom they outrank, are required to answer this: "Sir, the Superintendent's dog -- (laughter) -- the Commandant's cat, and all the admirals in the whole damn Navy." (Applause.) I probably won't be sharing that with the Secretary of the Navy. (Laughter.)

West Point is guided by tradition, and in honor of the "Golden Children of the Corps," -- (applause) -- I will observe one of the traditions you cherish most. As the Commander-in-Chief, I hereby grant amnesty to all cadets who are on restriction for minor conduct offenses. (Applause.) Those of you in the end zone might have cheered a little early. (Laughter.) Because, you see, I'm going to let General Llennox define exactly what "minor" means. (Laughter.)

Every West Point class is commissioned to the Armed Forces. Some West Point classes are also commissioned by history, to take part in a great new calling for their country. Speaking here to the class of 1942 -- six months after Pearl Harbor -- General Marshall said, "We're determined that before the sun sets on this terrible struggle, our flag will be recognized throughout the world as a symbol of freedom on the one hand, and of overwhelming


12/9/2005
power on the other." (Applause.)

Officers graduating this year helped fulfill that mission, defeating Japan and Germany, and then reconstructing those nations as allies. West Point graduates of the 1940s saw the rise of a deadly new challenge -- the challenge of imperial communism -- and opposed it from Korea to Berlin, to Vietnam, and in the Cold War, from beginning to end. And as the sun set on their struggle, many of those West Point officers lived to see a world transformed.

History has also issued its call to your generation. In your last year, America was attacked by a ruthless and resourceful enemy. You graduate from this Academy in a time of war, taking your place in an American military that is powerful and is honorable. Our war on terror is only begun, but in Afghanistan it was begun well. (Applause.)

I am proud of the men and women who have fought on my orders. America is profoundly grateful for all who serve the cause of freedom, and for all who have given their lives in its defense. This nation respects and trusts our military, and we are confident in your victories to come. (Applause.)

This war will take many turns we cannot predict. Yet I am certain of this: Wherever we carry it, the American flag will stand not only for our power, but for freedom. (Applause.) Our nation's cause has always been larger than our nation's defense. We fight, as we always fight, for a just peace -- a peace that favors human liberty. We will defend the peace against threats from terrorists and tyrants. We will preserve the peace by building good relations among the great powers. And we will extend the peace by encouraging free and open societies on every continent.

Building this just peace is America's opportunity, and America's duty. From this day forward, it is your challenge, as well, and we will meet this challenge together. (Applause.) You will wear the uniform of a great and unique country. America has no empire to extend or utopia to establish. We wish for others only what we wish for ourselves -- safety from violence, the rewards of liberty, and the hope for a better life.

In defending the peace, we face a threat with no precedent. Enemies in the past needed great armies and great industrial capabilities to endanger the American people and our nation. The attacks of September the 11th required a few hundred thousand dollars in the hands of a few dozen evil and deluded men. All of the chaos and suffering they caused came at much less than the cost of a single tank. The dangers have not passed. This government and the American people are on watch, we are ready, because we know the terrorists have more money and more men and more plans.

The gravest danger to freedom lies at the perilous crossroads of radicalism and technology. When the spread of chemical and biological and nuclear weapons, along with ballistic missile technology -- when that occurs, even weak states and small groups could attain a catastrophic power to strike great nations. Our enemies have declared this very intention, and have been caught seeking these terrible weapons. They want the capability to blackmail us, or to harm us, or to harm our friends -- and we will oppose them with all our power. (Applause.)

For much of the last century, America's defense relied on the Cold War doctrines of deterrence and containment. In some cases, those strategies still apply. But new threats also require new thinking. Deterrence -- the promise of massive retaliation against nations -- means nothing against shadowy terrorist networks with no nation or citizens to defend. Containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies.

We cannot defend America and our friends by hoping for the best. We cannot put our faith in the word of tyrants, who solemnly sign non-proliferation treaties, and then systematically break them. If we wait for threats to fully materialize, we will have waited too long. (Applause.)

Homeland defense and missile defense are part of stronger security, and they're essential priorities for America. Yet the war on terror will not be won on the defensive. We must take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge. (Applause.) In the world we have entered, the only path to safety is the path of action. And this nation will act. (Applause.)

Our security will require the best intelligence, to reveal threats hidden in caves and growing in laboratories. Our security will require modernizing domestic agencies such as the FBI, so they're prepared to act, and act quickly,
against danger. Our security will require transforming the military you will lead -- a military that must be ready to strike at a moment’s notice in any dark corner of the world. And our security will require all Americans to be forward-looking and vigilant, and ready for preemptive action when necessary to defend our liberty and to defend our lives. (Applause.)

The work ahead is difficult. The choices we will face are complex. We must uncover terror cells in 60 or more countries, using every tool of finance, intelligence and law enforcement. Along with our friends and allies, we must oppose proliferation and confront regimes that sponsor terror, as each case requires. Some nations need military training to fight terror, and we’ll provide it. Other nations oppose terror, but tolerate the hatred that leads to terror - - and that must change. (Applause.) We will send diplomats where they are needed, and we will send you, our soldiers, where you’re needed. (Applause.)

All nations that decide for aggression and terror will pay a price. We will not leave the safety of America and the peace of the planet at the mercy of a few mad terrorists and tyrants. (Applause.) We will lift this dark threat from our country and from the world.

Because the war on terror will require resolve and patience, it will also require firm moral purpose. In this way our struggle is similar to the Cold War. Now, as then, our enemies are totalitarian, holding a creed of power with no place for human dignity. Now, as then, they seek to impose a joyless conformity, to control every life and all of life.

America confronted imperial communism in many different ways -- diplomatic, economic, and military. Yet moral clarity was essential to our victory in the Cold War. When leaders like John F. Kennedy and Ronald Reagan refused to gloss over the brutality of tyrants, they gave hope to prisoners and dissidents and exiles, and rallied free nations to a great cause.

Some worry that it is somehow undiplomatic or impolite to speak the language of right and wrong. I disagree. (Applause.) Different circumstances require different methods, but not different moralities. (Applause.) Moral truth is the same in every culture, in every time, and in every place. Targeting innocent civilians for murder is always and everywhere wrong. (Applause.) Brutality against women is always and everywhere wrong. (Applause.) There can be no neutrality between justice and cruelty, between the innocent and the guilty. We are in a conflict between good and evil, and America will call evil by its name. (Applause.) By confronting evil and lawless regimes, we do not create a problem, we reveal a problem. And we will lead the world in opposing it. (Applause.)

As we defend the peace, we also have an historic opportunity to preserve the peace. We have our chance since the rise of the nation state in the 17th century to build a world where the great powers compete in peace instead of preparing for war. The history of the last century, in particular, was dominated by a series of destructive national rivalries that left battlefields and graveyards across the Earth. Germany fought France, the Axis fought the Allies, and then the East fought the West, in proxy wars and tense standoffs, against a backdrop of nuclear Armageddon.

Competition between great nations is inevitable, but armed conflict in our world is not. More and more, civilized nations find ourselves on the same side -- united by common dangers of terrorist violence and chaos. America has, and intends to keep, military strengths beyond challenge -- (applause) -- thereby, making the destabilizing arms races of other eras pointless, and limiting rivalries to trade and other pursuits of peace.

Today the great powers are also increasingly united by common values, instead of divided by conflicting ideologies. The United States, Japan and our Pacific friends, and now all of Europe, share a deep commitment to human freedom, embodied in strong alliances such as NATO. And the tide of liberty is rising in many other nations.

Generations of West Point officers planned and practiced for battles with Soviet Russia. I’ve just returned from a new Russia, now a country reaching toward democracy, and our partner in the war against terror. (Applause.) Even in China, leaders are discovering that economic freedom is the only lasting source of national wealth. In time, they will find that social and political freedom is the only true source of national greatness. (Applause.)

When the great powers share common values, we are better able to confront serious regional conflicts together, better able to cooperate in preventing the spread of violence or economic chaos. In the past, great power rivals took sides in difficult regional problems, making divisions deeper and more complicated. Today, from the Middle

East to South Asia, we are gathering broad international coalitions to increase the pressure for peace. We must build strong and great power relations when times are good; to help manage crises when times are bad. America needs partners to preserve the peace, and we will work with every nation that shares this noble goal. (Applause.)

And finally, America stands for more than the absence of war. We have a great opportunity to extend a just peace, by replacing poverty, repression, and resentment around the world with hope of a better day. Through respect for human dignity, America is persistent, inescapable, and almost universal. In the last few decades, we've seen nations from Chile to South Korea build modern economies and freer societies, lifting millions of people out of despair and want. And there's no mystery to this achievement.

The 20th century ended with a single surviving model of human progress, based on non-negotiable demands of human dignity, the rule of law, limits on the power of the state, respect for women and private property and free speech and equal justice and religious tolerance. America cannot impose this vision — yet we can support and reward governments that make the right choices for their own people. In our development aid, in our diplomatic efforts, in our international broadcasting, and in our educational assistance, the United States will promote moderation and tolerance and human rights. And we will defend the peace that makes all progress possible.

When it comes to the common rights and needs of men and women, there is no clash of civilizations. The requirements of freedom apply fully to Africa and Latin America and the entire Islamic world. The peoples of the Islamic nations want and deserve the same freedoms and opportunities as people in every nation. And their governments should listen to their hopes. (Applause.)

A truly strong nation will permit legions of dissent for all groups that pursue their aspirations without violence. An advancing nation will pursue economic reform, to unleash the great entrepreneurial energy of its people. A thriving nation will respect the rights of women, because no society can prosper while denying opportunity to half its citizens. Mothers and fathers and children across the Islamic world, and all the world, share the same fears and aspirations. In poverty, they struggle. In tyranny, they suffer. And as we saw in Afghanistan, in liberation they celebrate. (Applause.)

America has a greater objective than controlling threats and containing resentment. We will work for a just and peaceful world free of war on terror.

The bicentennial class of West Point now enters this drama. With all in the United States Army, you will stand between your fellow citizens and grave danger. You will help establish a peace that allows millions around the world to live in liberty and to grow in prosperity. You will face times of calm, and times of crisis. And every test will find you prepared — because you're the men and women of West Point. (Applause.) You leave here marked by the character of this Academy, carrying with you the highest ideals of our nation.

Toward the end of his life, Dwight Eisenhower recalled the first day he stood on the plain at West Point. "The feeling came over me," he said, "that the expression 'the United States of America' would now and henceforth mean something different than it had ever before. From here on, it would be the nation I would be serving, not myself."

Today, your last day at West Point, you begin a life of service in a career unlike any other. You've answered a calling to hardship and purpose, to risk and honor. At the end of every day you will know that you have faithfully done your duty. May you always bring to that duty the high standards of this great American institution. May you always be worthy of the long gray line that stretches two centuries behind you.

On behalf of the nation, I congratulate each one of you for the commission you've earned and for the credit you bring to the United States of America. May God bless you all. (Applause.)

END 10:05 A.M. EDT

Return to this article at: http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html

President's Remarks at the United Nations General Assembly
Remarks by the President in Address to the United Nations General Assembly
New York, New York

10:39 A.M. EDT

THE PRESIDENT: Mr. Secretary General, Mr. President, distinguished delegates, and ladies and gentlemen: We meet one year and one day after a terrorist attack brought grief to my country, and brought grief to many citizens of our world. Yesterday, we remembered the innocent lives taken that terrible morning. Today, we turn to the urgent duty of protecting other lives, without illusion and without fear.

We've accomplished much in the last year -- in Afghanistan and beyond. We have much yet to do -- in Afghanistan and beyond. Many nations represented here have joined in the fight against global terror, and the people of the United States are grateful.

The United Nations was born in the hope that survived a world war -- the hope of a world moving toward justice, escaping old patterns of conflict and fear. The founding members resolved that the peace of the world must never again be destroyed by the will and wickedness of any man. We created the United Nations Security Council, so that, unlike the League of Nations, our deliberations would be more than talk, our resolutions would be more than wishes. After generations of deceit, dictators and broken treaties and squandered lives, we dedicated ourselves to standards of human dignity shared by all, and to a system of security defended by all.

Today, these standards, and this security, are challenged. Our commitment to human dignity is challenged by persistent poverty and raging disease. The suffering is great, and our responsibilities are clear. The United States is joining with the world to supply aid where it reaches people and lifts up lives, to extend trade and the prosperity it brings, and to bring medical care where it is desperately needed.

As a symbol of our commitment to human dignity, the United States will return to UNESCO. (Applause.) This organization has been reformed and America will participate fully in its mission to advance human rights and tolerance and learning.

Our common security is challenged by regional conflicts -- ethnic and religious strife that is ancient, but not inevitable. In the Middle East, there can be no peace for either side without freedom for both sides. America stands committed to an independent and democratic Palestine, living side by side with Israel in peace and security. Like all other people, Palestinians deserve a government that serves their interests and listens to their voices. My nation will continue to encourage all parties to step up to their responsibilities as we seek a just and comprehensive settlement to the conflict.

Above all, our principles and our security are challenged today by outlaw groups and regimes that accept no law of morality and have no limit to their violent ambitions. In the attacks on America a year ago, we saw the destructive intentions of our enemies. This threat hides within many nations, including my own. In cells and camps, terrorists are plotting further destruction, and building new bases for their war against civilization. And our greatest fear is that terrorists will find a shortcut to their mad ambitions when an outlaw regime supplies them with the technologies to kill on a massive scale.

In one place -- in one regime -- we find all these dangers, in their most lethal and aggressive forms, exactly the


12/9/2005
kinds of aggressive threat the United Nations was born to confront.

Twelve years ago, Iraq invaded Kuwait without provocation. And the regime's forces were poised to continue their march to seize other countries and their resources. Had Saddam Hussein been appeased instead of stopped, he would have endangered the peace and stability of the world. Yet this aggression was stopped – by the might of coalition forces and the will of the United Nations.

To suspend hostilities, to spare himself, Iraq's dictator accepted a series of commitments. The terms were clear, to him and to the world. And he agreed to prove he is complying with every one of those obligations.

He has proven instead only his contempt for the United Nations, and for all his pledges. By breaking every pledge -- by his deceptions, and by his cruelties -- Saddam Hussein has made the case against himself.

In 1991, Security Council Resolution 688 demanded that the Iraq regime cease at once the repression of its own people, including the systematic repression of minorities -- which the Council said, threatened international peace and security in the region. This demand goes ignored.

Last year, the U.N. Commission on Human Rights found that Iraq continues to commit extremely grave violations of human rights, and that the regime's repression is all pervasive. Tens of thousands of political opponents and ordinary citizens have been subjected to arbitrary arrest and imprisonment, summary execution, and torture by beating and burning, electric shock, starvation, mutilation, and rape. Wives are tortured in front of their husbands, children in the presence of their parents -- and all of these horrors concealed from the world by the apparatus of a totalitarian state.

In 1991, the U.N. Security Council, through Resolution 686 and 687, demanded that Iraq return all prisoners from Kuwait and other lands. Iraq's regime agreed. It broke its promise. Last year the Secretary General's high- level coordinator for this issue reported that Kuwait, Saudi, Indian, Syrian, Lebanese, Iranian, Egyptian, Bahraini, and Omani nationals remain unaccounted for -- more than 600 people. One American pilot is among them.

In 1991, the U.N. Security Council, through Resolution 687, demanded that Iraq renounce all involvement with terrorism, and permit no terrorist organizations to operate in Iraq. Iraq's regime agreed. It broke this promise. In violation of Security Council Resolution 1373, Iraq continues to shelter and support terrorist organizations that direct violence against Iran, Israel, and Western governments. Iraqi dissidents abroad are targeted for murder. In 1993, Iraq attempted to assassinate the Emir of Kuwait and a former American President. Iraq's government openly praised the attacks of September the 11th. And al Qaeda terrorists escaped from Afghanistan and are known to be in Iraq.

In 1991, the Iraq regime agreed to destroy and stop developing all weapons of mass destruction and long-range missiles, and to prove to the world it has done so by complying with rigorous inspections. Iraq has broken every aspect of this fundamental pledge.

From 1991 to 1995, the Iraqi regime said it had no biological weapons. After a senior official in its weapons program defected and exposed this lie, the regime admitted to producing tens of thousands of liters of anthrax and other deadly biological agents for use with Scud warheads, aerial bombs, and aircraft spray tanks. U.N. inspectors believe Iraq has produced two to four times the amount of biological agents it declared, and has failed to account for more than three metric tons of material that could be used to produce biological weapons. Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons.

United Nations' inspections also revealed that Iraq likely maintains stockpiles of VX, mustard and other chemical agents, and that the regime is rebuilding and expanding facilities capable of producing chemical weapons.

And in 1995, after four years of deception, Iraq finally admitted it had a crash nuclear weapons program prior to the Gulf War. We know now, were it not for that war, the regime in Iraq would likely have possessed a nuclear weapon no later than 1993.

Today, Iraq continues to withhold important information about its nuclear program -- weapons design, procurement logs, experiment data, an accounting of nuclear materials and documentation of foreign assistance.


12/9/2005
Iraq employs capable nuclear scientists and technicians. It retains physical infrastructure needed to build a nuclear weapon. Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon. Should Iraq acquire fissile material, it would be able to build a nuclear weapon within a year. And Iraq's state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

Iraq also possesses a force of Scud-type missiles with ranges beyond the 150 kilometers permitted by the UN. Work at testing and production facilities shows that Iraq is building more long-range missiles that it can inflict mass death throughout the region.

In 1990, after Iraq's invasion of Kuwait, the world imposed economic sanctions on Iraq. Those sanctions were maintained after the war to compel the regime's compliance with Security Council resolutions. In time, Iraq was allowed to use oil revenues to buy food. Saddam Hussein has subverted this program, working around the sanctions to buy missile technology and military materials. He blames the suffering of Iraq's people on the United Nations, even as he uses his oil wealth to build lavish palaces for himself, and to buy arms for his country. By refusing to comply with his own agreements, he bears full guilt for the hunger and misery of innocent Iraqi citizens.

In 1991, Iraq promised U.N. inspectors immediate and unrestricted access to verify Iraq's commitment to rid itself of weapons of mass destruction and long-range missiles. Iraq broke this promise, spending seven years deceiving, evading, and harassing U.N. inspectors before ceasing cooperation entirely. Just months after the 1991 cease-fire, the Security Council twice renewed its demand that the Iraqi regime cooperate fully with inspectors, condemning Iraq's serious violations of its obligations. The Security Council again renewed that demand in 1994, and twice more in 1996, deploring Iraq's clear violations of its obligations. The Security Council renewed its demand three more times in 1997, citing flagrant violations; and three more times in 1998, calling Iraq's behavior totally unacceptable. And in 1999, the demand was renewed yet again.

As we meet today, it's been almost four years since the last U.N. inspectors set foot in Iraq, four years for the Iraqi regime to plan, and to build, and to test behind the cloak of secrecy.

We know that Saddam Hussein pursued weapons of mass murder even when inspectors were in his country. Are we to assume that he stopped when they left? The history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume this regime's good faith is to bet the lives of millions and the peace of the world in a reckless gamble. And this is a risk we must not take.

Delegates to the General Assembly, we have been more than patient. We've tried sanctions. We've tried the carrot of oil for food, and the stick of coalition military strikes. But Saddam Hussein has defied all these efforts and continues to develop weapons of mass destruction. The first time we may be completely certain he has a -- nuclear weapon is when. The nuclear weapon is when. He forbids, he uses one. We owe it to all our citizens to do everything in our power to prevent that day from coming.

The conduct of the Iraqi regime is a threat to the authority of the United Nations, and a threat to peace. Iraq has answered a decade of U.N. demands with a decade of defiance. All the world now faces a test, and the United Nations a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?

The United States helped found the United Nations. We want the United Nations to be effective, and respectful, and successful. We want the resolutions of the world's most important multilateral body to be enforced. And right now those resolutions are being unilaterally subverted by the Iraqi regime. Our partnership of nations can meet the test before us, by making clear what we now expect of the Iraqi regime.

If the Iraqi regime wishes peace, it will immediately and unconditionally forswear, disclose, and remove or destroy all weapons of mass destruction, long-range missiles, and all related material.

If the Iraqi regime wishes peace, it will immediately end all support for terrorism and act to suppress it, as all states are required to do by U.N. Security Council resolutions.


12/9/2005
If the Iraqi regime wishes peace, it will cease persecution of its civilian population, including Shi'a, Sunnis, Kurds, Turkomans, and others, again as required by Security Council resolutions.

If the Iraqi regime wishes peace, it will release or account for all Gulf War personnel whose fate is still unknown. It will return the remains of any who are deceased, return stolen property, accept liability for losses resulting from the invasion of Kuwait, and fully cooperate with international efforts to resolve these issues, as required by Security Council resolutions.

If the Iraqi regime wishes peace, it will immediately end all illicit trade outside the oil-for-food program. It will accept U.N. administration of funds from that program, to ensure that the money is used fairly and promptly for the benefit of the Iraqi people.

If all these steps are taken, it will signal a new openness and accountability in Iraq. And it could open the prospect of the United Nations helping to build a government that represents all Iraqis — a government based on respect for human rights, economic liberty, and internationally supervised elections.

The United States has no quarrel with the Iraqi people; they've suffered too long in silent captivity. Liberty for the Iraqi people is a great moral cause, and a great strategic goal. The people of Iraq deserve it; the security of all nations requires it. Free societies do not immerse through cruelty and conquest, and open societies do not threaten the world with mass murder. The United States supports political and economic liberty in a unified Iraq.

We can harbor no illusions — and that's important today to remember, Saddam Hussein attacked Iran in 1980 and Kuwait in 1990. He's fired ballistic missiles at Iran and Saudi Arabia, Bahrain, and Israel. His regime once ordered the killing of every person between the ages of 15 and 70 in certain Kurdish villages in northern Iraq. He has gassed many Iranians, and 40 Iraqi villages.

My nation will work with the U.N. Security Council to meet our common challenge. If Iraq's regime defies us again, the world must move deliberately, decisively to hold Iraq to account. We will work with the U.N. Security Council for the necessary resolutions. But the purposes of the United States should not be doubted. The Security Council resolutions will be enforced — the just demands of peace and security will be met — or action will be unavoidable. And a regime that has lost its legitimacy will also lose its power.

Events can turn in one of two ways: If we fail to act in the face of danger, the people of Iraq will continue to live in brutal submission. The regime will have new power to bully and dominate and conquer its neighbors, condemning the Middle East to more years of bloodshed and fear. The regime will remain unstable -- the region will remain unstable, with little hope of freedom, and isolated from the progress of our times. With every step the Iraqi regime takes toward gaining and deploying the most terrible weapons, our own options to confront that regime will narrow. And if an emboldened regime were to supply these weapons to terrorist allies, then the attacks of September the 11th would be a prelude to far greater horrors.

If we meet our responsibilities, if we overcome this danger, we can arrive at a very different future. The people of Iraq can shake off their captivity. They can one day join a democratic Afghanistan and a democratic Palestine, inspiring reforms throughout the Muslim world. These nations can show by their example that honest government, and respect for women, and the great Islamic tradition of learning can triumph in the Middle East and beyond. And we will show that the promise of the United Nations can be fulfilled in our time.

Neither of these outcomes is certain. Both have been set before us. We must choose between a world of fear and a world of progress. We cannot stand by and do nothing while dangers gather. We must stand up for our security, and for the permanent rights and the hopes of mankind. By heritage and by choice, the United States of America will make that stand. And, delegates to the United Nations, you have the power to make that stand, as well.

Thank you very much. (Applause.)

END 11:04 A.M. EDT

President Outlines Strategy for Victory in Iraq

United States Naval Academy
Annapolis, Maryland

National Strategy for Victory in Iraq
Fast Track: Training Iraqi Security Forces
In Focus: National Security

9:45 A.M. EST

THE PRESIDENT: Thank you. Thanks, please be seated. Please be seated. Thanks for the warm welcome. It's good to be back at the Naval Academy. I'm pleased to provide a convenient excuse for you to miss class. (Applause.)

This is the first year that every class of midshipmen at this Academy arrived after the attacks of September the 11th, 2001. Each of you has volunteered to wear our nation's uniform in a time of war -- knowing all the risks and dangers that accompany military service. Our citizens are grateful for your devotion to duty -- and America is proud of the men and women of the United States Naval Academy. (Applause.)

I thank Admiral Rempt for his invitation for me to come and give this speech. I appreciate Admiral Mike Mullen. I'm traveling today with a man who's done a fine job as the Secretary of Defense -- Secretary of Defense Donald Rumsfeld. (Applause.) Navy aviator, Don Rumsfeld. (Applause.) I'm proud that the Governor of the great state of Maryland, Bob Ehrlich, and his wife, Kendel, is with us. Thanks for being here, Governor. (Applause.)

I so appreciate that members of the United States Congress have joined us, starting with the Chairman of the Senate Armed Services Committee, Senator John Warner of the state of Virginia. (Applause.) Former Secretary of the United States Navy, I might add. (Applause.) Chairman of the House Permanent Select Committee on Intelligence, Congressman Pete Hoekstra. (Applause.) From the state of Arizona, Congressman John Shadegg. (Applause.) And from the state of Indiana, Congressman Mike Pence. (Applause.) I'm honored you all came, thanks for being here.

I appreciate the Mayor of the city of Annapolis, Mayor Ellen Moyer, joining us. I want to thank all the state and local officials. I want to thank the faculty members here. Thank you all for letting me come by. (Applause.)

Six months ago, I came here to address the graduating class of 2005. I spoke to them about the importance of their service in the first war of the 21st century -- the global war on terror. I told the class of 2005 that four years at this Academy had prepared them morally, mentally and physically for the challenges ahead. And now they're meeting those challenges as officers in the United States Navy and Marine Corps.

Some of your former classmates are training with Navy SEAL teams that will storm terrorist safe houses in lightning raids. Others are preparing to lead Marine rifle platoons that will hunt the enemy in the mountains of Afghanistan and the streets of Iraqi cities. Others are training as naval aviators who will fly combat missions over the skies of Afghanistan and Iraq and elsewhere. Still others are training as sailors and submariners who will deliver the combat power of the United States to the farthest regions of the world -- and deliver compassionate...
assistance to those suffering from natural disasters. Whatever their chosen mission, every graduate of the class of 2005 is bringing honor to the uniform — and helping to bring us victory in the war on terror. (Applause.)

In the years ahead, you'll join them in the fight. Your service is needed, because our nation is engaged in a war that is being fought on many fronts — from the streets of Western cities, to the mountains of Afghanistan, the islands of Southeast Asia and the Horn of Africa. This war is going to take many turns, and the enemy must be defeated on every battlefield. Yet the terrorists have made it clear that Iraq is the central front in their war against humanity; and so we must recognize Iraq as the central front in the war on terror.

As we fight the enemy in Iraq, every man and woman who volunteers to defend our nation deserves an unwavering commitment to the mission — and a clear strategy for victory. A clear strategy begins with a clear understanding of the enemy we face. The enemy in Iraq is a combination of reactionaries, Saddamists and terrorists. The reactionaries are by far the largest group. These are ordinary Iraqis, mostly Sunni Arabs, who miss the privileged status they had under the regime of Saddam Hussein — and they reject an Iraq in which they are no longer the dominant group.

Not all Sunnis fall into the reactionist camp. Of those that do, most are not actively fighting us — but some give aid and comfort to the enemy. Many Sunnis boycotted the January elections — yet as democracy takes hold in Iraq, they are recognizing that opting out of the democratic process has hurt their interests. And today, those who advocate violent opposition are being increasingly isolated by Sunnis who choose peaceful participation in the democratic process. Sunnis voted in the recent constitutional referendum in large numbers — and Sunni coalitions have formed to compete in next month's elections — or, this month's elections. We believe that, over time, most reactionists will be persuaded to support a democratic Iraq led by a federal government that is a strong enough government to protect minority rights.

The second group that makes up the enemy in Iraq is smaller, but more determined. It contains former regime loyalists who held positions of power under Saddam Hussein — people who still harbor dreams of returning to power. They're hard-core Saddamists are trying to foment anti-democratic sentiment amongst the larger Sunni community. They lack popular support and therefore cannot stop Iraq's democratic progress. And over time, they can be marginalized and defeated by the Iraqi people and the security forces of a free Iraq.

The third group is the smallest, but the most lethal: the terrorists affiliated with or inspired by al Qaeda. Many are foreigners who are coming to fight freedom's progress in Iraq. This group includes terrorists from Saudi Arabia, and Syria, and Iran, and Egypt, and Sudan, and Yemen, and Libya, and other countries. Our commanders believe they are responsible for most of the suicide bombings, and the beheadings, and the other atrocities we see on our television.

They're led by a brutal terrorist named Zarqawi — al Qaeda's chief of operations in Iraq — who has pledged his allegiance to Osama bin Laden. Their objective is to drive the United States and coalition forces out of Iraq, and use the vacuum that would be created by an American retreat to gain control of that country. They would then use Iraq as a base from which to launch attacks against America, and overthrow moderate governments in the Middle East, and try to establish a totalitarian Islamic empire that reaches from Indonesia to Spain. That's their stated objective. That's what their leadership has said.

These terrorists have nothing to offer the Iraqi people. All they have is the capacity and the willingness to kill the innocent and create chaos for the cameras. They are trying to shake our will to achieve their stated objectives. They will fail. America's will is strong. And they will fail because the will to power is no match for the universal desire to live in liberty. (Applause.)

The terrorists in Iraq share the same ideology as the terrorists who struck the United States on September the 11th. Those terrorists share the same ideology with those who blew up commuters in London and Madrid,


12/9/2005
murdered tourists in Bali, workers in Riyadh, and guests at a wedding in Amman, Jordan. Just last week, they massacred Iraqi children and their parents at a toy give-away outside an Iraqi hospital.

This is an enemy without conscience -- and they cannot be appeased. If we were not fighting and destroying this enemy in Iraq, they would not be idle. They would be plotting and killing Americans across the world and within our own borders. By fighting these terrorists in Iraq, Americans in uniform are defeating a direct threat to the American people. Against this adversary, there is only one effective response: We will never back down. We will never give in. And we will never accept anything less than complete victory. (Applause.)

To achieve victory over such enemies, we are pursuing a comprehensive strategy in Iraq. Americans should have a clear understanding of this strategy -- how we look at the war, how we see the enemy, how we define victory, and what we're doing to achieve it. So today, we’re releasing a document called the "National Strategy for Victory in Iraq." This is an unclassified version of the strategy we’ve been pursuing in Iraq, and it is posted on the White House website -- whitehouse.gov. I urge all Americans to read it.

Our strategy in Iraq has three elements. On the political side, we know that free societies are peaceful societies, so we’re helping the Iraqis build a free society with inclusive democratic institutions that will protect the interests of all Iraqis. We’re working with the Iraqis to help them engage those who can be persuaded to join the new Iraq -- and to marginalize those who never will. On the security side, coalition and Iraqi security forces are on the offensive against the enemy, cleaning out areas controlled by the terrorists and Saddam loyalists, leaving Iraqi forces to hold territory taken from the enemy, and following up with targeted reconstruction to help Iraq rebuild their lives.

As we fight the terrorists, we’re working to build capable and effective Iraqi security forces, so they can take the lead in the fight -- and eventually take responsibility for the safety and security of their citizens without major foreign assistance.

And on the economic side, we’re helping the Iraqis rebuild their infrastructure, reform their economy, and build the prosperity that will give all Iraqis a stake in a free and peaceful Iraq. In doing all this we have involved the United Nations, other international organizations, our coalition partners, and supportive regional states in helping Iraq rebuild their future.

In the days ahead, I’ll be discussing the various pillars of our strategy in Iraq. Today, I want to speak in depth about one aspect of this strategy that will be critical to victory in Iraq -- and that’s the training of Iraqi security forces. To defeat the terrorists and marginalize the Saddamists and rejectionists, Iraqis need strong military and police forces. Iraqi troops bring knowledge and capabilities to the fight that coalition forces cannot.

Iraqis know their people, they know their language, and they know their culture -- and they know who the terrorists are. Iraqi forces are earning the trust of their countrymen -- who are willing to help them in the fight against the enemy. As the Iraqi forces grow in number, they’re helping to keep a better hold on the cities taken from the enemy. And as the Iraqi forces grow more capable, they are increasingly taking the lead in the fight against the terrorists. Our goal is to train enough Iraqi forces so they can carry the fight -- and this will take time and patience. And it’s worth the time, and it’s worth the effort -- because Iraqis and Americans share a common enemy, and when that enemy is defeated in Iraq, Americans will be safer here at home. (Applause.)

The training of the Iraqi security forces is an enormous task, and it always hasn’t gone smoothly. We all remember the reports of some Iraqi security forces running from the fight more than a year ago. Yet in the past year, Iraqi forces have made real progress. At this time last year, there were only a handful of Iraqi battalions ready for combat. Now, there are over 120 Iraqi Army and Police combat battalions in the fight against the terrorists -- typically comprised of between 350 and 600 Iraqi forces. Of these, about 80 Iraqi battalions are fighting side-by-side with coalition forces, and about 40 others are taking the lead in the fight. Most of these 40 battalions are controlling their own battle space, and conducting their own operations against the terrorists with some coalition support -- and they’re helping to turn the tide of this struggle in freedom’s favor. America and our troops are proud to stand with the brave Iraqi fighters. (Applause.)

The progress of the Iraqi forces is especially clear when the recent anti-terrorist operations in Tal Afar are compared with last year’s assault in Fallujah. In Fallujah, the assault was led by nine coalition battalions made up primarily of United States Marines and Army -- with six Iraqi battalions supporting them. The Iraqis fought and...
sustained casualties. Yet in most situations, the Iraqi role was limited to protecting the flanks of coalition forces, and securing ground that had already been cleared by our troops. This year in TAL Afar, it was a very different story.

The assault was primarily led by Iraqi security forces -- 11 Iraqi battalions, backed by five coalition battalions providing support. Many Iraqi units conducted their own anti-terrorist operations and controlled their own battle space -- hunting for enemy fighters and securing neighborhoods block-by-block. To consolidate their military success, Iraqi units stayed behind to help maintain law and order -- and reconstruction projects have been started to improve infrastructure and create jobs and provide hope.

One of the Iraqi soldiers who fought in TAL Afar was a private named Tarek Hazem. This brave Iraqi fighter says, "We're not afraid. We're here to protect our country. All we feel is motivated to kill the terrorists." Iraqi forces not only opened the city they held it. And because of the skill and courage of the Iraqi force, the citizens of TAL Afar were able to vote in October's constitutional referendum.

As Iraqi forces increasingly take the lead in the fight against the terrorists, they're also taking control of more and more Iraqi territory. At this moment, over 30 Iraqi Army battalions have assumed primary control of their own areas of responsibility. In Baghdad, Iraqi battalions have taken over major sectors of the capital -- including some of the city's toughest neighborhoods. Last year, the area around Baghdad's Halfa Street was so thick with terrorists that it earned the nickname "Purple Heart Boulevard." Then Iraqi forces took responsibility for this dangerous neighborhood -- and attacks are now down.

Our coalition has handed over roughly 90 square miles of Baghdad province to Iraqi security forces. Iraqi battalions have taken over responsibility for areas in South-Central Iraq, sectors of Southeast Iraq, sectors of Western Iraq, and sectors of North-Central Iraq. As Iraqi forces take responsibility for more of their own territory, coalition forces can concentrate on training Iraqis and hunting down high-value targets, like the terrorist Zarqawi and his associates.

We're also transferring forward operating bases to Iraqi control. Over a dozen bases in Iraq have been handed over to the Iraqi government -- including Saddam Hussein's former palace in Tikrit, which has served as the coalition headquarters in one of Iraq's most dangerous regions. From many of these bases, the Iraqi security forces are planning and executing operations against the terrorists -- and bringing security and pride to the Iraqi people.

Progress by the Iraqi security forces has come, in part, because we learned from our earlier experiences and made changes in the way we help train Iraqi troops. When our coalition first arrived, we began the process of creating an Iraqi Army to defend the country from external threats, and an Iraqi Civil Defense Corps to help provide the security within Iraq's borders. The civil defense forces did not have sufficient firepower or training -- they proved to be no match for an enemy armed with machine guns, rocket-propelled grenades, and mortars. So the approach was adjusted. Working with Iraq's leaders, we moved the civil defense forces into the Iraqi Army, we changed the way they're trained and equipped, and we focused the Army's mission on defeating those fighting against a free Iraq, whether internal or external.

Now, all Iraqi Army recruits receive about the same length of basic training as new recruits in the U.S. Army -- a five-week core course, followed by an additional three-to-seven weeks of specialized training. With coalition help, Iraqis have established schools for the Iraqi military services, an Iraqi military academy, a non-commissioned officer academy, a military police school, a bomb disposal school -- and NATO has established an Iraqi Joint Staff College. There's also an increased focus on leadership training, with professional development courses for Iraqi squad leaders and platoon sergeants and warrant officers and sergeants-major. A new generation of Iraqi officers is being trained, leaders who will lead their forces with skill -- so they can defeat the terrorists and secure their freedom.

Similar changes have taken place in the training of the Iraqi police. When our coalition first arrived, Iraqi police recruits spent too much time of their training in classroom lectures -- and they received limited training in the use of small arms. This did not adequately prepare the fight they would face. And so we changed the way the Iraqi police are trained. Now, police recruits spend more of their time outside the classroom with intensive hands-on training in anti-terrorism operations and real-world survival skills.

12/9/2005
President Outlines Strategy for Victory in Iraq

Page 5 of 8

Iraq has now six basic police academies, and one in Jordan, that together produce over 3,500 new police officers every ten weeks. The Baghdad police academy has simulation models where Iraqis train to stop IED attacks and operate roadblocks. And because Iraqi police are not just facing common criminals, they are getting live-fire training with the AK-47s.

As more and more skilled Iraqi security forces have come online, there's been another important change in the way new Iraqi units are being trained: When the training effort began, nearly all the trainers came from coalition countries. Today, the vast majority of Iraqi police and army recruits are being taught by Iraqi instructors. By training the trainers, we're helping Iraqis create an institutional capability that will allow the Iraqi forces to continue to develop and grow long after coalition forces have left Iraq.

As the training has improved, so has the quality of the recruits being trained. Even though the terrorists are targeting Iraqi police and army recruits, there is no shortage of Iraqis who are willing to risk their lives to secure the future of a free Iraq.

The efforts to include more Sunnis in the future of Iraq were given a significant boost earlier this year. More than 60 influential Sunni clerics issued a fatwa calling on young Sunnis to join the Iraqi security forces, "for the sake of preserving the souls, property and honor" of the Iraqi people. These religious leaders are helping to make the Iraqi security forces a truly national institution -- one that is able to serve, protect and defend all the Iraqi people.

Some critics dismiss this progress and point to the fact that only one Iraqi battalion has achieved complete independence from the coalition. To achieve complete independence, an Iraqi battalion must do more than fight the enemy on its own -- it must also have the ability to provide its own support elements, including logistics, airlift, intelligence, and command and control through their ministries. Not every Iraqi unit has to meet this level of capability in order for the Iraqi security forces to take the lead in the fight against the enemy. As a matter of fact, there are some battalions from NATO militaries that would not be able to meet this standard. The facts are that Iraqi units are growing more independent and more capable; they are defending their new democracy with courage and determination. They're in the fight today, and they will be in the fight for freedom tomorrow.

(Applause.)

We're also helping Iraqis build the institutions they need to support their own forces. For example, a national depot has been established north of Baghdad that is responsible for supplying the logistical needs of the ten divisions of the Iraqi Army. Regional support units and base support units have been created across the country with the mission of supplying their own warfighters. Iraqis now have a small Air Force that recently conducted its first combat airlift operations -- bringing Iraqi troops to the front in TAL Afar. The new Iraqi Navy is now helping protect the vital ports of Basra and Umm Qasr. An Iraqi military intelligence school has been established to produce skilled Iraqi intelligence analysts and collectors. By taking all these steps, we're helping the Iraqi security forces become self-supporting so they can take the fight to the enemy, and so they can sustain themselves in the fight.

Over the past two and a half years, we've faced some setbacks in standing up a capable Iraqi security force -- and their performance is still uneven in some areas. Yet many of those forces have made real gains over the past year -- and Iraqi soldiers take pride in their progress. An Iraqi first lieutenant named Shouqit describes the transformation of his unit this way: "I really think we've turned the corner here. At first, the whole country didn't take us seriously. Now things are different. Our guys are hungry to demonstrate their skill and to show the world."

Our troops in Iraq see the gains that Iraqis are making. Lieutenant Colonel Todd Wood of Richmond Hill, Georgia, is training Iraqi forces in Sadad Hussein's hometown of Tikrit. He says this about the Iraqi units he is working with: "They're pretty much ready to go on their own. What they're doing now would have been impossible a year ago ... These guys are patriots, willing to go out knowing the insurgents would like nothing better than to kill them and their families ... They're getting better, and they'll keep getting better."

Our commanders on the ground see the gains the Iraqis are making. General Marty Dempsey is the commander of the Multinational Security Transition Command. Here's what he says about the transformation of the Iraqi security forces: "It's beyond description. They are far better equipped, far better trained" than they once were. The Iraqis, General Dempsey says, are "increasingly in control of their future and their own security ... the Iraqi security forces are regaining control of the country."


12/9/2005
As the Iraqi security forces stand up, their confidence is growing and they are taking on tougher and more important missions on their own. As the Iraq security forces stand up, the confidence of the Iraqi people is growing — and Iraqis are providing the vital intelligence needed to track down the terrorists. And as the Iraqi security forces stand up, coalition forces can stand down — and when our mission of defeating the terrorists in Iraq is complete, our troops will return home to a proud nation. (Applause.)

This is a goal our Iraqi allies share. An Iraqi Army Sergeant named Abbass Abdul Jabar puts it this way: "We have to help the coalition forces as much as we can to give them a chance to go home. These guys have been helping us. (Now) we have to protect our own families." America will help the Iraqis so they can protect their families and secure their new nation. We will stay as long as necessary to complete the mission. If our military leaders tell me we need more troops, I will send them.

For example, we have increased our force levels in Iraq to 160,000 — up from 137,000 — in preparation for the December elections. My commanders tell me that as Iraq forces become more capable, the mission of our forces in Iraq will continue to change. We will continue to shift from providing security and conducting operations against the enemy nationwide, to conducting more specialized operations targeted at the most dangerous terrorists. We will increasingly move out of Iraqi cities, reduce the number of bases from which we operate, and conduct fewer patrols and convoys.

As the Iraq forces gain experience and the political process advances, we will be able to decrease our troop levels in Iraq without losing our capability to defeat the terrorists. These decisions about troop levels will be driven by the conditions on the ground in Iraq and the good judgment of our commanders — not by artificial timetables set by politicians in Washington. (Applause.)

Some are calling for a deadline for withdrawal. Many advocating an artificial timetable for withdrawing our troops are sincere — but I believe they’re sincerely wrong. Pulling our troops out before they’ve achieved their purpose is not a plan for victory. As Democratic Senator Joe Lieberman said recently, setting an artificial timetable would "discourage our troops because it seems to be heading for the door. It will encourage the terrorists, it will confuse the Iraqi people."

Senator Lieberman is right. Setting an artificial deadline to withdraw would send a message across the world that America is a weak and an unreliable ally. Setting an artificial deadline to withdraw would send a signal to our enemies — that if they wait long enough, America will cut and run and abandon its friends. And setting an artificial deadline to withdraw would vindicate the terrorists’ tactics of beheadings and suicide bombings and mass murder — and invite new attacks on America. To all who wear the uniform, I make you this pledge: America will not run in the face of car bombs and assassins so long as I am your Commander-in-Chief. (Applause.)

And as we train Iraqis to take more responsibility in the battle with the terrorists, we’re also helping them build a democracy that is worthy of their sacrifice. And in just over two-and-a-half years, the Iraqi people have made incredible progress on the road to lasting freedom. Iraqis have gone from living under the bough of a brutal tyrant, to liberation, free elections, and a democratic constitution — and in 15 days they will go to the polls to elect a fully constitutional government that will lead them for the next four years.

With each ballot cast, the Iraqi people have sent a clear message to the terrorists. Iraqis will not be intimidated. The Iraqi people will determine the destiny of their country. The future of Iraq belongs to freedom. Despite the costs, the pain, and the danger, Iraqis are showing courage and are moving forward to build a free society and a lasting democracy in the heart of the Middle East — and the United States of America will help them succeed. (Applause.)

Some critics continue to assert that we have no plan in Iraq except to, "stay the course." If by "stay the course," they mean we will not allow the terrorists to break our will, they are right. If by "stay the course," they mean we will not permit Al Qaeda to turn Iraq into what Afghanistan was under the Taliban — a safe haven for terrorism and a launching pad for attacks on America — they are right, as well. If by "stay the course" they mean that we’re not learning from our experiences, or adjusting our tactics to meet the challenges on the ground, then they’re flat wrong. As our top commander in Iraq, General Casey, has said, "Our commanders on the ground are continuously adapting and adjusting, not only to what the enemy does, but also to try to out-think the enemy and get ahead of him." Our strategy in Iraq is clear, our tactics are flexible and dynamic: we have changed them as conditions required and they are bringing us victory against a brutal enemy. (Applause.)


12/9/2005
Victory in Iraq will demand the continued determination and resolve of the American people. It will also demand the strength and personal courage of the men and women who wear our nation’s uniform. And as the future officers of the United States Navy and Marine Corps, you’re preparing to join this fight. You do so at a time when there is a vigorous debate about the war in Iraq. I know that for our men and women in uniform, this debate can be unsettling — when you’re risking your life to accomplish a mission, the last thing you want to hear is that mission being questioned in our nation’s capital. I want you to know that while there may be a lot of heated rhetoric in Washington, D.C., one thing is not in dispute: The American people stand behind you.

And we should not fear the debate in Washington. It’s one of the great strengths of our democracy that we can discuss our differences openly and honestly — even at times of war. Your service makes that freedom possible. And today, because of the men and women in our military, people are expressing their opinions freely in the streets of Baghdad, as well.

Most Americans want two things in Iraq: They want to see our troops win, and they want to see our troops come home as soon as possible. And those are my goals as well. I will settle for nothing less than complete victory. In World War II, victory came when the Empire of Japan surrendered on the deck of the USS Missouri. In Iraq, there will not be a signing ceremony on the deck of a battleship. Victory will come when the terrorists and Saddamists can no longer threaten Iraq’s democracy, when the Iraqi security forces can provide for the safety of their own citizens, and when Iraq is not a safe haven for terrorists to plot new attacks on our nation.

As we make progress toward victory, Iraqis will take more responsibility for their security, and fewer U.S. forces will be needed to complete the mission. America will not abandon Iraq. We will not turn that country over to the terrorists and put the American people at risk. Iraq will be a free nation and a strong ally in the Middle East — and this will add to the security of the American people.

In the short run, we’re going to bring justice to our enemies. In the long run, the best way to ensure the security of our own citizens is to spread the hope of freedom across the broader Middle East. We’ve seen freedom conquer evil and secure the peace before. In World War II, free nations came together to fight the ideology of fascism, and freedom prevailed — and today Germany and Japan are democracies and they are allies in securing the peace. In the Cold War, freedom defeated the ideology of communism and led to a democratic movement that freed the nations of Eastern and Central Europe from Soviet domination — and today these nations are allies in the war on terror.

Today in the Middle East freedom is once again contending with an ideology that seeks to sow anger and hatred and despair. And like fascism and communism before, the hateful ideologies that use terror will be defeated by the unstoppable power of freedom, and as democracy spreads in the Middle East, these countries will become allies in the cause of peace. (Applause.)

Advancing the cause of freedom and democracy in the Middle East begins with ensuring the success of a free Iraq. Freedom’s victory in that country will inspire democratic reformers from Damascus to Tehran, and spread hope across a troubled region, and lift a terrible threat from the lives of our citizens. By strengthening Iraqi democracy, we will gain a partner in the cause of peace and moderation in the Muslim world, and an ally in the worldwide struggle against — against the terrorists. Advancing the ideal of democracy and self-government is the mission that created our nation — and now it is the calling of a new generation of Americans. We will meet the challenge of our time. We will answer history’s call with confidence — because we know that freedom is the destiny of every man, woman and child on this earth. (Applause.)

Before our mission in Iraq is accomplished, there will be tough days ahead. A time of war is a time of sacrifice, and we’ve lost some very fine men and women in this war on terror. Many of you know comrades and classmates who left our shores to defend freedom and who did not live to make the journey home. We pray for the military families who mourn the loss of loves ones. We hold them in our hearts — and we honor the memory of every fallen soldier, sailor, airman, Coast Guardsman, and Marine.

One of those fallen heroes is a Marine Corporal named Jeff Starr, who was killed fighting the terrorists in Ramadi earlier this year. After he died, a letter was found on his laptop computer. Here’s what he wrote, he said, “[l] if you’re reading this, then I’ve died in Iraq, I don’t regret going. Everybody dies, but few get to do it for something as important as freedom. It may seem confusing why we are in Iraq, it’s not to me. I’m here helping these people, so they can live the way we live. Not [a] have to worry about tyrants or vicious dictators... Others have died for my freedom, now this is my mark.”

12/9/2005
There is only one way to honor the sacrifice of Corporal Starr and his fallen comrades — and that is to take up their mantle, carry on their fight, and complete their mission. (Applause.)

We will take the fight to the terrorists. We will help the Iraqi people lay the foundations of a strong democracy that can govern itself, sustain itself, and defend itself. And by laying the foundations of freedom in Iraq, we will lay the foundation of peace for generations to come.

You all are the ones who will help accomplish all this. Our freedom and our way of life are in your hands — and they’re in the best of hands. I want to thank you for your service in the cause of freedom. I want to thank you for wearing the uniform. May God bless you all, and may God continue to bless the United States of America. (Applause.)

END 10:28 A.M. EST

Return to this article at: http://www.whitehouse.gov/news/releases/2005/11/20051130-2.html

Click to Print this document


12/9/2005
NATIONAL STRATEGY FOR

VICTORY IN IRAQ

NATIONAL SECURITY COUNCIL
NOVEMBER 2005
The following document articulates the broad strategy the President set forth in 2003 and provides an update on our progress as well as the challenges remaining.

"The United States has no intention of determining the precise form of Iraq's new government. That choice belongs to the Iraqi people. Yet, we will ensure that one brutal dictator is not replaced by another. All Iraqis must have a voice in the new government, and all citizens must have their rights protected.

Rebuilding Iraq will require a sustained commitment from many nations, including our own: we will remain in Iraq as long as necessary, and not a day more."

- President George W. Bush, February 26, 2003
Table of Contents

- Executive Summary .................................................. 1

PART I
Strategic Overview

- Victory in Iraq Defined .................................................. 3
- Victory in Iraq is a Vital U.S. Interest .................................. 4
- The Benefits of Victory in Iraq .......................................... 4
- The Consequences of Failure ............................................ 5
- Our Enemies and Their Goals ........................................... 6
- The Strategy of Our Enemies ............................................ 7
- Our Strategy for Victory is Clear ...................................... 7
  A. The Political Track (Isolate, Engage, Build)
  B. The Security Track (Clear, Hold, Build)
  C. The Economic Track (Restore, Reform, Build)
- This Strategy is Integrated, and its Elements are Mutually Reinforcing 9
- Victory Will Take Time .................................................. 10
- Why Our Strategy Is (and Must Be) Conditions-Based ............... 11
- Our Strategy Tracks and Measures Progress ......................... 12

PART II
Strategy in Detail

- The Political Track in Detail ........................................... 14
- The Security Track in Detail .......................................... 18
- The Economic Track in detail ......................................... 22
- Organization for Victory ................................................ 25

APPENDIX

- The Eight Pillars ......................................................... 27
Executive Summary
OUR NATIONAL STRATEGY FOR VICTORY IN IRAQ:
Helping the Iraqi People Defeat the Terrorists and Build an Inclusive Democratic State

- **Victory in Iraq is Defined in Stages**
  - **Short term**, Iraq is making steady progress in fighting terrorists, meeting political milestones, building democratic institutions, and standing up security forces.
  - **Medium term**, Iraq is in the lead defeating terrorists and providing its own security, with a fully constitutional government in place, and on its way to achieving its economic potential.
  - **Longer term**, Iraq is peaceful, united, stable, and secure, well integrated into the international community, and a full partner in the global war on terrorism.

- **Victory in Iraq is a Vital U.S. Interest**
  - Iraq is the central front in the global war on terror. Failure in Iraq will embolden terrorists and expand their reach; success in Iraq will deal them a decisive and crippling blow.
  - The fate of the greater Middle East—which will have a profound and lasting impact on American security—hangs in the balance.

- **Failure is Not an Option**
  - Iraq would become a safe haven from which terrorists could plan attacks against America, American interests abroad, and our allies.
  - Middle East reformers would never again fully trust American assurances of support for democracy and human rights in the region—a historic opportunity lost.
  - The resultant tribal and sectarian chaos would have major consequences for American security and interests in the region.

- **The Enemy is Diffuse and Sophisticated**
  - The enemy is a combination of rejectionists, Saddamists, and terrorists affiliated with or inspired by Al Qaida. Distinct but integrated strategies are required to defeat each element.
  - Each element shares a common short-term objective—to intimidate, terrorize, and tear down—but has separate and incompatible long-term goals.
  - Exploiting these differences within the enemy is a key element of our strategy.

- **Our Strategy for Victory is Clear**
  - We will help the Iraqi people build a new Iraq with a constitutional, representative government that respects civil rights and has security forces sufficient to maintain domestic order and keep Iraq from becoming a safe haven for terrorists. *To achieve this end, we are pursuing an integrated strategy along three broad tracks, which together incorporate the efforts of the Iraqi government, the Coalition, cooperative countries in the region, the international community, and the United Nations.*
    - **The Political Track** involves working to forge a broadly supported national compact for democratic governance by helping the Iraqi government:
      - **Isolate** enemy elements from those who can be won over to the political process by countering false propaganda and demonstrating to all Iraqis that they have a stake in a democratic Iraq.
      - **Engage** those outside the political process and invite those willing to turn away from violence through ever-expanding avenues of participation, and
      - **Build** stable, pluralistic, and effective national institutions that can protect the interests of all Iraqis, and facilitate Iraq’s full integration into the international community.
• The Security Track involves carrying out a campaign to defeat the terrorists and neutralize the insurgency, developing Iraqi security forces, and helping the Iraqi government:
  ✓ Clear areas of enemy control by remaining on the offensive, killing and capturing enemy fighters and denying them safe-haven;
  ✓ Hold areas freed from enemy influence by ensuring that they remain under the control of the Iraqi government with an adequate Iraqi security force presence; and
  ✓ Build Iraqi Security Forces and the capacity of local institutions to deliver services, advance the rule of law, and nurture civil society.

• The Economic Track involves setting the foundation for a sound and self-sustaining economy by helping the Iraqi government:
  ✓ Restore Iraq’s infrastructure to meet increasing demand and the needs of a growing economy;
  ✓ Reform Iraq’s economy, which in the past has been shaped by war, dictatorship, and sanctions, so that it can be self-sustaining in the future; and
  ✓ Build the capacity of Iraqi institutions to maintain infrastructure, rejoin the international economic community, and improve the general welfare of all Iraqis.

➢ This Strategy is Integrated and its Elements are Mutually Reinforcing
• Progress in each of the political, security, and economic tracks reinforces progress in the other tracks.
  ✓ For instance, as the political process has moved forward, terrorists have become more isolated, leading to more intelligence on security threats from Iraqi citizens, which has led to better security in previously violent areas, a more stable infrastructure, the prospect of economic progress, and expanding political participation.

➢ Victory Will Take Time
• Our strategy is working: Much has been accomplished in Iraq, including the removal of Saddam’s tyranny, negotiation of an interim constitution, restoration of full sovereignty, holding of free national elections, formation of an elected government, drafting of a permanent constitution, ratification of that constitution, introduction of a sound currency, gradual restoration of neglected infrastructure, the ongoing training and equipping of Iraqi security forces, and the increasing capability of those forces to take on the terrorists and secure their nation.
• Yet many challenges remain: Iraq is overcoming decades of a vicious tyranny, where governmental authority stemmed solely from fear, terror, and brutality.
  ✓ It is not realistic to expect a fully functioning democracy, able to defeat its enemies and peacefully reconcile generational grievances, to be in place less than three years after Saddam was finally removed from power.
• Our comprehensive strategy will help Iraqis overcome remaining challenges, but defeating the multi-headed enemy in Iraq — and ensuring that it cannot threaten Iraq’s democratic gains once we leave — requires persistent effort across many fronts.

➢ Our Victory Strategy Is (and Must Be) Conditions-Based
• With resolve, victory will be achieved, although not by a date certain.
  ✓ No war has ever been won on a timetable and neither will this one.
• But lack of a timetable does not mean our posture in Iraq (both military and civilian) will remain static over time. As conditions change, our posture will change.
  ✓ We expect, but cannot guarantee, that our force posture will change over the next year, as the political process advances and Iraqi security forces grow and gain experience.
  ✓ While our military presence may become less visible, it will remain lethal and decisive, able to confront the enemy wherever it may organize.
• Our mission in Iraq is to win the war. Our troops will return home when that mission is complete.
OUR NATIONAL STRATEGY FOR VICTORY IN IRAQ:
Helping the Iraqi People Defeat the Terrorists and Build an Inclusive Democratic State

PART I – STRATEGIC OVERVIEW

“Our mission in Iraq is clear. We’re hunting down the terrorists. We’re helping Iraqis build a free nation that is an ally in the war on terror. We’re advancing freedom in the broader Middle East. We are removing a source of violence and instability, and laying the foundation of peace for our children and grandchildren.”

-President George W. Bush, June 28, 2003

VICTORY IN IRAQ DEFINED

As the central front in the global war on terror, success in Iraq is an essential element in the long war against the ideology that breeds international terrorism. Unlike past wars, however, victory in Iraq will not come in the form of an enemy’s surrender, or be signaled by a single particular event – there will be no Battleship Missouri, no Appomattox. The ultimate victory will be achieved in stages, and we expect:

➢ In the short term:

- An Iraq that is making steady progress in fighting terrorists and neutralizing the insurgency, meeting political milestones; building democratic institutions; standing up robust security forces to gather intelligence, destroy terrorist networks, and maintain security; and tackling key economic reforms to lay the foundation for a sound economy.

➢ In the medium term:

- An Iraq that is in the lead defeating terrorists and insurgents and providing its own security, with a constitutional, elected government in place, providing an inspiring example to reformers in the region, and well on its way to achieving its economic potential.

➢ In the longer term:

- An Iraq that has defeated the terrorists and neutralized the insurgency.

- An Iraq that is peaceful, united, stable, democratic, and secure, where Iraqis have the institutions and resources they need to govern themselves justly and provide security for their country.

- An Iraq that is a partner in the global war on terror and the fight against the proliferation of weapons of mass destruction, integrated into the international community, an engine for regional economic growth, and proving the fruits of democratic governance to the region.
VICTORY IN IRAQ IS A VITAL U.S. INTEREST

- The war on terrorism is the defining challenge of our generation, just as the struggle against communism and fascism were challenges of the generations before. As with those earlier struggles, the United States is fully committed to meeting this challenge. We will do everything it takes to win.

- Prevailing in Iraq will help us win the war on terror.
  - The terrorists regard Iraq as the central front in their war against humanity. And we must recognize Iraq as the central front in our war on terror.
    - Osama Bin Laden has declared that the “third world war...is raging” in Iraq, and it will end there, in “either victory and glory, or misery and humiliation.”
    - Bin Laden’s deputy Ayman al-Zawahiri has declared Iraq to be “the place for the greatest battle,” where he hopes to “expel the Americans” and then spread “the jihad wave to the secular countries neighboring Iraq.”
    - Al Qaeda in Iraq, led by Abu Musab al-Zarqawi, has openly declared that “we fight today in Iraq, and tomorrow in the Land of the Two Holy Places, and after there the west.”

  ✓ As the terrorists themselves recognize, the outcome in Iraq — success or failure — is critical to the outcome in the broader war on terrorism.

- What happens in Iraq will influence the fate of the Middle East for generations to come, with a profound impact on our own national security.
  - Ceding ground to terrorists in one of the world’s most strategic regions will threaten the world’s economy and America’s security, growth, and prosperity, for decades to come.
  - An emerging democracy in Iraq will change the regional status quo that for decades has bred alienation and spawned the transnational terrorism that targets us today.
  - The terrorists’ perverse ideology is countered by the advance of freedom and the recognition that all people have the right to live under democracy and the rule of law, free from oppression and fear, with hope and optimism for the future.

THE BENEFITS OF VICTORY IN IRAQ

- Helping the people of Iraq is the morally right thing to do — America does not abandon its friends in the face of adversity. Helping the people of Iraq, however, is also in our own national interest.

- If we and our Iraqi partners prevail in Iraq, we will have made America:
• Safer...
  - by removing Saddam Hussein, a destabilizing force in a vital region, a ruthless dictator who had a history of pursuing and even using weapons of mass destruction, was a state sponsor of terror, had invaded his neighbors, and who was violently opposed to America;
  - by depriving terrorists of a safe haven from which they could plan and launch attacks against the United States and American interests;
  - by delivering a strategic setback to the terrorists and keeping them on the run;
  - by delivering a decisive blow to the ideology that fuels international terrorism, proving that the power of freedom is stronger than a perverse vision of violence, hatred, and oppression.

• Stronger...
  - by demonstrating to our friends and enemies the reliability of U.S. power, the strength of our commitment to our friends, and the tenacity of our resolve against our enemies;
  - by securing a new friend and partner in the fight against terrorism in the heart of the Middle East.

• More Certain of its Future ...
  - politically, by bolstering democratic reformers – and the prospects for peaceful, democratic governments – in a region that for decades has been a source of instability and stagnation;
  - economically, by facilitating progressive reform in the region and depriving terrorists control over a hub of the world’s economy.

THE CONSEQUENCES OF FAILURE

➢ If we and our Iraqi partners fail in Iraq, Iraq will become:
  - A safe haven for terrorists as Afghanistan once was, only this time in some of the world’s most strategic territory, with vast natural resources to exploit and to use to fuel future attacks.
  - A country where oppression – and the brutal imposition of inhumane practices, such as those of the Taliban in Afghanistan – is pervasive.
  - A failed state and source of instability for the entire Middle East, with all the attendant risks and insalubrious costs for American security and prosperity.

➢ Furthermore, if we and our Iraqi partners fail in Iraq, the terrorists will have:
  - Won a decisive victory over the United States, vindicating their tactics of beheadings, suicide bombings, and ruthless intimidation of civilians, inviting more deadly attacks against Americans and other free people across the globe.
  - Placed the American people in greater danger by destabilizing a vital region, weakening our friends, and clearing the way for terrorist attacks here at home. The terrorists will be emboldened in their belief that America cannot stand and fight, but will cut and run in the face of adversity.
• Called into question American credibility and commitment in the region and the world. Our friends and foes alike would doubt our staying power, and this would damage our efforts to counter other security threats and to advance other economic and political interests worldwide.

✓ Since 1998, Al Qaeda has repeatedly cited Vietnam, Beirut, and Somalia, as examples to encourage more attacks against America and our interests overseas.

• Weakened the growing democratic impulses in the region. Middle East reformers would never again fully trust American assurances of support for democracy and pluralism in the region—a historic opportunity, central to America’s long-term security, forever lost.

If we retreat from Iraq, the terrorists will pursue us and our allies, expanding the fight to the rest of the region and to our own shores.

OUR ENEMIES AND THEIR GOALS

➢ The enemy in Iraq is a combination of rejectionists, Saddamists, and terrorists affiliated with or inspired by Al Qaeda. These three groups share a common opposition to the elected Iraqi government and to the presence of Coalition forces, but otherwise have separate and to some extent incompatible goals.

• Rejectionists are the largest group. They are largely Sunni Arabs who have not embraced the shift from Saddam Hussein’s Iraq to a democratically governed state. Not all Sunni Arabs fall into this category. But those that do are against a new Iraq in which they are no longer the privileged elite. Most of these rejectionists opposed the new constitution, but many in their ranks are recognizing that opting out of the democratic process has hurt their interests.

✓ We judge that over time many in this group will increasingly support a democratic Iraq provided that the federal government protects minority rights and the legitimate interests of all communities.

• Saddamists and former regime loyalists harbor dreams of reestablishing a Ba’athist dictatorship and have played a lead role in fomenting wider sentiment against the Iraqi government and the Coalition.

✓ We judge that few from this group can be won over to support a democratic Iraq, but that this group can be marginalized to the point where it can and will be defeated by Iraqi forces.

• Terrorists affiliated with or inspired by Al Qaeda make up the smallest enemy group but are the most lethal and pose the most immediate threat because (1) they are responsible for the most dramatic atrocities, which kill the most people and function as a recruiting tool for further terrorists and (2) they espouse the extreme goals of Osama Bin Laden—chaos in Iraq which will allow them to establish a base for toppling Iraq’s neighbors and launching attacks outside the region and against the U.S. homeland.
The terrorists have identified Iraq as central to their global aspirations. For that reason, terrorists and extremists from all parts of the Middle East and North Africa have found their way to Iraq and made common cause with indigenous religious extremists and former members of Saddam’s regime. This group cannot be won over and must be defeated—killed or captured—through sustained counterterrorism operations.

- There are other elements that threaten the democratic process in Iraq, including criminals and Shi’a religious extremists, but we judge that such elements can be handled by Iraqi forces alone and/or assimilated into the political process in the short term.

**THE STRATEGY OF OUR ENEMIES**

- Despite their competing goals, these disparate enemy elements share a common operational concept: Intimidate, coerce, or convince the Iraqi public not to support the transition to democracy by persuading them that the nascent Iraqi government is not competent and will be abandoned by a Coalition that lacks the stomach for this fight.

- The enemy’s strategy, in short, is to intimidate, terrorize, and tear down—a strategy with short-term advantage because it is easier to tear down than to build up. But this strategy is not sustainable in the long term because it is rejected by the overwhelming mass of the Iraqi population.

**Enemy Lines of Action. The enemy seeks to ...**

- Weaken the Coalition’s resolve, and our resolve at home, through barbaric mass-casualty attacks, public slaughter of Iraqi civilians and hostages, infliction of casualties on Coalition forces, and use of the media to spread propaganda and intimidate adversaries.

- Destroy confidence in the Iraqi government by sabotaging key essential service (oil and electricity) nodes and by derailing the political process.

- Damage trust in Iraqi Security Forces through propaganda, infiltration, and barbaric attacks on the weak and the innocent.

- Sabotage Iraqi unity through propaganda against the Shi’a majority punctuated with attacks intended to spark sectarian conflict and civil war.

- Establish safe havens to plan attacks and conduct intimidation campaigns.

- Expand the fight to neighboring states and beyond.

**OUR STRATEGY FOR VICTORY IS CLEAR**

- **Our Strategy is Clear:** We will help the Iraqi people build a new Iraq with a constitutional, representative government that respects civil rights and has security forces sufficient to maintain
domestic order and keep Iraq from becoming a safe haven for terrorists. To achieve this end, we are pursuing a comprehensive approach that involves the integrated efforts of the entire United States Government, the Iraqi government, and Coalition governments, and encourages the active involvement of the United Nations, other international organizations, and supportive regional states.

• Our strategy involves three integrated tracks — political, security, and economic — each with separate objectives, but together helping Iraqis to defeat the terrorists, Saddamists, and rejectionists, and secure a new democratic state in Iraq.

**The Political Track**  
(Isolate, Engage, Build)

- **Objective**: To help the Iraqi people forge a broadly supported national compact for democratic government, thereby isolating enemy elements from the broader public.

- To achieve this objective, we are helping the Iraqi government:
  
  ✓ **Isolate** hardened enemy elements from those who can be won over to a peaceful political process by countering false propaganda and demonstrating to the Iraqi people that they have a stake in a viable, democratic Iraq.

  ✓ **Engage** those outside the political process and invite in those willing to turn away from violence through ever-expanding avenues of peaceful participation

  ✓ **Build** stable, pluralistic, and effective national institutions that can protect the interests of all Iraqis, and facilitate Iraq’s full integration into the international community.

**The Security Track**  
(Clear, Hold, Build)

- **Objective**: To develop the Iraqis’ capacity to secure their country while carrying out a campaign to defeat the terrorists and neutralize the insurgency.

- To achieve this objective, we are helping the Iraqi government:

  ✓ **Clear** areas of enemy control by remaining on the offensive, killing and capturing enemy fighters and denying them safe-haven.

  ✓ **Hold** areas freed from enemy control by ensuring that they remain under the control of a peaceful Iraqi government with an adequate Iraqi security force presence.

  ✓ **Build** Iraqi Security Forces and the capacity of local institutions to deliver services, advance the rule of law, and nurture civil society.
The Economic Track
(Restore, Reform, Build)

- **Objective:** To assist the Iraqi government in establishing the foundations for a sound economy with the capacity to deliver essential services.

- To achieve this objective, we are helping the Iraqi government:
  
  ✓ **Restore** Iraq’s neglected infrastructure so it can meet increasing demand and the needs of a growing economy.

  ✓ **Reform** Iraq’s economy, which has been shaped by war, dictatorship, and sanctions, so that it can be self-sustaining in the future.

  ✓ **Build** the capacity of Iraqi institutions to maintain infrastructure, rejoin the international economic community, and improve the general welfare of all Iraqis.

**THIS STRATEGY IS INTEGRATED, AND ITS ELEMENTS ARE MUTUALLY REINFORCING**

- Progress along one of the political, security, and economic tracks reinforces progress along the other tracks. For example:

  - **As the political process** has moved forward, terrorists have become more isolated, leading to more intelligence on their leadership and hideouts from Iraqi citizens, which has led to better security in previously violent areas, a more stable infrastructure, the prospect of economic progress, and expanding political participation.

  - **As security operations** in Fallujah, Mosul, Tal Afar, and elsewhere have killed or led to the capture of high-level terrorists and insurgents, residents in those areas have come forward to participate in the political process, registering and turning out to vote in vast numbers, and providing local residents a meaningful voice in the new Iraq.

  - **As economic activities** have progressed, ordinary citizens have returned to normal life and developed a stake in a peaceful Iraq and thus become motivated to support the political process and cooperate with security forces.

- Part II of this paper will discuss the three tracks – political, security, and economic – in more detail, so Americans can better understand the elements of our vital mission, the nature of our strategy, why we believe this strategy will succeed, the progress we are making, and how our government is organized to help Iraq ensure lasting victory in Iraq.
VICTORY WILL TAKE TIME

➢ Our Strategy Is Working. Much has been accomplished in Iraq, including the removal of Saddam’s tyranny, negotiation of an interim constitution, restoration of full sovereignty, holding of free national elections, formation of an elected government, drafting of a permanent constitution, ratification of that constitution, introduction of a sound currency, gradual restoration of Iraq’s neglected infrastructure, and the ongoing training and equipping of Iraq’s security forces.

• Yet many challenges remain:

  - Iraq is overcoming decades of a vicious tyranny, under which governmental authority stemmed solely from fear, terror, and brutality. Saddam Hussein devastated Iraq, wrecked its economy, ruined its infrastructure, and destroyed its human capital. It is not realistic to expect a fully functioning democracy, able to defeat its enemies and peacefully reconcile generational grievances, to be in place less than three years after Saddam was finally removed from power.

  - We and the Iraqi people are fighting a ruthless enemy, which is multi-headed, with competing ambitions and differing networks. Getting an accurate picture of this enemy, understanding its makeup and weaknesses, and defeating it, requires patience, persistence, and determined effort along all three strategic tracks.

  - Terrorism and insurgencies historically take many years to defeat, through a combination of political, economic, and military tools. Iraq’s violence is different from other such conflicts, where insurgents often had unified command and control or mounted a successful campaign to win the hearts and minds of the population. Nonetheless, Iraq is likely to struggle with some level of violence for many years to come.

  - The neighborhood is inhospitable. Iran and Syria have failed to provide support to Iraq’s new government and have in many ways actively undermined it. The region, while including some cooperative actors, has only recently mobilized to support the emergence of a democratic and stable Iraq.

  - The Sunni community is still searching for strong, reliable leadership. Although many Sunnis also suffered under Saddam, leaders from their community generally associated with the Ba’ath Party, not the opposition to the regime. The Sunni religious community, moreover, is less hierarchical and more dispersed, which is reflected in Sunni politics. As a result of these realities, few Sunni leaders have spoken for the larger Sunni community in Iraq. Elections in December will produce elected Sunni leaders who can represent their community with legitimate authority.

  - Many Sunnis are also coming to terms with the reality that their community no longer monopolizes power in Iraq. They are grappling with their role in a democratic country in which they are a minority, albeit with constitutional protections for minority rights and interests.
- Many of Iraq’s communities remain skeptical of the central government and nervous about the creation of an Iraqi state where power is concentrated in Baghdad. Their allegiance to a united Iraqi government will depend upon the central government demonstrating the will and capability to govern effectively and fairly on behalf of all Iraqis.

- Earlier efforts to correct past wrongs have sometimes alienated Sunnis who were not complicit with Saddam’s crimes. Iraq’s leaders need to find a middle ground – between pursuing justice for every past wrong and leaving the past unexamined.

- With democratization has come the emergence of new groups, not all of whom have shared the goal of a free, pluralistic, and democratic Iraq. Some groups – like members of the Mahdi Militia – have sought to maximize discontent with the Coalition presence and have at times clashed violently with other parties.

- The continued existence and influence of militias and armed groups, often affiliated with political parties, hamper the rule of law in some parts of Iraq. These groups have also infiltrated the police forces and sparked violent exchanges in areas of the country that are otherwise peaceful.

- Iraq’s economy is still shackled with many vestiges of a highly centralized economy and stagnant and corrupt institutions. Creating new institutions, reforming old ones, and developing new policies will be necessary to encourage economic growth. The prosperity of average Iraqis will be enhanced only if Iraq reduces the massive subsidy programs that burden its economy.

**WHY OUR STRATEGY IS (AND MUST BE) CONDITIONS-BASED**

- Success in the short, medium, and long run will depend on progress in overcoming these challenges and on the conditions on the ground in Iraq. Our strategy – along the political, security, and economic tracks – is establishing the conditions for victory. These conditions include:
  - Progress in the Iraqi political process and the increasing willingness of Iraqis to forge political compromises;
  - Consolidation of gains in the training of Iraqi Security Forces (ISF);
  - Commitment to and implementation of economic reforms by Iraqi leaders;
  - Increased cooperation of Iraq’s neighbors;
  - Expanded support from the international community;
  - Continued support of the American people.
Although we are confident of victory in Iraq, we will not put a date certain on when each stage of success will be reached — because the timing of success depends upon meeting certain conditions, not arbitrary timetables.

- Arbitrary deadlines or timetables for withdrawal of Coalition forces — divorced from conditions on the ground — would be irresponsible and deadly, as they would suggest to the terrorists, Saddamists, and rejectionists that they can simply wait to win.

- No war has ever been won on a timetable — and neither will this one.

- Lack of a timetable, however, does not mean that the Coalition’s posture in Iraq (both military and political) is static. On the contrary, we continually adjust our posture and approaches as conditions evolve and Iraqi capabilities grow.

- Coalition troop levels, for example, will increase where necessary to defeat the enemy or provide additional security for key events like the referendum and elections. But troop levels will decrease over time, as Iraqis continue to take on more of the security and civilian responsibilities themselves.

- We expect, but cannot guarantee, that our force posture will change over the next year, as the political process consolidates and as Iraqi Security Forces grow and gain experience.

  ✓ As Iraqis take on more responsibility for security, Coalition forces will increasingly move to supporting roles in most areas. The mission of our forces will change — from conducting operations and keeping the peace, to more specialized operations targeted at the most vicious terrorists and leadership networks.

  ✓ As security conditions improve and as Iraqi Security Forces become increasingly capable of securing their own country, our forces will increasingly move out of the cities, reduce the number of bases from which we operate, and conduct fewer patrols and convoy missions.

  ✓ While our military presence may become less visible, it will remain lethal and decisive, able to confront the enemy wherever it may gather and organize.

- As our posture changes over time, so too will the posture of our Coalition partners. We and the Iraqis must work with them to coordinate our efforts, helping Iraq to consolidate and secure its gains on many different fronts.

**OUR STRATEGY TRACKS AND MEASURES PROGRESS**

- We track numerous indicators to map the progress of our strategy and change our tactics whenever necessary. Detailed reports — both classified and unclassified — are issued weekly, monthly, and quarterly by relevant agencies and military units.

- Many of these reports with detailed metrics are released to the public, and are readily
Gains in training Iraqi security forces are updated weekly at www.mnstei.iraq.centcom.mil.

Improvements in the economy and infrastructure are collected weekly by the State Department (www.state.gov/p/nea/crgr/iraqstatus/) as well as USAID, which continually updates its many ongoing programs and initiatives in Iraq (www.usaid.gov/iraq);

Extensive reports are also made every three months to Congress, and are accessible at the State (www.state.gov/p/nea/rls/rpt/22077/) and Defense (www.defenselink.mil/pubs/) Department websites.

Americans can read and assess these reports to get a better sense of what is being done in Iraq and the progress being made on a daily, weekly, and monthly basis.

Some of the most important metrics we track are:

- **Political**: The political benchmarks set forth in U.N. Security Council Resolution 1546 and the Transitional Administrative Law; the number of Iraqis from all areas willing to participate in the political process as evidenced by voter registration and turnout.

- **Security**: The quantity and quality of Iraqi units; the number of actionable intelligence ops received from Iraqis; the percentage of operations conducted by Iraqis alone or with minor Coalition assistance; the number of car bombs intercepted and defused; offensive operations conducted by Iraqi and Coalition forces; and the number of contacts initiated by Coalition forces, as opposed to the enemy.

- **Economic**: GDP; per capita GDP; inflation; electricity generated and delivered; barrels of oil produced and exported; and numbers of businesses opened.

Other indicators are also important to success, but less subject to precise measurement, such as the extent to which principles of transparency, trust in government institutions, and acceptance of the rule of law are taking hold amongst a population that has never known them.

These indicators have more strategic significance than the metrics that the terrorists and insurgents want the world to use as a measure of progress or failure: number of bombings.

The following pages break down the three tracks of our strategy – political, security, economic – and explain the logic behind them in more detail.

"The only way our enemies can succeed is if we forget the lessons of September the 11th, if we abandon the Iraqi people to men like Zarqawi, and if we yield the future of the Middle East to men like Bin Laden. For the sake of our nation's security, this will not happen on my watch."

– President George W. Bush, June 28, 2005

13
OUR NATIONAL STRATEGY FOR VICTORY IN IRAQ:
Helping the Iraqi People Defeat the Terrorists and Build an Inclusive Democratic State

PART II – STRATEGY IN DETAIL

"America's task in Iraq is not only to defeat an enemy; it is to give strength to a friend – a free, representative government that serves its people and fights on their behalf."

– President George W. Bush, May 24, 2004

THE POLITICAL TRACK IN DETAIL

Strategic Summary: Isolate, Engage, Build

➢ The political track of our strategy is based on six core assumptions:

- **First**, like people in all parts of the world, from all cultures and religions, when given the opportunity, the Iraqi people prefer to live in freedom rather than under tyranny.

- **Second**, a critical mass of Iraqis in all areas of the country will not embrace the perverse vision offered by the terrorists. Most rejectionists can over time be persuaded to no longer seek the privileges of dictatorship – and in exchange will embrace the rewards of democratic stability.

- **Third**, an enduring democracy is not built through elections alone; critical components include transparent, effective institutions and a national constitutional compact.

- **Fourth**, federalism is not a precursor to the breakup of Iraq, but instead is a prerequisite for a united country and better governance. Federalism allows a strong central government to exercise the powers of a sovereign state, while enabling regional bodies to make decisions that protect the interests of local populations.

- **Fifth**, it is in the fundamental interests of all Iraqi communities – and of the region – that Iraq stays a united country. This shared objective creates space for compromise across ethnic and religious divides and for the steady growth of national institutions.

- **Sixth**, Iraq needs and can receive the support of the region and the international community to solidify its successes.

STRATEGIC LOGIC BEHIND THE POLITICAL TRACK

➢ Our efforts and those of the Iraqis on the political track are geared toward isolating hard-core rejectionists by expanding avenues for political participation at all levels of government, engaging the region and all Iraqi communities to demonstrate that there is a place for all
groups in the new Iraq, and building national Iraqi institutions and international support to advance the rule of law and offer the Iraqi people a solid framework for a better and more peaceful future.

- How will this help the Iraqis – with Coalition support – defeat the enemy and achieve our larger goals?
  - Progress in the political process – meeting political benchmarks – will provide momentum against the insurgency and indicate to people “on the fence” that the old regime has passed and that the effort to build a new Iraq will succeed.
  - Inclusive institutions that offer power-sharing mechanisms and minority protections will demonstrate to disaffected Sunnis that they have influence and the ability to protect their interests in a democratic Iraq.
  - Commitment to democracy – rather than other forms of governance – not only is consistent with our values, but is essential to keeping the long-oppressed Shi’a and Kurds as our partners in Iraq.
  - Increasingly robust Iraqi political institutions expose the falsity of enemy propaganda that Iraq is “under occupation,” with decisions being made by non-Iraqis. Such institutions also provide peaceful means for reconciliation and bridging divides.
  - Due to the historical, cultural, political, and economic links between Iraq and its neighbors, many surrounding countries can help Iraq secure its borders and encourage Sunni rejectionists to renounce violence and enter the political process.
  - Expanding international support for Iraq will demonstrate to Iraqis and the world that Iraq is a valuable member of the international community and will further broaden the political and economic support provided to Iraq.

**PROGRESS ON THE POLITICAL TRACK**

- Our Isolate, Engage, and Build strategy is working: Iraqis have hit every political benchmark in their transitional political process – and are on track to hit the next one: elections in December to select a four-year government under a democratic constitution, with full participation from all of Iraq’s main ethnic and religious communities.
  - In January, 8.5 million Iraqis defied terrorist threats to vote for Iraq’s first freely elected national government and provincial governments.
  - In April, the elected leaders of Iraq’s national legislature came together to form a diverse cabinet that represented all groups, despite election results that heavily favored the Shi’a and Kurdish communities.
  - In June, the national legislature formally invited non-elected Sunni Arab leaders to join
constitutional negotiations, demonstrating that leaders from all communities understood the importance of a constitution with input from Iraq’s major groups.

- In summer/autumn 2005, Iraq’s elected rational legislature – and the Sunni leaders invited to join the process – drafted a constitution that was a huge step for Iraq and the region. This draft constitution invests the sovereignty of Iraq in the people and their right to vote, protects individual rights and religious freedoms, and puts forward sophisticated institutional arrangements to safeguard minority rights.

- By the end of September 2005, approximately one million new voters came forward to check their names on Iraq’s voting rolls – the vast majority in Sunni areas. In October, nearly 10 million Iraqis from all areas of the country again defied terrorist threats to vote in the constitutional referendum. The constitution was ratified.

- Interest in the political process is stronger than ever. More than 300 parties and coalitions are registered for the December elections, and even those who opposed the constitution have organized for the December vote.

- In a strategic shift, Sunnis are turning to the political process to advance their interests. During the constitutional referendum, turnout in Sunni areas was strong. Although many Sunnis voted against the constitution, amendments made days before the referendum in response to Sunni requests will permit further changes after the new government is established. This and other provisions of the constitution that defer important issues to the new assembly will ensure that elected Sunni leaders are able to influence the shape of the Iraqi state.

- A recent change in the electoral process also provides all Iraqis a place in the new assembly. In the January 2005 election, representation in the assembly was directly related to turnout, which led to the depressed Sunni numbers in the body. Today’s electoral system allocates representation by province, which guarantees that even if communities go to the polls in varying strengths, they will all have representation in the new assembly.

- Signs of a vibrant political life are sprouting. The constitutional drafting committee received more than 500,000 public comments on various provisions. More than 100 newspapers freely discuss political events every day in Iraq. Campaign posters are displayed openly and in increasing number in most of Iraq’s major cities.

➢ As Iraq’s political institutions mature, its judicial system has become an independent branch, better able to promote the rule of law:

- Iraq’s judiciary is organized by an independent council of judges, as in most civil law countries. Saddam Hussein’s system of “secret courts” has been abolished.

- One year ago, the Central Criminal Court of Iraq had capacity to prosecute fewer than 10 trials and investigative hearings per month. In the first two weeks of September 2005
alone, the Court prosecuted more than 50 multi-defendant trials, and conducted over 100 investigative hearings. The Court is now expanding its reach throughout Iraq with separate branches in local provinces.

- Hundreds of judges have been trained since the fall of Saddam Hussein. These judges are now working and resolving cases under Iraqi law. In 2003, approximately 4,000 felony cases were resolved in Iraqi courts. In 2004, they resolved more than twice that number. This year, Iraqi courts are on track to resolve more than 10,000 felony cases.

- International support for Iraq’s political development is also growing:
  - The United Nations Security Council has enacted a series of unanimous resolutions that authorize the presence of Coalition forces and anchor the Iraqi political process with international backing. In November, the United Nations Security Council passed resolution 1637, which — at the request of the Iraqi government — unanimously extended authorization for the Coalition forces to operate in Iraq.
  - The United Nations is also playing an important role in Iraq’s political transition, and plans to expand its capacity with hundreds of personnel located throughout the country. The Arab League, the European Union, and other important regional actors are all engaged and working to support the Iraqi political process.
  - Iraq is winning wider support from its fellow Arab states as well. In November, the Arab League hosted a meeting in Cairo to promote Iraqi national reconciliation and the political process; Iraqi leaders are being received by Arab heads of state; and many Arab countries publicly supported Iraq’s constitutional referendum and called for the broad participation of all Iraqis in Iraq’s political process.
  - At the same time, change is coming to the region, with Syrian occupation ended and democracy emerging in Lebanon, and free elections and new leadership in the Palestinian Territories. From Kuwait to Morocco, Jordan, and Egypt, there are stirrings of political pluralism, often for the first time in generations.

CONTINUED CHALLENGES IN THE POLITICAL SPHERE

- Even with this solid progress, we and our Iraqi partners continue to face multiple challenges in the political sphere, including:
  - Ensuring that those who join the political process leave behind violence entirely;
  - Building national institutions when past divisions and current suspicions have led many Iraqis to look to regional or sectarian bodies to protect their interests;
  - Nurturing a culture of reconciliation, human rights, and transparency in a society scarred by three decades of arbitrary violence and rampant corruption;
• Building political movements based on issues and platforms, instead of identity;

• Encouraging cooperation across ethnic, religious and tribal divides when many wounds are still fresh and have been exacerbated by recent hardships;

• Convincing all regional states to welcome and actively support the new Iraqi state politically and financially;

• Building ministerial capacity to advance effective government and reduce corruption.

THE SECURITY TRACK IN DETAIL
Strategic Summary: Clear, Hold, Build

➢ The security track is based on six core assumptions:

• First, the terrorists, saddamists, and rejectionists do not have the manpower or firepower to achieve a military victory over the Coalition and Iraqi Security Forces. They can win only if we surrender.

• Second, our own political will is steadfast and will allow America to keep troops in Iraq – to fight terrorists while training and mentoring Iraqi forces – until the mission is done, increasing or decreasing troop levels only as conditions warrant.

• Third, progress on the political front will improve the intelligence picture by helping distinguish those who can be won over to support the new Iraqi state from the terrorists and insurgents who must either be killed or captured, detained, and prosecuted.

• Fourth, the training, equipping, and mentoring of Iraqi Security Forces will produce an army and police force capable of independently providing security and maintaining public order in Iraq.

• Fifth, regional meddling and infiltrations can be contained and/or neutralized.

• Sixth, while we can help, assist, and train, Iraqis will ultimately be the ones to eliminate their security threats over the long term.

STRATEGIC LOGIC BEHIND SECURITY TRACK

➢ We are helping the Iraqi Security Forces and the Iraqi government take territory out of enemy control (clear); keep and consolidate the influence of the Iraqi government afterwards (hold); and establish new local institutions that advance civil society and the rule of law in areas formerly under enemy influence and control (build).

➢ Efforts on the security track include offensive operations against the enemy, protection of key communication and infrastructure nodes, post-conflict stabilization operations, and the
training, equipping, and mentoring of Iraqi Security Forces. Coalition transition teams are embedded in all Iraqi Army battalions to provide assistance and guidance when needed.

➢ The model that works is clear— it is resource intensive, requires commitment and resolve, and involves tools across the civilian and military spectrum, including:

- The right balance of Coalition and Iraqi forces conducting offensive operations;
- Preparation for such operations through contact and negotiation between local and federal Iraqi government officials;
- Adequate Iraqi forces to provide security for the population and guard against future intimidation;
- Cooperation with and support for local institutions to govern after Coalition forces leave;
- Prompt disbursement of aid for quick and visible reconstruction;
- Central government authorities who pay attention to local needs.

➢ How will this help the Iraqis— with Coalition support— defeat the enemy and achieve our larger goals?

- Offensive operations disrupt enemy networks and deprive enemy elements of safe havens from which they can rest, train, rearm, and plan attacks against the Coalition, the Iraqi government, and Iraqi civilians.
- Localized post-conflict operations— providing security, economic assistance, and support to civilian institutions in newly cleared areas— further isolate enemy elements from the rest of the population and give Iraqis space to participate in a peaceful political process.
- Infrastructure protection helps ensure that the Iraqi government can collect revenues and provide basic services to the people, which is critical to building confidence in the government and weaning support away from insurgents.
- Putting capable Iraqis forward in the fight increases the overall effectiveness of U.S.-Iraqi operations, as Iraqis are better able to collect intelligence and identify threats in their neighborhoods.
- As Iraqi forces become more and more capable, our military posture will shift, leaving Coalition forces increasingly focused on specialized counter-terrorism missions to hunt, capture, and kill terrorist leaders and break up their funding and resource networks.
PROGRESS ON THE SECURITY TRACK

➢ Our clear, hold, and build strategy is working:

• Significant progress has been made in wresting territory from enemy control. During much of 2004, major parts of Iraq and important urban centers were no-go areas for Iraqi and Coalition forces. Fallujah, Najaf, and Sarata were under enemy control. Today, these cities are under Iraqi government control, and the political process is taking hold. Outside of major urban areas, Iraqi and Coalition forces are clearing out hard core enemy elements, maintaining a security presence, and building local institutions to advance local reconstruction and civil society.

• Actionable intelligence is improving. Due to greater confidence in the Iraqi state and growing frustration with the terrorists, Saddamists, and rejectionists, Iraqi citizens are providing more intelligence to Iraqis and Coalition forces. In March 2005, Iraqi and Coalition forces received more than 400 intelligence tips from Iraqi citizens; in August, they received 3,300, and in September more than 4,700.

• Iraqi forces are growing in number. As of November 2005, there were more than 212,000 trained and equipped Iraqi Security Forces, compared with 96,000 in September of last year. In August 2004, there were five Iraqi army battalions in the fight; now more than 120 Iraqi army and police battalions are in the fight. Of these battalions, more than 80 are fighting side-by-side with Coalition forces and more than 40 others are taking the lead in the fight. More battalions are being recruited, trained, and fielded. In July 2004 there were no operational Iraqi brigade or division headquarters; now there are seven division and more than 30 brigade headquarters in the Iraqi army. In June 2001, there were no Iraqi combat support or service support battalions; now there are a half dozen operational battalions supporting fielded Iraqi units.

• Iraqi forces are growing in capability. In June 2004, no Iraqi Security Force unit controlled territory. The Coalition provided most of the security in Iraq. Today, much of Baghdad province is under the control of Iraqi forces, the cities of Najaf and Karbala are controlled by Iraqi forces, and other Iraqi battalions and brigades control hundreds of square miles of territory in other Iraqi provinces. A year ago, the Iraqi Air Force had no aircraft; today its three operational squadrons provide airlift and reconnaissance support and Iraqi pilots are training on newly arrived helicopters. A year ago during the operation to liberate Fallujah, five Iraqi battalions took part in the fight. For the most part, they fell in behind Coalition forces to help control territory already seized by Coalition units. No Iraqi units controlled their own battle space. In September 2005, during Operation Restore Rights in Tal Afar, eleven Iraqi battalions participated, controlling their own battle space, and outnumbering Coalition forces for the first time in a major offensive operation. Over the last six months, the number of patrols being conducted independently by Iraqi forces has doubled, bringing the overall percentage to nearly a quarter of all patrols in theater.

• Iraqis are committed to building up their security establishment. Despite repeated and brutal attacks against Iraqi Security Forces, volunteers continue to outpace an already
substantial demand. In the past several months alone, nearly 5,000 recruits have joined from Sunni areas. In the recently cleared Tal Afar, more than 200 local volunteers have begun police training before returning to help protect their city. In Anbar, Sunnis have lined up to join the Iraqi army and police, planning to return to their home province and help protect it from terrorists.

- **Iraqis are taking on specialized missions central to overall success.** Four Strategic Infrastructure Battalions, with more than 3,000 personnel, have completed training and will soon assume the specific mission of guarding vital infrastructure nodes from terrorist attack. A Special Police Unit highly trained for hostage rescue has almost 200 operators and is conducting operations almost every week in Baghdad and Mosul. In the past several months, hundreds of Iraqi soldiers have undergone intensive special operations training and are now in the fight, hunting, killing, and capturing the most-wanted terrorist leaders.

- **Iraq is building an officer corps that will be loyal to the Iraqi government, not a particular group or tribe.** The Iraqi army now has three officer academies training the next generation of junior officers for its army. In September, NATO inaugurated a new military staff college in Baghdad that will eventually train more than 1,000 senior Iraqi officers each year. Today, however, the vast majority of Iraqi police and army recruits are being taught by Iraqi instructors. By training the trainers, we are creating an institutional capability that will allow the Iraqi forces to continue to develop and grow long after Coalition forces have left Iraq.

**CONTINUED CHALLENGES IN THE SECURITY SPHERE**

- Even with this progress, we and our Iraqi partners continue to face multiple challenges in the security sphere, including:
  - Countering the intimidation and brutality of enemies whose tactics are not constrained by law or moral norms;
  - Building representative Iraqi security forces and institutions while guarding against infiltration by elements whose first loyalties are to persons or institutions other than the Iraqi government;
  - Neutralizing the actions of countries like Syria and Iran, which provide comfort and/or support to terrorists and the enemies of democracy in Iraq;
  - Refining our understanding of the constantly changing nature of, and relationships between, terrorist groups, other enemy elements, and their networks;
  - Addressing the militias and armed groups that are outside the formal security sector and central government command;
  - Ensuring that the security ministries -- as well as the fighting forces -- have the capacity to sustain Iraq's new army;
• Integrating political, economic, and security tools — and synchronizing them with Iraqi government efforts — to provide the best post-conflict operations possible.

"My aim is 100 percent clear: all the terrorists living here, they go now. Saddam ... it’s finished. He’s broken. Now is the new Iraq."

-Gen. Muhammad al-Sumra, Iraq 303rd Battalion, Haifa Street, Baghdad, August 14, 2005

THE ECONOMIC TRACK IN DETAIL

Strategic Summary: Restore, Reform, Build

➢ The economic track is based on six core assumptions:

• First, Iraq has the potential to be not just viable, but prosperous and self-sustaining.

• Second, a free and prosperous Iraq is in the economic interest of everybody, including Iraq’s neighbors and the greater Middle East. A flourishing Iraq can spur economic activity and reform in one of the world’s most vital regions.

• Third, increased economic opportunity in Iraq and a growing economy will give larger numbers of Iraqis an economic stake in a peaceful country, and drain the influence of radicals and rejectionists who recruit the unemployed and thrive on resentment.

• Fourth, economic change in Iraq will be steady but gradual given a generation of neglect, corrosive misrule, and central planning that stifled entrepreneurship and initiative.

• Fifth, Iraq can be a reliable and contributing partner in the international economic community, demonstrating the fruits of good governance and transparency.

• Sixth, Iraq will need financial support from the region and international community as its economy transitions from being guided by command principles and hampered by poor infrastructure to a more self-sustaining posture.

STRATEGIC LOGIC BEHIND THE ECONOMIC TRACK

➢ Our efforts have focused on helping Iraq restore its neglected infrastructure so it can provide essential services to the population while encouraging economic reforms, greater transparency, and accountability in the economic realm. The international community has been instrumental in these efforts, but there is room for the international community to do more. Foreign direct investment, over time, will play an increasing role in fueling Iraq’s economic growth.

• How will these efforts help the Iraqis — with Coalition support — defeat the enemy and achieve our larger goals?
The rebuilding of Iraq’s infrastructure and the provision of essential services will increase the confidence of Iraqis in their government and help convince them that the government is offering them a brighter future. People will then be more likely to cooperate with the government, and provide intelligence against the enemy, creating a less hospitable environment for the terrorists and insurgents.

Efforts in the reconstruction realm have significant implications in the security realm when they focus on rebuilding post-conflict cities and towns. Compensation for civilians hurt by counterterrorism operations and the restoration of some economic vibrancy to areas formerly under terrorist control can help ease resentment and win over an otherwise suspicious population.

Economic growth and reform of Saddam-era laws and regulations will be critical to ensuring that Iraq can support and maintain the new security institutions that the country is developing, attract new investment to Iraq, and become a full, integrated member of the international economic community.

Economic growth and market reform – and the promotion of Iraq’s private sector – are necessary to expand job opportunities for the youthful Iraqi population and decrease unemployment that makes some Iraqis more vulnerable to terrorist or insurgent recruiting.

PROGRESS ON THE ECONOMIC TRACK

Our restore, reform, build, strategy is achieving results:

- Oil production increased from an average of 1.58 million barrels per day in 2003, to an average of 2.25 million barrels per day in 2004. Iraq presently is producing on average 2.1 million barrels per day, a slight decrease due to terrorist attacks on infrastructure, dilapidated and insufficient infrastructure, and poor maintenance practices. We are helping the Iraqis address each challenge so the country can have a dependable income stream.

- Iraq’s nominal GDP recovered from its nadir of $13.6 billion in 2003 to $25.5 billion in 2004, led primarily by the recovery of the oil sector. According to the International Monetary Fund, GDP is expected to grow in real terms by 5.7 percent in 2005 and nearly 17 percent in 2006.

- Iraq’s exchange rate has been stable since the introduction of its new currency in 2004 and remains at approximately 1,475 Iraqi Dinar/$1. A stable currency has allowed the Central Bank of Iraq to better manage inflationary pressures.

- According to the IMF, per capita GDP, an important measure of poverty, rebounded to $942 in 2004 (after dropping to $518 in 2003), and is expected to continue to increase to over $1,000 in 2005.

- Since April 2003, Iraq has registered more than 30,000 new businesses, and its stock market (established in April 2004) currently lists nearly 90 companies with an average daily trading

![Image]

[591]
volume over $100 million (from January to May 2005), up from an average of $86 million in 2004.

- Iraq is rejoining the international financial community: it is on the road to WTO accession, has completed its first IMF economic health report card in 25 years, and secured an agreement that could lead to as much as 80 percent reduction from the Paris Club for Saddam-era debt.

- At the October 2003 Madrid International Donors Conference, donors other than the United States pledged over $13 billion in assistance for the reconstruction of Iraq, including $8 billion from foreign governments and $5.5 billion in lending from the World Bank and International Monetary Fund, to be disbursed from 2004 through 2007.

- Iraqi business leaders are decidedly optimistic about the growth of the economy as well as the growth of their own businesses.

  - According to a September poll by Zogby International for the Center for International Private Enterprise, 77 percent of Iraqi businesses anticipate growth in the national economy over the next two years and 69 percent of respondents describe themselves as being "optimistic" about Iraq's economic future.

- Today in Iraq there are more than 3 million cell phone subscribers. In 2003 there were virtually none.

CONTINUED CHALLENGES IN THE ECONOMIC SPHERE

- Even with this progress, Iraq continues to face multiple challenges in the economic sphere, including:

  - Facilitating investment in Iraq's oil sector to increase production from the current 2.1 million barrels per day to more than 5 million per day;
  
  - Overcoming decades of Saddam's neglect of Iraq's basic infrastructure;
  
  - Preventing, repairing, and overcoming terrorist and insurgent attacks against vital infrastructure, especially electricity and oil-related nodes;
  
  - Dealing with an increased demand for electricity;

    - The liberalization of border trade and increased salaries of Iraqis, has led to increased demand for electric goods since 2003, which has driven up demand for electricity. At the same time, insurgent attacks and dilapidated infrastructure have complicated efforts to bring more electricity on-line. The Iraqis, with our assistance, are working to ease electricity constraints by providing greater security to transmission lines, investing in new generation capacity, and evaluating the prospects of using natural gas – as opposed to inefficient fuels – to keep generators running.
• Creating a payment system and a banking infrastructure that are responsive to the needs of the domestic and international communities, and that allow transactions involving possible money laundering, terrorist financing and other financial crimes to be detected;

• Balancing the need for economic reform – particularly of bloated fuel and food subsidies – with political realities;

• Building the administrative and technical capacities of Iraqi ministries;

• Ensuring as much reconstruction assistance as possible flows to Iraqi entities (ministries and businesses);

• Encouraging local and regional capacity building after decades of a highly centralized government, so that reconstruction and essential services can be more evenly distributed throughout Iraq;

• Facilitating progress toward a market-oriented economy by reforming commercial laws and other bureaucratic obstacles to attract investment and private sector involvement;

• Encouraging many in the region and the international community to disburse their pledges more quickly and contribute even greater resources to Iraq’s reconstruction.

ORGANIZATION FOR VICTORY

The 8 Strategic Pillars

➢ Our strategy for victory along the political, security, and economic tracks incorporates every aspect of American power, with assistance from agencies throughout the federal government, and the involvement of the United Nations, other international organizations, Coalition countries, and other supportive countries and regional states. It is predicated on the belief that we must marshal these resources to help Iraqis overcome the challenges remaining before them.

➢ Our strategy is comprehensive, and relies on a sustained and courageous effort by hundreds of thousands of Americans and Coalition partners, military and civilian, in the security, political, economic, and diplomatic realms – in addition to the millions of Iraqis they work with everyday.

➢ To organize these efforts, we have broken down our political/security/economic strategy into eight pillars or strategic objectives:

1. Defeat the Terrorists and Neutralize the Insurgency
2. Transition Iraq to Security Self-Reliance
3. Help Iraqis Form a National Compact for Democratic Government
4. Help Iraq Build Government Capacity and Provide Essential Services
5. Help Iraq Strengthen its Economy
6. Help Iraq Strengthen the Rule of Law and Promote Civil Rights

553

25
7. Increase International Support for Iraq
8. Strengthen Public Understanding of Coalition Efforts and Public Isolation of the Insurgents

Each Strategic Pillar contains at least five independent lines of action and scores of sub-actions, with specific objectives being met by military and civilian volunteers, Iraqis, and our international partners.

- Underlying each line of action is a series of missions and tasks assigned to military and civilian units in Iraq. These missions and tasks are largely classified, but we seek to characterize them in the unclassified appendix that follows. By understanding our organization, Americans can better understand our strategy and the steps we are taking to achieve long-term victory in Iraq.

- Each pillar has a corresponding interagency working group—where professionals from the National Security Council, State Department, Defense Department, Treasury Department, Commerce Department, Homeland Security, and other agencies coordinate policy, review and assess the progress that is being made, develop new proposals for action whenever necessary, and oversee the implementation of existing policies.

- Weekly strategy sessions at senior levels of the United States Government ensure that Iraq remains a top priority for all relevant agencies with actions along all the eight pillars of activity integrated and calibrated to changed circumstances whenever necessary.

- This is the essence of a conditions-based strategy: constantly reviewing conditions as they evolve and changing and redirecting tactics as needed to keep a trajectory towards long-term success.

- Our team in Baghdad—led by Ambassador Zalmay Khalilzad and General George Casey—works to implement policy on the ground and lay the foundation for long-term success.

The following appendix outlines each Pillar to provide a sense of how our mission in Iraq is organized. As these pages demonstrate, there is hard work to do, but the stakes could not be higher, and we are organized for victory to an extent not seen since the end of the Cold War.

"There's always a temptation, in the middle of a long struggle, to seek the quiet life, to escape the duties and problems of the world, and to hope the enemy grows weary of fanaticism and tired of murder. This would be a pleasant world, but it's not the world we live in. The enemy is never tired, never sated, never content with yesterday's brutality. This enemy considers every retreat of the civilized world as an invitation to greater violence. In Iraq, there is no peace without victory. We will keep our nerve, and we will win that victory."

-President George W. Bush, October 6, 2005
APPENDIX

The Eight Pillars
Defeat the Terrorists and Neutralize the Insurgency

STRATEGIC OBJECTIVE: Iraq is not a source of terrorists or terrorist resources, and neither terrorists, Saddamists, nor rejectionists are able to prevent Iraq’s political and economic progress. They cannot stop the Iraqi government’s development of a constitutional representative democracy, the provision of essential services, a market economy that provides goods, services, and employment for Iraqis, or the free flow of information and ideas.

Status: Increasingly capable Iraqi security forces are working with Coalition forces to disrupt enemy operations by preventing the establishment of enemy safe havens in Iraq and by providing enhanced protection of key infrastructure. They are disrupting enemy movements across borders and are applying pressure to stop the use of Syrian territory to facilitate terrorist activities in Iraq. As the Iraqi government establishes its authority, it generates — with international assistance — programs and projects to benefit the Iraqi people and isolate violent extremists from the population. As security improves, the United States will work with Iraqi authorities to strengthen provincial governments, especially through the use of project funding.

The United States is helping Iraq achieve this objective by pursuing the following lines of action:

- Staying on the offensive by aiding the Iraqi government to eliminate enemy safe havens and hunt down members of terrorist cells and key enemy leaders
- Facilitating the establishment of effective local governance and security elements to ensure post-conflict stability and security
- Assisting Iraqi authorities to suppress foreign fighter infiltration and denying terrorists freedom of movement
- Working with the Iraqi government to disrupt enemy financial networks
- Helping the Iraqis to harden, build redundancy, and protect critical infrastructure

"To be sure, the terrorists and insurgents are out to shake our will. But they will not succeed. The Iraqi people, enabled by the military and civilian members of the coalition, will succeed."

—General George Casey, Commander, US Forces in Iraq, June 2005
Transition Iraq to Security Self-Reliance

STRATEGIC OBJECTIVE: The Government of Iraq provides for the internal security of Iraq, monitors and controls its borders, successfully defends against terrorists and other security threats.

Status: Iraqi security forces, both military and police, are growing in capability through regular and challenging training. They are gaining operational experience to bring the fight directly to the enemies of democracy in Iraq. As Iraqi units become more capable, they are moving from fighting alongside Coalition forces, to taking the lead in operations against the enemy. As more units gain experience and grow more capable, Iraqis will take the lead in the bulk of operations, and Coalition forces will increasingly focus on specialized missions, such as killing or capturing Zarqawi and his henchmen.

The United States is helping Iraq achieve this objective by pursuing the following lines of action:

- Helping to train and equip the Iraqi Security Forces, military, and police, so they can combat terrorist and other enemy activity and maintain a secure environment in Iraq
- Assisting in the development of Iraq’s security ministries to control, manage, and sustain the Iraqi security forces and assume greater responsibility for the security of the state
- Increasing the Iraqi government’s capability to protect its key economic infrastructure, control its borders, and deny entry to foreign fighters and violent extremists
- Improving the Iraqi government’s intelligence capability to augment security force efforts and to protect national interests

"The principal task of our military is to find and defeat the terrorists, and that is why we are on the offense. And as we pursue the terrorists, our military is helping to train Iraqi security forces so that they can defend their people and fight the enemy on their own."

-President George W. Bush, June 28, 2005
Help Iraqis Forge a National Compact for Democratic Government

STRATEGIC OBJECTIVE: Iraq evolves into a free, federal, democratic, pluralist, and unified state representative of all Iraqi citizens.

Status: A generation of arbitrary and vicious rule by Saddam Hussein corrupted Iraq’s public life and left most Iraqis with little trust in government institutions. Iraqis are now working to overcome this legacy, but their scarred history and rich diversity of religion, ethnicity, language, and experience requires sophisticated political arrangements to ensure that all Iraqis have a place in the new Iraq. The continuation of the political process, coupled with the emergence of compromises across ethnic and religious divides, is drawing in more and more Iraqis, including those who have only known violence as the final arbiter of any dispute.

The United States is helping Iraq achieve this objective through the following lines of action:

- Supporting Iraqi leaders in their quest to bring all Iraqis into the political process, through dialogue and the creation of inclusive institutions
- Offering advice and technical support on elections and effective governance
- Helping to build national institutions that transcend regional and sectarian interests
- Helping the Iraqis replace the corrupt and centralized system of Saddam’s regime with effective government bodies at the local, provincial, and national levels
- Assisting with the design and implementation of civic outreach and education programs to help Iraqi citizens understand their rights and responsibilities in a democratic system
- Promoting transparency in the executive, legislative, and judicial branches of government
- Supporting efforts by the Iraqi Transitional Government and successor governments to develop effective and legitimate institutions for legislation, law enforcement, the administration of justice, and the equitable administration of all public services

"This constitution is a national compact between the communities of Iraq, to have a roadmap for the future so they can live together in mutual respect and mutual tolerance. And that’s why it’s so important and... at the same time why it’s so difficult."

-Ambassador to Iraq Zalmay Khalilzad, August 2005
Help Iraq Build Government Capacity and Provide Essential Services

STRATEGIC OBJECTIVE: The Iraqi government is able to provide essential services to the population of Iraq.

Status: Saddam Hussein pillaged Iraq’s infrastructure and directed essential services to favored areas populated with Ba’ath party loyalists. This legacy is now further complicated by forces in Iraq that deliberately target civilian infrastructure to dishearten the public and weaken the central government. These strains on Iraq’s infrastructure are exacerbated by an ever-growing demand for electricity and fuel (resulting from an upward spiral of demand for new cars, generators, and air conditioners) and subsidies that make prices for power among the lowest in the world. These difficulties, among others, help explain why progress in these areas has not been as robust as some expected. Nevertheless, impressive gains are being made, with new schools and clinics opening and water projects and electricity generation coming on line.

The United States is helping Iraq achieve this objective through the following lines of action:

- Rehabilitating critical infrastructure in the production and distribution of fuels and electric power as well as training engineers to maintain and operate this infrastructure
- Supporting and strengthening the nascent institutions of public utilities and regulatory agencies
- Rehabilitating water and sanitation infrastructure to provide safe drinking water and reducing the transmission of water-borne disease
- Building and rehabilitating health care facilities, with a focus on impoverished neighborhoods and communities
- Rehabilitating schools, providing new textbooks, computers and materials, and training teachers and school administrative staff
- Encouraging international donors to expand infrastructure and capacity-building efforts through prompt disbursement of pledges

“As to the situation with infrastructure and services for Iraq, the United States, of course, has devoted $15.6 billion to reconstruction in Iraq, a good bit of that to water projects, to electricity. I think it’s awfully important to step back and recognize that under Saddam Husseim this Iraqi infrastructure was seriously deteriorated. ... There is already a lot of work that has gone on on electricity, a lot of work that has gone on on water, from us, from the European Union, from other states.”

- Secretary of State Condoleezza Rice, June 2005
Help Iraq Strengthen Its Economy

STRATEGIC OBJECTIVE: Iraqi government policies and legal framework support a market economy and robust private sector-led growth.

Status: Iraq has enormous economic potential, with an educated, young, and skilled workforce and vast natural resources. But Iraq is struggling to reach its economic potential due largely to decades of dictatorship and neglect. Unemployment is high, which fuels popular dissatisfaction and may generate sympathy for the insurgency among some Iraqis. Changing these economic realities will require tough reforms, political will by the Iraqi government, a shift in expectations by the Iraqi people, and the help of the international community. Despite these challenges, Iraq's economy is growing, supporting new businesses every month. Through persistent diplomatic and financial efforts, Iraq is getting control of its once-enormous debt burden. Inflation remains in check, and the international financial institutions have expressed their confidence that Iraq is on the right track.

The United States is helping Iraq achieve this objective through the following lines of action:

- Helping Iraq to improve its fiscal management and transparency
- Encouraging pro-market oriented reform and the achievement of a stable macroeconomic environment
- Supporting the development and implementation of laws and institutions that encourage sustained economic growth
- Encouraging the removal of regulations and termination of practices that obstruct private sector growth in Iraq
- Providing technical assistance to aid the rapid improvement of Iraq's business climate and Iraq's accession to the World Trade Organization
- Assisting the Iraqi government in strengthening its banking and financial system
- Supporting the revitalization of agriculture and other productive sectors to diversify a single-resource-based economy

"... The success of building the new Iraq includes ... the process of political change, which in Iraq is well on the way with the elections and inclusive government, and now a constitutional commission leading to the new constitution and referendum later in the year. But also an economic dimension, for reconstruction and creating opportunity and hope for the Iraqi people ..."

- Deputy Secretary of State Robert Zoellick, July 2005
Help Iraq Strengthen the Rule of Law and Promote Civil Rights

STRATEGIC OBJECTIVE: Iraq reforms its legal system and develops institutions capable of addressing threats to public order. Iraq’s government operates consistent with internationally recognized standards for civil rights and the rule of law.

Status: The “rule of law” as a concept denotes a government of laws, and not men. It is a concept that was born in Iraq, thousands of years ago, and also eviscerated there, over the past three decades, by Saddam Hussein. Iraq is now trying to reclaim its proud history. It is working to overcome the effects of tyranny by building a legal system that instills confidence in a new government, ensures that every person accused of a crime receives due process – including fair, public, and transparent trials – and a prison system that complies fully with international standards. The steps taken thus far include establishment of an independent judiciary, creation of the Central Criminal Court of Iraq and the Iraq Higher Tribunal, renovation and reconstruction of courthouses throughout Iraq, establishment of a reformed Iraq Correctional Service, and construction of modern civilian prison facilities.

The United States is helping Iraq achieve this objective by pursuing the following lines of action:

- Promoting an independent, unbiased, and ethical court system through technical assistance and training of prosecutors, attorneys, and judges
- Assisting in the enhancement of security for judges trying insurgent and terrorist cases
- Providing support to the Iraqi Special Tribunal as it investigates and prosecutes crimes committed by the former regime
- Advising the Ministry of Justice in the development of a centralized organization for the management and oversight of a fair and efficient national correctional system
- Assisting in the establishment of safe and secure correctional facilities for the care, custody, and treatment of persons incarcerated in the Iraqi correctional system
- Establishing an anti-major crimes task force, with FBI agents and other U.S. officials aiding their Iraqi counterparts during investigations of terrorist attacks and assassinations
- Promoting a climate for national reconciliation through fair, effective, and independent judicial institutions

"One of the most important ways to fight terrorism is to promote democracy, and one of the most important ways to promote democracy is the rule of law."

-Attorney General Alberto Gonzales, July 2005
Increase International Support for Iraq

STRATEGIC OBJECTIVE: The international community, countries in the region, and regional organizations support Iraq’s attainment of democracy, prosperity, and security.

Status: Saddam Hussein’s tyranny, wars of aggression, massive human rights violations, and defiance of Security Council resolutions made Iraq a pariah state. Iraq’s nascent democracy is transforming itself into a fully functioning, engaged, and responsible member of the international community. Iraq has begun to rebuild its relationships with its neighbors and engage the international community. A series of international conferences and the steady development of Iraq’s diplomatic relationships have greatly assisted this process. The June 2005 Brussels conference on Iraq, for example, was co-sponsored by the United States and the European Union, and attended by more than 80 countries and international organizations, demonstrating Iraq’s revitalized international standing. The enactment in November of U.N. Security Council Resolution 1637, which reaffirmed unanimous support for Iraq’s political process and the role of Coalition Forces in Iraq, provides strong international backing to Iraq’s transition. So too does Resolution 1618, which unanimously condemned the terrorists operating in Iraq and called upon all nations to support Iraq’s government and stop the flow of terrorists into Iraq.

The United States is helping Iraq achieve this objective by pursuing the following lines of action:

- Encouraging NATO’s continued participation in Iraq
- Maximizing international donor reconstruction assistance and the numbers of partners committed to the rebuilding of Iraq, particularly by helping Iraq seek prompt disbursement of previous pledges and forgiveness of debt
- Encouraging further UN involvement in Iraq
- Emphasizing the importance of Syrian cooperation with the Iraqi government, including the interdiction of foreign fighters trying to cross the border
- Fostering lasting relationships between Iraq, regional partners, and neighboring countries to promote greater levels of cooperation and security within Iraq and within the Middle East

“The work that America and our allies have undertaken, and the sacrifices we have made, have been difficult, and necessary, and right. Now is the time to build on these achievements, to make the world safer, and to make the world more free. We must use American diplomacy to help create a balance of power in the world that favors freedom. The time for diplomacy is now.”

-Secretary of State Condoleezza Rice, January 2005
Strengthen Public Understanding of Coalition Efforts and Public Isolation of the Insurgents

STRATEGIC OBJECTIVE: Widespread understanding in Iraq, the Arab world, and international arena of Iraq’s successes in building democracy, prosperity, and security. Violent extremism is discredited within and outside Iraq. A professional and informative Iraqi news media has taken root.

Status: Successes in Iraq’s political and economic development are overshadowed in the international media, including popular pan-Arab outlets, by a relentless focus on terrorist and extremist violence and a misleading spotlight on the disagreements among Iraqi politicians. This has contributed to an inaccurate and unbalanced view of developments in Iraq among many international audiences and within Iraq itself. Since the fall of Saddam, hundreds of new independent media outlets have sprung up in Iraq. Their presence is a testament to the vitality of a free press, but their quality is often uneven and their level of professionalism could be improved. Together with our international partners, we are working to promote civic understanding and enable Iraq’s public and private media institutions to flourish.

The United States is helping Iraq achieve this objective by pursuing the following lines of action:

- Communicating with the Iraqi public through information programs and civic education campaigns
- Providing technical assistance and training to support a free, independent, and responsible Iraqi media (including television, radio, and print) that delivers high-quality content and responsible reporting throughout Iraq
- With our international partners, working to help the Iraqi Government develop the ability and capacity to communicate with its citizens in a professional, effective, and open manner
- Encouraging Iraqis to participate in the political process, including the referendum on the constitution and national elections in December 2005, through a wide variety of civic education and public communications tools
- Informing Iraqis about the progress of reconstruction, security, and infrastructure on the national, regional, and local level

"America will not impose our own style of government on the unwilling. Our goal instead is to help others find their own voice, to attain their own freedom and to make their own way."

-President George W. Bush, January 2005
SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) In General. That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) War Powers Resolution Requirements

(1) Statutory authorization. Consistent with section 5(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) Applicability of other requirements. Nothing in this resolution supersedes any requirement of the War Powers Resolution.

Joint Resolution to authorize the use of United States Armed Forces against Iraq


Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait, and its people, in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unconditionally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction, stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;


SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) Authorization. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

(b) Presidential Determination. In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this joint resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.

(c) War Powers Resolution Requirements.

(1) Specific statutory authorization. Consistent with section 5(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) Applicability of other requirements. Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) Reports. The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are
completed, including those sections described in section 7 of the Iraq Liberation Act of 1998 (Public Law 105-338).

(b) Single Consolidated Report. To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report or matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of the War Powers Resolution (Public Law 98-416), all such reports may be submitted as a single consolidated report to the Congress.

(c) Rule of Construction. To the extent that the information required by section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of such resolution.

B. INTERNATIONAL CONVENTIONS

1. Geneva Conventions (1949)

[Note: There are four 1949 Geneva Conventions. Convention I deals with "Wounded and Sick Members of Armed Forces in the Field," II with "Wounded, Sick and Shipwrecked Members of Armed Forces at Sea," and IV with "Protection of Civilian Persons in Time of War." Convention IV is "Relative to the Treatment of Prisoners of War." Article 3 is identical in all four conventions and is known as "Common Article 3."]

III

Convention Relative to the Treatment of Prisoners of War

Article 2

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:
Since President George W. Bush’s "Axis of Evil" speech in January 2002, a new military concept for defence against terrorist attacks, the so-called "preemptive" approach, has been the subject of much discussion in the US and the UK. In the UK, Prime Minister Tony Blair announced in the run-up to the US-led invasion of Iraq that "A.Q.A.A." would be a "vital" part of the British strategy. The concept was also discussed in the context of the UK’s preparation for an "indefinite" war on terrorism, as Blair stated in his 2003 "Terror Alert" speech.

The concept of "preemptive" action, according to which military action against suspected terrorists or their organizations is taken before they can act, has been particularly controversial in the UK. The government has been criticized for its reliance on intelligence which is often based on unreliable or unverifiable information. The concept has also been criticized for its potential to result in the invasion of countries where there is no direct threat to the UK, and for its potential to escalate conflicts and increase the risk of terrorism.

In conclusion, the "preemptive" approach to defence against terrorism is a complex and controversial concept that has been subject to much debate in the UK and elsewhere. It is important to continue to monitor its development and to ensure that any military action is based on solid evidence and in accordance with international law and human rights principles.
Allegations of links between Al Qaeda and Saddam Hussein

In their apparent determination to embark on the use of force against Iraq in response to its repeated violations of the cease-fire regime established in Security Council Resolution 687 and its non-cooperation with weapons inspectors, some members of the US administration made claims of links between Al Qaeda and President Saddam Hussein of Iraq. Even where there was no claim of any direct involvement of Saddam Hussein in the terrorist attacks of 9/11, the assertions of ongoing links were clearly designed to bring any attack on Iraq within the scope of the war against terrorism, thus giving the doctrine of self-defense a broad backdrop.

Of Afghanis, I had no immediate conception. Such attempts to link Al Qaeda and Saddam Hussein increased following the identification of a threat from the Al-Qaeda in 2002 when President Bush accused Iraq, Iran and North Korea. I have since been to a grave and growing anger to the USA and of the need to prevent terrorists and regimes that seek a means of mass destruction from threatening the USA and the world.

Rhetorical phrases like that of President Bush in his 2003 State of the Union Address stopped short of the assertion of a direct link between Saddam Hussein and Al Qaeda. Before September 11, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons and other plans—this time armed by Saddam Hussein. It would take one viral, one chemical, one- or one-rate slipped into this country to bring a day of horror like none we have ever known. Jack Straw, the UK Foreign Secretary, was demonstrative, and also without drawing any direct link, spoke of Saddam Hussein and Al Qaeda as 'part of the same picture'. But intelligence


* The Conclave, 6 January 2003. The US government set out the position in February 2003 in response to the Select Committee on Intelligence, which stated that, although the possibility that Saddam Hussein might employ terrorist methods must be taken seriously, there was no compelling evidence linking the Iraqi regime to Al Qaeda. Neither the British nor the US Government had yet provided any evidence that Iraq had any involvement in the attacks of 11 September 2001. Until such evidence was provided, any military action against the Iraqi regime must be justified on grounds other than its past or current involvement with the Al Qaeda network. The UK government made it clear in reply that it was the US who had been the victim of Saddam Hussein poisoning weapons of mass destruction to account for such evidence as Al Qaeda. Saddam Hussein is developing them. Al Qaeda is raising them and would use them. Saddam Hussein and Al Qaeda have a common design and shared purposes. Both are prepared to use the terrorist activity to achieve their ends. We have no evidence that Iraq was involved in the September 11 attacks. But there are links between Iraq and Al Qaeda. Responsibility of the Secretary of State for Foreign and Commonwealth Affairs in the Second Report of the agencies in the USA and the UK were unwilling to assert any significant link between Al Qaeda and Saddam Hussein. They acknowledged that Saddam Hussein had no involvement in the 11 September attacks on the World Trade Center and Pentagon. Nevertheless the US administration made renewed claims of a link immediately before the use of force against Iraq.

Pre-emptive self-defence against the threat of Iraq's weapons of mass destruction

In the period between 9/11 and the eventual attack on Iraq in March 2003 there were deep divisions between states on whether to use force against Iraq and whether there was any legal justification for Operation Iraqi Freedom. Many states warned against any extension of the right of self-defence against terrorism beyond Operation Enduring Freedom in Afghanistan. They expressed serious doubts about the Axis of Evil rhetoric of the USA, and the attempt to extend the war against terrorism against certain states developing weapons of mass destruction. NATO states were bitterly divided; they produced only a cautious declaration on Iraq in the November 2002 Prague Summit Statement with no commitment to the use of force, let alone to the doctrine of pre-emption. This was apparently the result of the split between the states who opposed the use of force against Iraq, identified by US Defense Secretary Rumsfeld as 'Old Europe', led by France and Germany, and 'New Europe', ready to contemplate the use of force, which included the UK, Spain and most of the Eastern European states.

For these states supporting action against Iraq, the crucial question became whether it was possible to extend the war against terrorism to cover action against Iraq—that is, whether such an action could be a use of self-defence against terrorism. Or, alternatively, should action against Iraq


See, for example, 'Sweeping' (2003) 411A The Conclave, 27 July-29 August 2002, 29 January 2003. Also, Spain, in particular with the USA and the UK in advocating military action against Iraq, made reports of links between Iraq and Al Qaeda in Spain on the threat of a terrorist attack on Australian interests in Iraq. The Conclave, 16 March 2003.

** See Chart 24 below on the justification of US authorisations in the basis for the use of force against Iraq.


be justified on the basis of non-compliance with the cease-fire regime binding on Iraq under Resolution 687 and subsequent resolutions? Or, as is characteristic of legal arguments, might be that a combination of these weak arguments would be used. It is interesting that the Resolution of the US Houses of Congress in October 2002 used both implied authorization and self-defense. This ‘Authority for the Use of Military Force against Iraq’ authorized the President ‘to use the armed forces of the United States as he determines to be necessary and appropriate in order to (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.’ Similarly John Negroponte, the US representative to the UN Security Council, speaking after the unanimous adoption of Security Council Resolution 1441 on Iraq in November 2002, said that ‘If the Security Council fails to act decisively in the event of further Iraqi violations this resolution does not constrain any member state from acting to defend itself against the threat posed by Iraq or to enforce relevant United Nations resolutions and protect world peace and security.’ Clearly the US was deliberately keeping both options open. President Bush’s address to the Nation on 19 March 2003 as military operations against Iraq began and the US letter to the Security Council on 20 March 2003 also used this combination of arguments.

But the UK and Australia, the only other states to contribute forces at the start of Operation Iraqi Freedom, did not use pre-emptive self-defence as any part of their legal case for the invasion of Iraq; they preferred to rely on authorization by the Security Council, an indication of the doubt over the doctrine of pre-emptive action. Nor did the other states offering military or political support express put forward a justification based on pre-emption. Several states which opposed the use of force against Iraq expressly rejected the legality of pre-emptive use of force.

Any case for pre-emption rested on the existence of a threat of attack on the USA and others arising from Iraq’s possession or development of weapons of mass destruction. But the problems with this doctrine were

---

42 UN Press Release SC/7564.
44 S/2003/350; S/2003/352. Australia expressly said that there was no need to consider self-defence. Memorandum of Advice on the Use of Force against Iraq provided by the Attorney-General, Department of Foreign Affairs and Trade, March 18 2003.
45 The USA claimed that three states were involved in the ‘coalition in favour of military action that had justified the 1991 operation authorized by the UN. Forty-five states were involved in Operation Iraqi Freedom, Keesings (2003) 45515; The Guardian, 5 and 19 March 2003. Murphy, ‘Contemporary Practice of the United States relating to International Law’, 97 ALIL (2000) 439 at 458.
46 See, for example, Yezon and Isbick, SC 4629/46, meeting, 16 October 2002; Malaek, Yezon, Iran and Lebanon, SC 4726/146 meeting, 26/27 March 2003.
might be planning to use preemptive force to prevent their development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons.

The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons. The US has been planning to use preventive force to prevent the development of nuclear weapons.
TERRORIST ATTACKS AFTER 9/11 AND THE INTERNATIONAL RESPONSE

Since 9/11 there has been a sequence of terrorist attacks, some of which have been attributed to Al Qaeda. But the international response has not to date involved the use of force. The Security Council in response to certain of these attacks has again, as in Security Council resolutions 1368 and 1373, asserted that acts of terrorism are threats to international peace and security, but it has not made express reference to Chapter VII in so doing. Nor has it expressly asserted any right of self-defence with regard to these further terrorist episodes. Its focus in the 'war against terrorism' has been on peaceful means. Thus in Resolution 1388 the Security Council

condemned the attack on the Bali nightclub and repeated that it regarded such acts, like any act of international terrorism, as a threat to international peace and security. But no reference was made to self-defence, only to 'a reinforced determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the UN'. Resolution 1440 condemning the heinous act of taking hostages in Moscow, while maintaining lip-service to international law. But the problems are obvious: these threats go far beyond the traditional conception of self-defence and beyond the force used in Operation Enduring Freedom. The responses of South Korea and of Japan make clear the dangers of escalation inherent in the doctrine of pre-emptive action. France in particular had earlier warned of the dangers of the doctrine of pre-emptive self-defence: As soon as one nation claims the right to take preventative action, other countries will naturally do the same. And what would you say in the entirely hypothetical event that China wanted to take preventative action against Taiwan, saying that Taiwan was a threat to it? How would the Americans, the Europeans and others react? Or what if India decided to take preventative action against Pakistan, or vice versa?117

INTERVENTION AFTER OPERATION ENDURING FREEDOM

Difficult questions also arise as to how far the war against terrorism in Afghanistan has affected the law on intervention. The traditional rule, even if more honoured in the breach than in the observance, was that states should not intervene to assist opposition forces to overthrow a government. And although it was permissible to respond to a request for help by a government, states should not intervene in a conflict which had escalated to a civil war unless there had been outside intervention against the government. If states claim that the opposition are terrorists then not only might this be used to justify non-military, repressive actions by the government but it also might justify a shift in legal argument on forcible intervention.

See Chapter 3 above.

117 See Chapter 3 above.

118 Similarly, the OAS Convention on Terrorism (2003) included only peaceful means. 42 ILM (2003) 19.
The Commission on the
Intelligence Capabilities
of the
United States
Regarding
Weapons of
Mass Destruction

Report to the President of the United States
March 31, 2005
intelligence analysts were determined not to fall victim again to the same mistake. This tendency was only reinforced by later events. Saddam acted to the very end like a man with much to hide. And the dangers of underestimating our enemies were deeply underscored by the attacks of September 11, 2001.

Throughout the 1990s, therefore, the Intelligence Community assumed that Saddam’s Iraq was up to no good—that Baghdad had maintained its nuclear, biological, and chemical weapons production capabilities, and possessed significant stockpiles of chemical agents and weapons precursors. Since Iraq’s leadership had not changed since 1991, the Intelligence Community also believed that these capabilities would be further revved up as soon as inspectors left Iraq. Saddam’s continuing cat-and-mouse partying with international inspectors only hardened these assumptions.

These experiences contributed decisively to the Intelligence Community’s erroneous National Intelligence Estimate of October 2002. That is not to say that its fears and assumptions were foolish or even unreasonable. At some point, however, these premises stopped being worth hypothesizing and became more or less unrebutable conclusions; worse, the intelligence system became too willing to find confirmations of them in evidence that should have been recognized at the time to be of dubious reliability. Collectors and analysts too readily accepted any evidence that supported their theory that Iraq had stockpiles and was developing weapons programs, and they explained away or simply disregarded evidence that pointed in the other direction.

Even in hindsight, those assumptions have a powerful air of common sense. If the Intelligence Community’s estimate and other pre-war intelligence had relied principally and explicitly on inferences the Community drew from Iraq’s past conduct, the estimate would still have been wrong, but it would have been far more defensible. For good reason, it was hard to conclude that Saddam Hussein had indeed abandoned his weapons programs. But a central flaw of the NIE is that it took these defensible assumptions and swathed them in the mystique of intelligence, providing secret information that seemed to support them but was in fact nearly worthless, if not misleading. The NIE simply didn’t communicate how weak the underlying intelligence was.

This was, moreover, a problem that was not limited to the NIE. Our remaining case study, Libya, is fandom assessed correctly the programs, and the Intelligence Assessment of the Qadhafi network dismantling those programs has made great strides: Qadhafi operations overseas need to be replicated in innovative collection to the fusion of materiel and human intelligence. But we also reviewed the unorthodox proliferation threat and discuss more, but we can say how it relates to the-NIE.
nary of State Colin Powell’s February 2003 address to the United Nations. Intelligence officials within the CIA failed to convey to policymakers new information casting serious doubt on the reliability of a human intelligence source known as “Curveball.” This occurred despite the pivotal role Curveball’s information played in the Intelligence Community’s assessment of Iraq’s biological weapons programs, and in spite of Secretary Powell’s efforts to strip every dubious piece of information out of his proposed speech. In this instance, once again, the Intelligence Community failed to give policymakers a full understanding of the frailties of the intelligence on which they were relying.

Finally, we closely examined the possibility that intelligence analysts were pressured by policymakers to change their judgments about Iraq’s nuclear, biological, and chemical weapons programs. The analysts who worked on these issues universally agreed that in no instance did political pressure cause them to skew or alter any of their analytical judgment. That said, it is hard to deny the conclusion that intelligence analysts worked in an environment that did not encourage skepticism about the conventional wisdom.

Other Case Studies: An Overview

Our remaining case studies present a more mixed picture. On the positive side, Libya is fundamentally a success story. The Intelligence Community assessed correctly the state of Libya’s nuclear, chemical and biological weapons programs, and the Intelligence Community’s use of new techniques to penetrate the A.Q. Khan network allowed the U.S. government to pressure Libya into dismantling those programs. In counterrorism, the Intelligence Community has made great strides since September 11, in particular with respect to tactical operations overseas. These successes stemmed from isolated efforts that need to be replicated in other areas of intelligence; in the case of Libya, from innovative collection techniques and, in the case of terrorism, from an impressive fusion of imagery intelligence capabilities.

But we also reviewed the state of the Intelligence Community’s knowledge about the unconventional weapons programs of several countries that pose current proliferation threats, including Iran, North Korea, China, and Russia. We cannot discuss many of our findings from these studies in our unclassified report, but we can say here that we found that we have only limited access to critical information about several of these high-priority intelligence targets.
1. You have asked me for advice on the legality of military action against Iraq without a further resolution of the Security Council. This is, of course, a matter we have discussed before. Since then I have had the benefit of discussions with the Foreign Secretary and Sir Jeremy Greenstock, who have given me valuable background information on the negotiating history of resolution 1441. In addition, I have also had the opportunity to hear the views of the US Administration from their perspective as co-sponsors of the resolution. This note considers the issues in detail in order that you are in a position to understand the legal reasoning. My conclusions are summarised at paragraphs 26 to 31 below.

Possible legal bases for the use of force

2. As I have previously advised, there are generally three possible bases for the use of force:

(a) self-defence (which may include collective self-defence);
(b) exceptionally, to avert overwhelming humanitarian catastrophe; and
(c) authorisation by the Security Council acting under Chapter VII of the UN Charter.

3. Force may be used in self-defence if there is an actual or imminent threat of an armed attack; the use of force must be necessary, ie the only means of averting an attack; and the force used must be a proportionate response. It is now widely accepted that an imminent armed attack will justify the use of force if the other conditions are met. The concept of what is imminent may depend on the circumstances. Different considerations may apply, for example, where the risk is of attack from terrorists sponsored or harboured by a particular State, or where there is a threat of an attack by nuclear weapons. However, in my opinion there must be some degree of imminence. I am aware that the USA has been arguing for recognition of a broad doctrine of a right to use force to pre-empt danger in the future. If this means more than a right to respond proportionately to an imminent attack (and I understand that the doctrine is intended to carry that connotation) this is not a doctrine which, in my opinion, exists or is recognised in international law.
4. The use of force to avert overwhelming humanitarian catastrophe has been emerging as a further, and exceptional, basis for the use of force. It was relied on by the UK in the Kosovo crisis and is the underlying justification for the No-Fly Zones. The doctrine remains controversial, however. I know of no reason why it would be an appropriate basis for action in present circumstances.

5. Force may be used where this authorised by the UN Security Council acting under Chapter VII of the UN Charter. The key question is whether resolution 1441 has the effect of providing such authorisation.

Resolution 1441

6. As you are aware, the argument that resolution 1441 itself provides the authorisation to use force depends on the revival of the express authorisation to use force given in 1990 by Security Council resolution 678. This in turn gives rise to two questions:

(a) is the so-called "revival argument" a sound legal basis in principle?
(b) is resolution 1441 sufficient to revive the authorisation in resolution 678?

I deal with these questions in turn. It is a trite, but nonetheless relevant observation given what some commentators have been saying, that if the answer to these two questions is "yes", the use of force will have been authorised by the United Nations and not in defiance of it.

The revival argument

7. Following its invasion and annexation of Kuwait, the Security Council authorised the use of force against Iraq in resolution 678 (1990). This resolution authorised coalition forces to use all necessary means to force Iraq to withdraw from Kuwait and to restore international peace and security in the area. The resolution gave a legal basis for Operation Desert Storm, which was brought to an end by the cease-fire set out by the Council in resolution 687 (1991). The conditions for the cease-fire in that resolution (and subsequent resolutions) imposed obligations on Iraq with regard to the elimination of WMD and monitoring of its obligations. Resolution 687 suspended, but did not terminate, the authority to use force in resolution 678. Nor has any subsequent resolution terminated the authorisation to use force in resolution 678. It has been the UK's view that a violation of Iraq's obligations under resolution 687 which is sufficiently serious to undermine the basis of the cease-fire can revive the authorisation to use force in resolution 678.

8. In reliance on this argument, force has been used on certain occasions. I am advised by the Foreign Office Legal Advisers that this was the basis for the
use of force between 13 and 18 January 1993 following UN Presidential Statements on 5 and 11 January 1993 condemning particular failures by Iraq to observe the terms of the cease-fire resolution. The revival argument was also
the basis for the use of force in December 1998 by the US and UK (Operation

9. Law Officers have advised in the past that, provided the conditions are made
out, the revival argument does provide a sufficient justification in international
law for the use of force against Iraq. That view is supported by an opinion
given in August 1992 by the then UN Legal Counsel, Carl-August Fleischauer.
However, the UK has consistently taken the view (as did the Fleischauer
opinion) that, as the cease-fire conditions were set by the Security Council in
resolution 687, it is for the Council to assess whether any breach of those
obligations has occurred. The US have a rather different view; they maintain
that the fact of whether Iraq is in breach is a matter of objective fact which may
therefore be assessed by individual Member States. I am not aware of any
other state which supports this view. This is an issue of critical importance
when considering the effect of resolution 1441.

10. The revival argument is controversial. It is not widely accepted among
academic commentators. However, I agree with my predecessors’ advice on
this issue. Further, I believe that the arguments in support of the revival
argument are stronger following adoption of resolution 1441. That is because
of the terms of the resolution and the course of the negotiations which led to its
adoption. Thus, preamble paragraph 4, 5 and 10 recall the authorisation
to use force in resolution 678 and that resolution 687 imposed obligations on
Iraq as a necessary condition of the cease-fire. Operative paragraph (OP) 1
provides that Iraq has been and remains in material breach of its obligations
under relevant resolutions, including the resolution 687. OP11 recalls that Iraq
has been warned, repeatedly that “serious consequences” will result from
continued violations of its obligations. The previous practice of the Council and
statements made by Council members during the negotiation of resolution
1441 demonstrate that the phrase “material breach” signifies a finding by the
Council of a sufficiently serious breach of the cease-fire conditions to revive the
authorisation in resolution 678 and that “serious consequences” is accepted as
indicating the use of force.

11. I disagree, therefore, with those commentators and lawyers, who assert
that nothing less than an explicit authorisation to use force in a Security
Council resolution will be sufficient.

Sufficiency of resolution 1441

12. In order for the authorisation to use force in resolution 678 to be revived,
there needs to be a determination by the Security Council that there is a
violation of the conditions of the cease-fire and that the Security Council considers it sufficiently serious to destroy the basis of the cease-fire. Revival will not, however, take place, notwithstanding a finding of violation, if the Security Council has made it clear either that action short of the use of force should be taken to ensure compliance with the terms of the cease-fire, or that it intends to decide subsequently what action is required to ensure compliance. Notwithstanding the determination of material breach in OP1 of resolution 1441, it is clear that the Council did not intend that the authorization in resolution 678 should revive immediately following the adoption of resolution 1441, since OP2 of the resolution affords Iraq a "final opportunity" to comply with its disarmament obligations under previous resolutions by cooperating with the enhanced inspection regime described in OPs 3 and 5-9. But OP2 also states that the Council has determined that compliance with resolution 1441 is Iraq's last chance before the cease-fire resolution will be enforced. OP2 has the effect therefore of suspending the legal consequences of the OP1 determination of material breach which would otherwise have triggered the revival of the authorization in resolution 678. The narrow but key question is: on the true interpretation of resolution 1441, what has the Security Council decided will be the consequences of Iraq's failure to comply with the enhanced regime.

13. The provisions relevant to determining whether or not Iraq has taken the final opportunity given by the Security Council are contained in OPs 4, 11 and 12 of the resolution.

- OP1 provides that false statements or omissions in the declaration to be submitted by Iraq under OP3 and failure by Iraq at any time to comply with and cooperate fully in the implementation of resolution 1441 will constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment under paragraphs 11 and 12 of the resolution.

- OP1 directs the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspections, activities, as well as any failure by Iraq to comply with its disarmament obligations, including the obligations regarding inspections under resolution 1441.

- OP1 provides that the Council will convene immediately on receipt of a report in accordance with paragraphs 4 or 11 "in order to consider the situation and the need for compliance with all of the relevant Council resolutions in order to secure international peace and security".

It is clear from the text of the resolution, and is apparent from the negotiating history, that if Iraq fails to comply, there will be a further Security Council discussion. The text is, however, ambiguous and unclear on what happens next.
14. There are two competing arguments:

(i) that provided there is a Council discussion, if it does not reach a conclusion, there remains an authorisation to use force;

(ii) that nothing short of a further Council decision will be a legitimate basis for the use of force.

The first argument

15. The first argument is based on the following steps:

(a) OP1, by stating that Iraq "has been and remains in material breach" of its obligations under relevant resolutions, including resolution 687 amounts to a determination by the Council that Iraq's violations of resolution 687 are sufficiently serious to destroy the basis of the ceasefire and therefore, in principle, to revive the authorisation to use force in resolution 687;

(b) the Council decided, however, to give Iraq "a final opportunity" (OP 2) but because of the clear warning that it faced "serious consequences as a result of its continued violations" (OP 13) was warning that a failure to take that "final opportunity" would lead to such consequences;

(c) further, by OP 4, the Council decided in advance that false statements or omissions in its declaration and "failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution" would constitute "a further material breach"; the argument is that the Council's determination in advance that particular conduct would constitute a material breach (thus reviving the authorisation to use force) is as good as its determination after the event;

(d) in either event, the Council must meet (OP 12) "to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security", but the resolution singularly does not say that the Council must decide what action to take. The Council knew full well, it is argued, the difference between "consider" and "decide" and so the omission is highly significant. Indeed, the omission is especially important as the French and Russians made proposals to include an express requirement for a further decision, but these were rejected precisely to avoid being tied to the need to obtain a second resolution. On this view, therefore, while the Council has the opportunity to take a further decision, the determinations of material breach in OPs 1 and 4 remain valid even if the Council does not act.
The second argument

16. The second argument focuses, by contrast, on two provisions in particular of the resolution: first, the final words in OP 4 ("and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below") and, second, the requirement in OP 12 for the Council to "consider the situation and the need for full compliance with all of the relevant Council Resolutions in order to secure international peace and security". Taken together, it is argued, these provisions indicate that the Council decided in resolution 1441 that in the event of continued Iraqi non-compliance, the issue should return to the Council for a further decision on what action should be taken at that stage.

Discussion

17. So far as OP4 of the resolution is concerned, one view is that the words at the end of this paragraph indicate the need for an assessment by the Security Council of how serious any Iraqi breaches really are and whether they are sufficiently serious to destroy the basis of the cease-fire. This argument is supported by public statements to the effect that only serious cases of non-compliance will constitute a further material breach. Thus, the Foreign Secretary stated in Parliament on 25 November that "material breach means something significant; some behaviour or pattern of behaviour that is serious. Among such breaches could be action by the Government of Iraq seriously to obstruct or impede the inspectors, to intimidate witnesses, or a pattern of behaviour where any single action appears relatively minor but the action as a whole add up to something deliberate and more significant: something that shows Iraq's intention not to comply". If that is right, then the question is who makes the assessment of what constitutes a sufficiently serious breach. On the UK view of the revival argument (though not the US view) that can only be the Council, because only the Council can decide if a violation is sufficiently serious to revive the authorisation to use force.

18. It is right to say, however, that such an argument has less force if OP 4 operates automatically. Thus, the wording of OP4 indicates that any failure by Iraq to comply with and cooperate fully in the implementation of the resolution will constitute a further material breach (leaving aside the question of whether false statements or omissions in the OP3 declaration is an additional requirement). If OP4 means what it says: the words "cooperate fully" were included specifically to ensure that any instances of non-cooperation would amount to a further material breach. This is the US analysis of OP4 and is undoubtedly more consistent with the view that no further decision of the Council is necessary to authorise force, because it can be argued that the Council has determined in advance that any failure will be a material breach.

19. It has been suggested that it is possible to establish that Iraq has failed to take its final opportunity through the procedures in OPs 11 and 12 without
regard to OP4, in which case it is unnecessary to consider the effect of the words “for assessment”. I do not consider that this argument really assists. First, the resolution must be read as a whole. Second, I accept that it is possible that a Council discussion under OP12 may be triggered by a report from El-Baz and El-Baradei under OP11 and that this may have the effect of establishing that Iraq has failed to take the final opportunity granted by OP2. But I do not consider that it can be argued seriously that OP4 does not apply in these circumstances. It is clear from a comparison of the wording of paragraphs 4 and 11 that any Iraqi conduct which would be sufficient to trigger a report from the inspectors under OP11 would also amount to a failure to comply with and cooperate fully in the implementation of the resolution and would thus also be covered by OP4. In addition, the reference to paragraph 11 in OP4 cannot be ignored. It is not entirely clear what this means, but the most convincing explanation seems to be that it is a recognition that an OP11 inspectors’ report would also constitute a report of further material breach within the meaning of OP4 and would thus be assessed by the Council under OP12. Moreover, the US see OP4 as an essential part of the mechanism for establishing that Iraq has failed to take its final opportunity.

20. It has also been suggested that the final words of OP4 were chosen carefully to avoid the implication that it was for the Security Council to assess whether Iraqi conduct constituted a further material breach. The French proposed to amend OP4 so that Iraqi conduct would only amount to a further material breach “when assessed” as such by the Council, but this amendment was not accepted. I am not wholly convinced by this argument: if, for the reasons discussed in paragraph 17 above, OP4 requires an assessment of Iraq’s conduct by the Council, the alternative language makes little difference. However, I do accept that the negotiating history indicates that the words at the end of OP4 “and shall be reported to the Council for assessment in accordance with paragraph 11 and 12” were added at a late stage, but in substitution for other language which would clearly have had the effect of making any finding of further material breach subject to a further Council decision.

21. Whether a report comes to the Council under OP4 or OP11, the critical issue is what action the Council is required to take at that point. In other words, what does OP12 require. It is clear that the language of OP12 was a compromise by the US from their starting position that the Council should authorise in advance the use of all necessary means to enforce the cease-fire resolution in the event of continued violations by Iraq. It is equally clear, however, that the language does not expressly provide that a further Council decision is necessary to authorise the use of force. The paragraphs indicate that in the event of a report of a further material breach (whether under OP4 or OP11) there will be a meeting of the Council to consider the situation and the need for compliance in order to secure international peace and security. The Council thus has the opportunity to take a further decision expressly authorising the use of force or, conceivably, to decide that other enforcement
means should be used. But the Council might fail to act. The resolution does not state what is to happen in these circumstances. The clear US view is that, whatever the reason for the Council's failure to act, the determination of material breach in Op 1 and 2 would remain valid, thus authorising the use of force without a further decision. My view is that different considerations apply in different circumstances. The Op 12 discussion might make clear that the Council's view is that military action is appropriate but that no further decision is required because of the terms of resolution 1441. In such a case, there would be good grounds for relying on the existing resolution as the legal basis for any subsequent military action. The more difficult scenario is if the views of Council members are divided and a further resolution is not adopted either because it fails to attract 9 votes or because it is vetoed.

22. The principal argument in favour of the view that no further decision is required to authorise force in these circumstances is that the language of Op 12 (as "consider") was chosen deliberately to indicate the need for a further discussion, but not a decision. As I have indicated, it is contended that this interpretation is supported by the negotiating history. The French and Russians both made proposals to amend Op 12 to include an express requirement for a further decision, but these proposals were not accepted. The US Administration insist that they made clear throughout that they would not accept a text which subjected the use of force to a further Council decision. The French (and others) therefore knew what they were voting for. The US are confident that in accepting Op 4 and 12, they were conceding a Council discussion and no more. The UK, of course, approached the negotiation of resolution 1441 from a different starting point because, as I explained in paragraph 9 above, they have always taken the view that "material breach" is a matter of objective fact and does not require a Security Council determination. (By contrast, the UK position taken on the advice of successive Law Officers, has been that it is for the Security Council to determine the existence of a material breach of the cease-fire.) Therefore, while the US objective was to ensure that the resolution did not constrain the right of action which they believed they already had, our objective was to secure a sufficient authority from the Council in the absence of which we would have had no right to act. I have considered whether this difference in the underlying legal view means that the effect of the resolution might be different for the US than for the UK, but I have concluded that it does not affect the position. If Op 12 of the resolution, properly interpreted, were to mean that a further Council decision was required before force was authorised, this would constrain the US just as much as the UK. It was therefore an essential negotiating point for the US that the resolution should not constrain the need for a second resolution. They are convinced that they succeeded.

25. I was impressed by the strength and sincerity of the views of the US Administration which I heard in Washington on this point. However, the difficulty is that we are reliant on their assertions for the view that the French
(and others) knew and accepted that they were voting for a further discussion and no more. We have very little hard evidence of this beyond a couple of telegrams recording admissions by French negotiators that they knew the US would not accept a resolution which required a further Council decision. The possibility remains that the French and others accepted OP 12 because in their view it gave them a sufficient basis on which to argue that a second resolution was required (even if that was not made expressly clear). A further difficulty is that, if the matter ever came before a court, it is very uncertain to what extent the court would accept evidence of the negotiating history to support a particular interpretation of the resolution, given that most of the negotiations were conducted in private and there are no agreed or official records.

24. The counter view of OP 12 is that this paragraph must imply a decision by the Council. Three particular arguments support that approach:

(i) when taken with the word "assessment" in OP 4, the language of OP 12 indicates that the Council will be assessing the seriousness of any Iraqi breach; this is especially powerful if in truth some assessment is necessary;

(ii) there is a special significance to the words "in order to secure international peace and security". They reflect not only the special responsibility of the Security Council under Article 59 of the UN Charter ("The Security Council shall determine the existence of any threat to the peace, breach of the peace, or acts of aggression and shall make recommendations, or decide what measures shall be taken ... to maintain or restore international peace and security"), but also pick up the language of both resolution 678 (which authorised the use of force to restore international peace and security in the area) and resolution 687 (which referred to the objective of "restoring international peace and security in the area as set out in its recent resolutions"). The clear inference, it will be argued, is that this shows the Council was to exercise a delibartive role on that issue, ie to determine what it is necessary to secure international peace and security;

(iii) any other construction reduces the role of the Council discussion under OP12 to a procedural formality. Others have objected at this categorisation, but I remain of the opinion that this would be the effect in legal terms of the view that no further resolution is required. The Council would be required to meet, and all members of the Council would be under an obligation to participate in the discussion in good faith, but even if an overwhelming majority of the Council were opposed to the use of force, military action could proceed regardless.

25. Where the meaning of a resolution is unclear from the text, the statements made by members of the Council at the time of its adoption may be taken into
account in order to ascertain the Council's intentions. The statements made during the debate on 8 November 2002 are not, however, conclusive. The US and UK stated that further breaches would be reported to the Council "for discussion". Jeremy Greenstock then added that we would then expect the Council to "meet its responsibilities", although implicitly we would be prepared to act without Council backing to ensure that the task of disarmament is completed. Only the US explicitly stated that it believed that the resolution did not constrain the use of force by States "to enforce relevant United Nations resolutions and protect world peace and security" regardless of whether there was a further Council decision. Conversely, two other Council members, Mexico and Ireland, made clear that in their view a further decision of the Council was required before the use of force would be authorised. Syria also stated that "the resolution should not be interpreted, through certain paragraphs, as authorising any State to use force". Most other Council members were less clear in their comments. The joint statement of France, Russia and China is somewhat opaque, but seems to imply that a further decision is required. Many delegations welcomed the fact that there was "no automaticity" in the resolution with regard to the use of force. But it is not clear what they meant by this. It could indicate that they did not consider that the resolution authorised the use of force in any circumstances by means of the revival argument. On the other hand there is some evidence from the negotiating history that their main concern was that the resolution should not authorise force immediately following its adoption on the basis of "material breach" in OP1 plus "serious consequences" in OP13. The UK and US indicated that "no automaticity" meant that there would be a Council discussion before force was used.

Summary

26. To sum up, the language of resolution 1441 leaves the position unclear and the statements made on adoption of the resolution suggest that there were differences of view within the Council as to the legal effect of the resolution. Arguments can be made on both sides. A key question is whether there is in truth a need for an assessment of whether Iraq's conduct constitutes a failure to take the final opportunity or has constituted a failure fully to cooperate within the meaning of OP 4 such that the basis of the cease-fire is destroyed. If an assessment is needed of that sort, it would be for the Council to make it. A narrow textual reading of the resolution suggests that sort of assessment is not needed, because the Council has pre-determined the issue. Public statements, on the other hand, say otherwise.

27. In these circumstances, I remain of the opinion that the safest legal course would be to secure the adoption of a further resolution to authorise the use of force. I have already advised that I do not believe that such a resolution need be explicit in its terms. The key point is that it should
establish that the Council has concluded that Iraq has failed to take the final opportunity offered by resolution 1441, as in the draft which has already been tabled.

28. Nevertheless, having regard to the information on the negotiating history which I have been given and to the arguments of the US Administration which I heard in Washington, I accept that a reasonable case can be made that resolution 1441 is capable in principle of reviving the authorisation in 678 without a further resolution.

29. However, the argument that resolution 1441 alone has revived the authorisation to use force in resolution 678 will only be sustainable if there are strong factual grounds for concluding that Iraq has failed to take the final opportunity. In other words, we would need to be able to demonstrate hard evidence of non-compliance and non-cooperation. Given the structure of the resolution as a whole, the views of UNMOVIC and the IAEA will be highly significant in this respect. In the light of the latest reporting by UNMOVIC, you will need to consider extremely carefully whether the evidence of non-cooperation and non-compliance by Iraq is sufficiently compelling to justify the conclusion that Iraq has failed to take its final opportunity.

30. In reaching my conclusions, I have taken account of the fact that on a number of previous occasions, including in relation to Operation Desert Fox in December 1998 and Kosovo in 1999, UK forces have participated in military action on the basis of advice from my predecessors that the legality of the action under international law was no more than reasonably arguable. But a "reasonable case" does not mean that if the matter ever came before a court I would be confident that the court would agree with this view. In judge that, having regard to the arguments on both sides, and considering the resolution as a whole in the light of the statements made on adoption and subsequently, a court might well conclude that OPR4 and 12 do require a further Council decision in order to revive the authorisation in resolution 678. But equally I consider that the counter view can be reasonably maintained. However, it must be recognised that on previous occasions when military action was taken on the basis of a reasonably arguable case, the degree of public and Parliamentary scrutiny of the legal issue was nothing like as great as it is today.

31. The analysis set out above applies whether a second resolution fails to be adopted because of a lack of votes or because it is vetoed. As I have said before, I do not believe that there is any basis in law for arguing that there is an implied condition of reasonableness which can be read into the power of veto conferred on the permanent members of the Security Council by the UN Charter. So there are no grounds for arguing that an "unreasonable veto" would entitle us to proceed on the basis of a
presumed Security Council authorisation. In any event, if the majority of
would opinion remains opposed to military action, it is likely to be
difficult on the facts to categorise a French veto as "unreasonable". The
legal analysis may, however, be affected by the course of events over the
next week or so, eg the discussions on the draft second resolution. If we
fail to achieve the adoption of a second resolution, we would need to
consider urgently at that stage the strength of our legal case in the light
of circumstances at that time.

Possible consequences of acting without a second resolution

32. In assessing the risks of acting on the basis of a reasonably arguable case,
you will wish to take account of the ways in which the matter might be brought
before a court. There are a number of possibilities. First, the General
Assembly could request an advisory opinion on the legality of the military
action from the International Court of Justice (ICJ). A request for such an
opinion could be made at the request of a simple majority of the States within
the GA, so the UK and US could not block such action. Second, given that the
United Kingdom has accepted the compulsory jurisdiction of the ICJ, it is
possible that another State which has also accepted the Court’s jurisdiction
might seek to bring a case against us. This, however, seems a less likely option
since Iraq itself could not bring a case and it is not easy to see on what basis
any other State could establish that it had a dispute with the UK. But we
cannot absolutely rule out that some State strongly opposed to military action
might try to bring such a case. If it did, an application for interim measures to
stop the campaign could be brought quite quickly (as it was in the case of
Kosovo).

33. The International Criminal Court at present has no jurisdiction over the
crime of aggression and could therefore not entertain a case concerning the
lawfulness of any military action. The ICC will however have jurisdiction to
examine whether any military campaign has been conducted in accordance
with international humanitarian law. Given the controversy surrounding the
legal basis for action, it is likely that the Court will scrutinise any allegations of
war crimes by UK forces very closely. The Government has already been put on
notice by CND that they intend to report to the ICC Prosecutor any incidents
which their lawyers assess to have contravened the Geneva Conventions. The
ICC would only be able to exercise jurisdiction over UK personnel if it is
considered that the UK prosecuting authorities were unable or unwilling to
investigate and, if appropriate, prosecute the suspects themselves.

34. It is also possible that CND may try to bring further action to stop military
action in the domestic courts, but I am confident that the courts would decline
jurisdiction as they did in the case brought by CND last November. Two
further, though probably more remote possibilities, are an attempted
prosecution for murder on the grounds that the military action is unlawful and

588
an attempted prosecution for the crime of aggression. Aggression is a crime under customary international law which automatically forms part of domestic law. It might therefore be argued that international aggression is a crime recognised by the common law which can be prosecuted in the UK courts.

35. In short, there are a number of ways in which the opponents of military action might seek to bring a legal case, internationally or domestically, against the UK, members of the Government or UK military personnel. Some of these seem fairly remote possibilities, but given the strength of opposition to military action against Iraq, it would not be surprising if some attempts were made to get a case of some sort off the ground. We cannot be certain that they would not succeed. The GA route may be the most likely, but you are in a better position than me to judge whether there are likely to be enough States in the GA who would be willing to vote for such a course of action in present circumstances.

Proportionality

36. Finally, I must stress that the lawfulness of military action depends not only on the existence of a legal basis, but also on the question of proportionality. Any force used pursuant to the authorisation in resolution 678 (whether or not there is a second resolution):

- must have as its objective the enforcement the terms of the cease-fire contained in resolution 687 (1990) and subsequent relevant resolutions;
- be limited to what is necessary to achieve that objective; and
- must be a proportionate response to that objective, ie securing compliance with Iraq's disarmament obligations.

That is not to say that action may not be taken to remove Saddam Hussein from power if it can be demonstrated that such action is a necessary and proportionate measure to secure the disarmament of Iraq. But regime change cannot be the objective of military action. This should be borne in mind in considering the list of military targets and in making public statements about any campaign.
The Secret Downing Street Memo

SECRET AND STRICTLY PERSONAL - UK EYES ONLY

DAVID MANNING
From: Matthew Eycraft
Date: 23 July 2002
S 195 /02

cc: Defence Secretary, Foreign Secretary, Attorney-General, Sir Richard Wilson, John Scarlett, Francis Richards, CDS, C, Jonathan Powell, Sally Morgan, Alastair Campbell

IRAQ: PRIME MINISTER'S MEETING, 23 JULY

Copy addresses and you met the Prime Minister on 23 July to discuss Iraq.

This record is extremely sensitive. No further copies should be made. It should be shown only to those with a genuine need to know its contents.

John Scarlett summarised the intelligence and latest JIC assessment. Saddam’s regime was tough and based on extreme fear. The only way to overthrow it was likely to be by massive military action. Saddam was worried and expected attack, probably by air and land, but he was not convinced that it would be immediate or overwhelming. His regime expected their neighbours to line up with the US. Saddam knew that regular army morale was poor. Real support for Saddam among the public was probably narrowly based.

C reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the UN route, and no enthusiasm for publishing material on the Iraqi regime’s record. There was little discussion in Washington of the aftermath after military action.

CDS said that military planners would brief CENTCOM on 1-2 August, Rumsfeld on 3 August and Bush on 4 August.

The two broad US options were:

(a) Generated Start. A slow build-up of 250,000 US troops, a short (72 hour) air campaign, then a move up to Baghdad from the south. Lead time of 90 days (30 days preparation plus 60 days deployment to Kuwait).

(b) Running Start. Use forces already in theatre (3 x 6,000), continuous air campaign, initiated by an Iraqi casus belli. Total lead time of 60 days with the air campaign beginning even earlier. A hazardous option.

The US saw the UK (and Kuwait) as essential, with basing in Diego Garcia and Cyprus critical for either option. Turkey and other Gulf states were also important, but less vital. The three main options for UK involvement were:

(i) Basing in Diego Garcia and Cyprus, plus three SF squadrons.

(ii) As above, with maritime and air assets in addition.
(iii) As above, plus a land contribution of up to 40,000, perhaps with a discrete role in Northern Iraq, entering from Turkey, tying down two Iraqi divisions.

The Defence Secretary said that the US had already begun “spikes of activity” to put pressure on the regime. No decisions had been taken, but he thought the most likely timing in US minds for military action to begin was January, with the timetable beginning 30 days before the US Congressional elections.

The Foreign Secretary said he would discuss this with Colin Powell this week. It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors. This would also help with the legal justification for the use of force.

The Attorney-General said that the desire for regime change was not a legal base for military action. There were three possible legal bases: self-defence, humanitarian intervention, or UNSC authorisation. The first and second could not be the base in this case. Relying on UNSCR 1205 of three years ago would be difficult. The situation might of course change.

The Prime Minister said that it would make a big difference politically and legally if Saddam refused to allow in the UN inspectors. Regime change and WMD were linked in the sense that it was the regime that was producing the WMD. There were different strategies for dealing with Libya and Iran. If the political context were right, people would support regime change. The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work.

On the first, CDS said that we did not know yet if the US battleplan was workable. The military were continuing to ask lots of questions.

For instance, what were the consequences, if Saddam used WMD on day one, or if Baghdad did not collapse and urban warfare began? You said that Saddam could also use his WMD on Kuwait. Or on Israel, added the Defence Secretary.

The Foreign Secretary thought the US would not go ahead with a military plan unless convinced that it was a winning strategy. On this, US and UK interests converged. But on the political strategy, there could be US/UK differences. Despite US resistance, we should explore discreetly the ultimatum. Saddam would continue to play hard-ball with the UN.

John Scarlett assessed that Saddam would allow the inspectors back in only when he thought the threat of military action was real.

The Defence Secretary said that if the Prime Minister wanted UK military involvement, he would need to decide this early. He cautioned that many in the US did not think it worth going down the ultimatum route. It would be important for the Prime Minister to set out the political context to Bush.

Conclusions:

(a) We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions. CDS should tell the US military that we were considering a range of options.
(b) The Prime Minister would revert on the question of whether funds could be spent in preparation for this operation.

(c) CDS would send the Prime Minister full details of the proposed military campaign and possible UK contributions by the end of the week.

(d) The Foreign Secretary would send the Prime Minister the background on the UN inspectors, and discreetly work up the ultimatum to Saddam.

He would also send the Prime Minister advice on the positions of countries in the region especially Turkey, and of the key EU member states.

(e) John Scarlett would send the Prime Minister a full intelligence update.

(f) We must not ignore the legal issues: the Attorney-General would consider legal advice with FCO/MOD legal advisers.

(I have written separately to commission this follow-up work.)

MATTHEW RYCROFT

(Rycroft was a Downing Street foreign policy aide)
06 December 2006

Iraq Study Group Report: Executive Summary

Recommendations for actions to be taken in Iraq

(begin text)

[Report of the Iraq Study Group]
6 December 2006
Executive Summary

The situation in Iraq is grave and deteriorating. There is no path that can guarantee success, but the prospects can be improved.

In this report, we make a number of recommendations for actions to be taken in Iraq, the United States, and the region. Our most important recommendations call for new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly. We believe that these two recommendations are equally important and reinforce one another. If they are effectively implemented, and if the Iraqi government moves forward with national reconciliation, Iraqis will have an opportunity for a better future, terrorism will be dealt a blow, stability will be enhanced in an important part of the world, and America’s credibility, interests, and values will be protected.

The challenges in Iraq are complex. Violence is increasing in scope and lethality. It is fed by a Sunni Arab insurgency, Shiite militias and death squads, al Qaeda, and widespread criminality. Sectarian conflict is the principal challenge to stability.

The Iraqi people have a democratically elected government, yet it is not adequately advancing national reconciliation, providing basic security, or delivering essential services. Pessimism is pervasive.

If the situation continues to deteriorate, the consequences could be severe. A slide toward chaos could trigger the collapse of Iraq’s government and a humanitarian catastrophe. Neighboring countries could intervene. Sunni-Shia clashes could spread. Al Qaeda could win a propaganda victory and expand its base of operations. The global standing of the United States could be diminished. Americans could become more polarized.

During the past nine months we have considered a full range of approaches for moving forward. All have flaws. Our recommended course has shortcomings, but we firmly believe that it includes the best strategies and tactics to positively influence the outcome in Iraq and the region.

External Approach

The policies and actions of Iraq’s neighbors greatly affect its stability and prosperity. No country in the region will benefit in the long term from a chaotic Iraq. Yet Iraq’s neighbors are not doing enough to help Iraq achieve stability. Some are undercutting stability.

The United States should immediately launch a new diplomatic offensive to build an international consensus for stability in Iraq and the region. This diplomatic effort should include every country that has an interest in avoiding a chaotic Iraq, including all of Iraq’s neighbors. Iraq’s neighbors and key states in and outside the region should form a support group to reinforce security and national reconciliation within Iraq, neither of which Iraq can achieve on its own.
Given the ability of Iran and Syria to influence events within Iraq and their interest in avoiding chaos in Iraq, the United States should try to engage them constructively. In seeking to influence the behavior of both countries, the United States has disincentives and incentives available. Iran should stem the flow of arms and training to Iraq, respect Iraq’s sovereignty and territorial integrity, and use its influence over Iraqi Shia groups to encourage national reconciliation. The issue of Iran’s nuclear programs should continue to be dealt with by the five permanent members of the United Nations Security Council plus Germany. Syria should control its border with Iraq to stem the flow of funding, insurgents, and terrorists in and out of Iraq.

The United States cannot achieve its goals in the Middle East unless it deals directly with the Arab-Israeli conflict and regional instability. There must be a renewed and sustained commitment by the United States to a comprehensive Arab-Israeli peace on all fronts: Lebanon, Syria, and President Bush’s June 2002 commitment to a two-state solution for Israel and Palestine. This commitment must include direct talks with, by, and between Israel, Lebanon, Palestinians (those who accept Israel’s right to exist), and Syria.

As the United States develops its approach toward Iraq and the Middle East, the United States should provide additional political, economic, and military support for Afghanistan, including resources that might become available as combat forces are moved out of Iraq.

Internal Approach

The most important questions about Iraq’s future are now the responsibility of Iraqis. The United States must adjust its role in Iraq to encourage the Iraqi people to take control of their own destiny.

The Iraqi government should accelerate assuming responsibility for Iraqi security by increasing the number and quality of Iraqi Army brigades. While this process is under way, and to facilitate it, the United States should significantly increase the number of U.S. military personnel, including combat troops, imbedded in and supporting Iraqi Army units. As these actions proceed, U.S. combat forces could begin to move out of Iraq.

The primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi army, which would take over primary responsibility for combat operations. By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq. At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue. Intelligence and support efforts would continue. A vital mission of those rapid reaction and special operations forces would be to undertake strikes against al Qaeda in Iraq.

It is clear that the Iraqi government will need assistance from the United States for some time to come, especially in carrying out security responsibilities. Yet the United States must make it clear to the Iraqi government that the United States could carry out its plans, including planned redeployments, even if the Iraqi government did not implement their planned changes. The United States must not make an open-ended commitment to keep large numbers of American troops deployed in Iraq.

As redeployment proceeds, military leaders should emphasize training and education of forces that have returned to the United States in order to restore the force to full combat capability. As equipment returns to the United States, Congress should appropriate sufficient funds to restore the equipment over the next five years.

The United States should work closely with Iraq’s leaders to support the
achievement of specific objectives -- or milestones -- on national reconciliation, security, and governance. Miracles cannot be expected, but the people of Iraq have the right to expect action and progress. The Iraqi government needs to show its own citizens -- and the citizens of the United States and other countries -- that it deserves continued support.

Prime Minister Nouri al-Maliki, in consultation with the United States, has put forward a set of milestones critical for Iraq. His list is a good start, but it must be expanded to include milestones that can strengthen the government and benefit the Iraqi people. President Bush and his national security team should remain in close and frequent contact with the Iraqi leadership to convey a clear message: there must be prompt action by the Iraqi government to make substantial progress toward the achievement of these milestones.

If the Iraqi government demonstrates political will and makes substantial progress toward the achievement of milestones on national reconciliation, security, and governance, the United States should make clear its willingness to continue training, assistance, and support for Iraq's security forces and to continue political, military, and economic support. If the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security, and governance, the United States should reduce its political, military, or economic support for the Iraqi government.

Our report makes recommendations in several other areas. They include improvements to the Iraqi criminal justice system, the Iraqi oil sector, the U.S. reconstruction efforts in Iraq, the U.S. budget process, the training of U.S. government personnel, and U.S. intelligence capabilities.

Conclusion

It is the unanimous view of the Iraq Study Group that these recommendations offer a new way forward for the United States in Iraq and the region. They are comprehensive and need to be implemented in a coordinated fashion. They should not be separated or carried out in isolation. The dynamics of the region are as important to Iraq as events within Iraq.

The challenges are daunting. There will be difficult days ahead. But by pursuing this new way forward, Iraq, the region, and the United States of America can emerge stronger.

(end text)

(Distributed by the Bureau of International Information Programs, U.S. Department of State. Web site: http://usinfo.state.gov)
The Price of the Surge

By Steven Simon

From Foreign Affairs, May/June 2008

Summary: The Bush administration's new strategy in Iraq has helped reduce violence. But the surge is not linked to any sustainable plan for building a viable Iraqi state and may even have made such an outcome less likely -- by stoking the revanchist fantasies of Sunni tribes and pitting them against the central government. The recent short-term gains have thus come at the expense of the long-term goal of a stable, unitary Iraq.

STEVEN SIMON is Hasib J. Sabbagh Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations. From 1994 to 1999, he served on the National Security Council in positions including Senior Director for Transnational Threats.

Listen to this essay:

In January 2007, President George W. Bush announced a new approach to the war in Iraq. At the time, sectarian and insurgent violence appeared to be spiraling out of control, and Democrats in Washington -- newly in control of both houses of Congress -- were demanding that the administration start winding down the war. Bush knew he needed to change course, but he refused to, as he put it, "give up the goal of winning." So rather than acquiesce to calls for withdrawal, he decided to ramp up U.S. efforts. With a "surge" in troops, a new emphasis on counterinsurgency strategy, and new commanders overseeing that strategy, Bush declared, the deteriorating situation could be turned around.

More than a year on, a growing conventional wisdom holds that the surge has paid off handsomely. U.S. casualties are down significantly from their peak in mid-2007, the level of violence in Iraq is lower than at any point since 2005, and Baghdad seems the safest it has been since the fall of Saddam Hussein's regime five years ago. Some backers of the surge even argue that the Iraqi civil war is over and that victory on Washington's terms is in sight -- so long as the United States has the will to see its current efforts through to their conclusion.

Unfortunately, such claims misconstrue the causes of the recent fall in violence and, more important, ignore a fatal flaw in the strategy. The surge has changed the situation not by itself but only in conjunction with several other developments: the grim successes of ethnic cleansing, the tactical quiescence of the Shiite militias, and a series of deals between U.S. forces and Sunni tribes that constitute a new bottom-up approach to pacifying Iraq. The problem is that this strategy to reduce violence is not linked to any sustainable plan for building a viable Iraqi state.
If anything, it has made such an outcome less likely, by stoking the revanchist fantasies of Sunni Arab tribes and pitting them against the central government and against one another. In other words, the recent short-term gains have come at the expense of the long-term goal of a stable, unitary Iraq.

Despite the current lull in violence, Washington needs to shift from a unilateral bottom-up surge strategy to a policy that promotes, rather than undermines, Iraq’s cohesion. That means establishing an effective multilateral process to spur top-down political reconciliation among the major Iraqi factions. And that, in turn, means stating firmly and clearly that most U.S. forces will be withdrawn from Iraq within two or three years. Otherwise, a strategy adopted for near-term advantage by a frustrated administration will only increase the likelihood of long-term debacle.

THE SURGE’S FALSE START

After the February 2006 bombing of the Askariya shrine in Samarra, the White House started to become increasingly concerned that there were too few U.S. troops in Iraq. A network of retired army officers led by Jack Keane, a former vice chief of staff of the U.S. Army, had been pushing from the outside for an increase in forces, and Senators John McCain (R-Ariz.) and Lindsey Graham (R-S.C.) kept up a drumbeat of criticism of what they saw as a lackluster military effort. The November 2006 congressional elections, which handed the House and the Senate to the Democrats, added to the sense that a new strategy was needed. In a December 2006 memo, Bush’s national security adviser, Stephen Hadley, somewhat gingerly noted that the United States might "need to fill the current four-brigade gap in Baghdad with coalition forces if reliable Iraqi forces are not identified."

On December 13, 2006, Bush met with the Joint Chiefs of Staff at the Pentagon to persuade them to allocate more troops to Iraq. It was not an easy sell. U.S. ground forces are not configured to fight such a long war, and the repeated deployment of the same active-duty and Reserve units had taken a toll. The reenlistment rate of young captains, for example, had fallen to an unprecedented low; about half of the West Point classes of 2000 and 2001 had decided against an army career. The pace of unit rotations and the tempo of operations had also taken their toll on equipment, which was wearing out at nine times the normal rate, faster than it could be replaced. The chairman of the Joint Chiefs of Staff made clear his concern about the army being stretched too thin. A shortfall of 10,000 company-grade officers meant that the Reserve units would have to rob both people and materiel from other units. Meanwhile, the mounting expense of the war was crowding out the procurement of new combat systems for the navy and the air force, and there was a growing risk that the military might find itself without the capacity to meet other strategic challenges, whether from Afghanistan, Iran, or elsewhere.

Bush tried to allay these worries, pledging to, among other things, increase the size of the U.S. Army and the Marine Corps and boost defense spending. But the Joint Chiefs also conditioned their reluctant support of the surge on a promise from the president to hold Iraqi Prime Minister Nouri al-Maliki’s feet to the fire on political reconciliation. So when Bush unveiled his surge strategy in January 2007 (the deployment of an additional 21,500 troops, through September, with the initial military objective of restoring order to Baghdad), the stated purpose was to ensure that "the [Iraqi] government will have the breathing space it needs to make progress in other
critical areas. Most of Iraq's Sunni and Shia want to live together in peace -- and reducing the violence in Baghdad will help make reconciliation possible." Bush quoted Maliki's promise that the Baghdad security plan would "not provide a safe haven for any outlaws, regardless of their sectarian or political affiliation."

Even then, however, the administration was already starting to doubt Maliki's competence and willingness to pursue reconciliation, the principal determinant of long-term stability in Iraq. Two months earlier, Hadley had visited Iraq to assess the prospects for a cross-sectarian political rapprochement and come away unsure of Maliki's stance. "Do we and Prime Minister Maliki," Hadley had wondered in his December 2006 memo, "share the same vision for Iraq? If so, is he able to curb those who seek Shia hegemony or the reassertion of Sunni power? The answers to these questions are key in determining whether we have the right strategy in Iraq." Hadley proposed several ways to test Maliki's intentions and bolster his resolve, including initiatives to rejigger parliamentary support to free Maliki from his Shiite base linked to Muqtada al-Sadr and enable him to take conciliatory steps toward the Sunnis. The United States, however, lacked the influence necessary to put this approach into practice. Before long, events in Iraq revealed the answers to Hadley's questions: in both cases, a resounding no.

The deployment of the five new brigades proceeded more or less as planned, but from the start there was little headway made toward the broader goals of the surge, particularly reconciliation, as measured by the Iraqi government's inability to meet key benchmarks. The Constitutional Review Committee, which was charged with redressing Sunni grievances, made little progress, and there was no progress on de-Baathification reform, amnesty, provincial elections, or the implementation of oil legislation. The Sunni Iraqi Accordance Front had walked away from Maliki's cabinet, and Bush's reportedly regular calls to Maliki urging him to mobilize his government were ineffective. The Iraqi committees created to support the Baghdad security plan were left unfilled, and the three Iraqi brigades needed to help implement it arrived late and understrength. Diplomatic efforts to get Iraq's neighbors involved fizzled.

FROM TOP DOWN TO BOTTOM UP

The president's hopes for the top-down political efforts that were supposed to accompany the surge quickly faded. As a substitute, however, a new bottom-up strategy was embraced. Bush had observed in his January surge speech that the Sunnis were challenging al Qaeda's presence in Iraq, and a February 2007 National Intelligence Estimate on Iraq recommended "deputizing, resourcing, and working more directly with neighborhood watch groups and establishing grievance committees -- to help mend frayed relationships between tribal and religious groups, which have been mobilized into communal warfare over the past three years." A few months later, the president signaled a formal shift in strategy in a speech at the Naval War College: "To evaluate how life is improving for the Iraqis, we cannot look at the country only from the top down. We need to go beyond the Green Zone and look at Iraq from bottom up. This is where political reconciliation matters the most, because it is where ordinary Iraqis are deciding whether to support new Iraq or to sit on the fence, uncertain about the country's future." What the president was proposing was a shift in the U.S. approach to counterinsurgency. Now, the United States would work to exploit a grass-roots anti-al Qaeda movement already under way by taking the pressure off the insurgents who had begun to point their weapons at the jihadists and
funneling money to tribal leaders. In theory, this would help dismantle the jihadist infrastructure and create islands of stability that would eventually join up like "oil spots."

After the U.S. invasion, the Sunni groups that would go on to make up the insurgency arrived at a marriage of convenience with the foreign and local jihadists who made up al Qaeda in Iraq. The two shared a common goal: to reverse the triumph of the Shiites and restore the Sunnis to their lost position of power. For the Sunni insurgents, the presence of foreign jihadists also helped divert the attention of U.S. forces. Up to a point, therefore, al Qaeda's excesses -- such as its attempt to impose strict Wahhabi-style rule by banning music and satellite dishes and compelling women to cover themselves entirely -- were to be tolerated.

But for al Qaeda, the link with the insurgents was supposed to serve two additional purposes that went well beyond the shared goal of chipping away at Shiite predominance -- and ultimately went against the interests of the Iraqi Sunnis themselves. The first was to establish an al Qaeda-dominated ministate as a base for carrying out jihad against enemies outside of Iraq. (The November 2005 attack against three Western tourist hotels in Amman, Jordan, allegedly ordered by Abu Musab al-Zarqawi, then the leader of al Qaeda in Iraq, was a harbinger of this wider strategy.) The second was to seize a leading position within the insurgency and thereby block a power-sharing arrangement between Baghdad and the Sunni nationalists, an arrangement that would entail the selling out of al Qaeda by the Sunnis.

The Iraqi Sunnis' enthusiasm for the alliance waned as al Qaeda increasingly attempted to assert its leadership. In October 2006, al Qaeda declared the formation of an Islamic state in Iraq, demanding that Sunni insurgent leaders pledge allegiance to the new (and many believed fictional) jihadist commander Abu Omar al-Baghdadi, whose name was supposed to signify an authentically Iraqi origin. To the nationalist insurgents, accepting the declaration of a separate state and ceding leadership to al Qaeda made little sense. Doing so would have fueled the process of decentralization, emboldened those Kurds and Shiites who sought their own fiefdoms, and, crucially, further distanced the Sunnis from eventual access to Iraq's potentially massive oil revenues. Moreover, despite the spectacular successes that had been attributed to al Qaeda, it was the nationalist Sunnis who provided the backbone of the insurgency and had done most of the killing and dying.

Some tribes had also grown increasingly resentful of al Qaeda's efforts to seize control of resources. The Albu Risha tribe, for example, had lost control over portions of the road from Baghdad to Amman, undermining its ability to raise revenue by taxing or extorting traders and travelers. When the Albu Rishas' leaders protested, the chieftain, Sheik Bazi al-Rishawi, was killed along with one of his sons, and two more of his sons were abducted. In response, Rishawi's fourth son, Sheik Abdul Sattar, assembled a small group of tribal figures (with the help of funds from the local U.S. military commander) under the banner of the Anbar Salvation Council to roll back al Qaeda's influence. The bodies of al Qaeda personnel soon began turning up in alleyways.

This strategic schism might have been papered over had the jihadists not overreacted to the opposition of other insurgent groups. In 2007, there was a wave of sensational killings of Sunni leaders by al Qaeda, including Abdul Sattar (who had met with President Bush two weeks before
his death). The assassinations of Sunni leaders warranted retaliation under the prevailing tribal code, opening the door to more systematic cooperation between the tribes and U.S. forces. In the wake of Abdul Sattar's death, a Sunni leader complained that al Qaeda's assassinations had "left resistance groups with two options: either to fight al Qaeda and negotiate with the Americans or fight the Americans and join the Islamic State of Iraq, which divides Iraq. Both options are bitter." After their defeat in the battle of Baghdad -- thanks to the entrenched power of Sadr's Shiite Mahdi Army and the arrival of additional U.S. troops -- the Iraqi Sunnis went decisively with the first option, marking the start of the Sunni Awakening groups. The United States, for its part, had its own incentive to cooperate with the insurgents: June 2007, with 126 troop deaths, was the second-worst month for the U.S. military in Iraq, and General David Petraeus, the U.S. ground commander, was facing pressure to reduce casualties quickly. The most efficient way to do so was to strike deals with the newly pliable insurgents.

The deals were mediated by tribal leaders and consisted of payments of $360 per month per combatant in exchange for allegiance and cooperation. Initially referred to by the United States as "concerned local citizens," the former insurgents are now known as the Sons of Iraq. The total number across Iraq is estimated at over 90,000. Although the insurgents turned allies generally come well armed, at least one unit leader, Abu al-Abd, commander of the Islamic Army in Iraq, who controls Sunni neighborhoods in Baghdad, has said that he receives weapons as well as logistical support from U.S. units. His arrangement is probably typical. In November 2007, he agreed to a three-month pact, open to extension.

This strategy has combined with other developments -- especially the fact that so much ethnic cleansing has already occurred and that violence in civil wars tends to ebb and flow, as the contending sides work to consolidate gains and replenish losses -- to bring about the current drop in violence. The Sunni sheiks, meanwhile, are getting rich from the surge. The United States has budgeted $150 million to pay Sunni tribal groups this year, and the sheiks take as much as 20 percent of every payment to a former insurgent -- which means that commanding 200 fighters can be worth well over a hundred thousand dollars a year for a tribal chief. Although Washington hopes that Baghdad will eventually integrate most former insurgents into the Iraqi state security services, there are reasons to worry that the Sunni chiefs will not willingly give up what has become an extremely lucrative arrangement.

TRIBAL REALITIES

The surge may have brought transitory successes -- although if the spate of attacks in February is any indication, the decrease in violence may already be over -- but it has done so by stoking the three forces that have traditionally threatened the stability of Middle Eastern states: tribalism, warlordism, and sectarianism. States that have failed to control these forces have ultimately become ungovernable, and this is the fate for which the surge is preparing Iraq. A strategy intended to reduce casualties in the short term will ineluctably weaken the prospects for Iraq's cohesion over the long run.

Since the mid-nineteenth century, ruling powers in the Middle East have slowly and haltingly labored to bring tribal populations into the fold, with mixed success. Where tribes and tribalism have remained powerful, the state has remained weak. The Ottomans attempted forced
sedentarization of the tribes, weakening tribal authorities by disrupting settlement patterns and replacing tribal sheiks with smaller cadres of favored leaders who became conduits for patronage. The colonial powers after World War I faced a different problem: the threat of nationalist urban elites opposed to foreign rule. In an effort to counter defiant urban leaders, they empowered rural tribes on the periphery. In Iraq, the British armed the tribes so that the sheiks could maintain order in the countryside and balance the capabilities of the nominal local governments operating under League of Nations mandates. Thus, the tribal system that Ottoman rule sought to dismantle was revitalized by British imperial policy, and the power of the nominal Iraqi government was systematically vitiated. In 1933, Iraq's King Faisal lamented, "In this kingdom, there are more than 100,000 rifles, whereas the government has only 15,000."

The tribes lost some power over the subsequent decades. This was in part a result of increasing direct British involvement in activities such as law enforcement, land tenure, and water distribution and in part a result of urbanization: as Iraqis moved from the country to the city, their affiliations shifted from the tribe to urban institutions -- principally the trade union and the mosque -- even as they held on to tribal symbols. When the Baathists took power in 1968, they explicitly rejected "religious sectarianism, racism, and tribalism ... the remnants of colonialism." The tribes, in their minds, were inevitable rivals of a centralizing state. But after taking control in a coup in 1979, Saddam leaned on his own Sunni tribal networks to staff his security services, army leadership, and bureaucracy, while suppressing other tribal life. He tried to rein in tribes by dispersing Baathist apparatchiks throughout the hinterland, but he nonetheless came to rely on the tribal system as a whole to make up for the shortcomings of the state as times became harder.

During the Iran-Iraq War, Saddam used Shiite tribes to defend regions near the Iranian border, and elsewhere tribal leaders regained some of their traditional authority as the war forced the redeployment of Baathist officials to the front. Amid the hardships created by the conflict, the flow of resources from the center shrank, leading to greater self-reliance in tribal areas and the renewed importance of tribal leaders. The Gulf War, and the grinding international sanctions that followed, accelerated these trends. In 1996, a high council of tribal chiefs was established and was granted political privilege, weapons, and land. Selected tribal leaders were allowed to enrich themselves by any means, fair or foul, and in return they were expected to defend the regime. Saddam, in effect, fostered a process of retribalization in Iraq.

Iraq's Arab neighbors, particularly Jordan and Saudi Arabia, provide a counterexample. They won enduring stability by corraling the tribes through a combination of reward and punishment. In Transjordan, King Abdullah I and the British -- helped by famine and the effects of the Great Depression -- confronted recalcitrant tribes militarily and then secured their allegiance with a steady flow of resources from the emerging state. More recently, Jordan's Hashemite monarchy has preserved the tribes' loyalty by guaranteeing them prestigious positions in the government and the military and by playing them off against the Palestinians. In Saudi Arabia, the al Saud dynasty consolidated its state by subduing the tribal challenge of rebellious Ikhwan and then endowing them with status and a military role. Strategic marriages between the al Saud family and the tribes cemented these ties. Although such efforts occasionally faltered, the thrust of the policy was always clear: to subordinate the tribes to the state.
Now, U.S. strategy is violating this principle by fostering the retribalization of Iraq all over again. In other countries in the region, such as Yemen, the result of allowing tribes to contest state authority is clear: a dysfunctional country prone to bouts of serious internecine violence. Such violence can also cross borders, especially if neighboring states are willing to use the tribes as their own agents. Pakistan provides a particularly ominous example of this dysfunctionality: its failure to absorb its Pashtun population has threatened the viability of the Pakistani state. The continued nurturing of tribalism in Iraq, in a way that sustains tribes in opposition to the central government rather than folding them into it, will bring about an Iraqi state that suffers from the same instability and violence as Yemen and Pakistan.

U.S. officials in Iraq have taken note of how the current U.S. approach has exacerbated the dangers of tribalism. Last month, a senior U.S. military adviser conceded, "We're not thinking through the impact of abetting further corruption and perpetuating tribal power." In December, a U.S. diplomat warned, "The absence of government in a lot of areas has allowed others to move in, whether militias or others." The net effect has been a splintering of the country rather than the creation of a unified nationalist Sunni front that, having regained its confidence, would be prepared to deal constructively with Baghdad.

THE CRUMBLING CENTER

The growth of warlordism is another consequence of the surge. By empowering the tribes and other networks without regulating their relationship to the state, the United States has enabled them to compete with one another for local control and what is mostly criminal revenue. It is worth noting that warlordism is not just a creeping Sunni phenomenon. Kurdish and Shiite criminals have been equally adept at exploiting the current security situation to their advantage. Indeed, warlordism appears even to be altering the sectarian divide. In Najaf, where gang warfare has erupted on more than one occasion, supporters of Sadr's Mahdi Army are engaged in street battles with members of the Badr Organization, even though both are Shiite groups.

Last December, a committee of British MPs charged with examining the security situation in Basra as British forces began to draw down concluded that warlords and criminal gangs had all but taken over the city. "Although the reduction in attacks on UK forces can only be welcome," the committee's report noted, "this alone cannot be a measure of success. The initial goal of UK forces in South Eastern Iraq was to establish the security necessary for the development of representative political institutions and for economic reconstruction. . . . This goal remains unfulfilled."

The United States' bottom-up strategy is also worsening sectarianism. For many Sunnis, reconciliation means restoration -- not inclusion in power-sharing arrangements but regaining control of the state. Instead of discouraging this mindset, the evolution of the surge into a bottom-up operation has validated it, fostering the impression that Washington has at last recognized that its strategic interests lie with the Sunnis. As the Sunnis see it, the current U.S. strategy is a policy of organizing, arming, and training them to challenge Shiite supremacy.

The Shiites and the Kurds naturally have sharply different notions of what reconciliation means. For the Kurds, reconciliation means respect for their claims to autonomy as well as for their
potential territorial gains. The Shiites have tended to emphasize the need for justice before reconciliation, which, as they see it, requires that they be compensated for their suffering under previous regimes (not only Saddam's). This, in their mind, necessitates the subordination of Iraq's Sunni population to the Shiite community. Some Shiite leaders have defied such thinking - - Ayatollah Ali al-Sistani most prominently -- but Sadr has made clear that he will use violence to secure Shiite hegemony, and Maliki's government has shown no willingness to be pried away from Sadr and like-minded Shiites. Indeed, in postconflict situations, reconciliation often founders on the unwillingness of victims to surrender their claims to justice.

Some Sunnis have started to recognize that the United States has no intention of restoring their supremacy. The realization that civilian jobs and vocational training is all that is in store for the 80 percent of the former insurgents who are blocked from membership in the Iraqi army (Shiite leaders want to dominate the army in order to use it as their own instrument of control) has eroded Sunni cooperation with U.S. forces. As one volunteer told a reporter, "The Sunnis were always the leaders of the country. Is it reasonable that they are turned into service workers and garbage collectors? . . . We had not anticipated this from the American forces. Of course we will not accept that." One response has been to head back to al Qaeda. An Awakening commander in the Diyala provincial capital of Baqubah, which has never been fully pacified, said in February, "Now there is no cooperation with the Americans. . . . We have stopped fighting al Qaeda." This was doubtless an exaggeration, but one that pointed to the hard truth that for many Sunnis, Shiite rule remains unacceptable. When former Sunni insurgents no longer believe that Washington will restore them to dominance, their current U.S. paymasters will once again be their targets.

Given the current trajectory, significant Sunni segments of the postsurge Iraqi state will continue to be funded by the United States, but they will remain beyond the control of either Baghdad or Washington. They will also be in a position to establish ties with neighboring countries. All of this may well accelerate the centrifugal forces unleashed by the bottom-up strategy. When it withdraws from Iraq, the United States will be leaving a country more divided than the one it invaded -- thanks to a strategy that has systematically nourished domestic rivalries in order to maintain an illusory short-term stability.

This could mean that Iraq will remain essentially unreconstructed. The authority of the state would plummet, and the United States' ability to influence events, already limited, would become even weaker. Iraq would become a running sore, and successive crises within the country and on its borders would distract Washington from other priorities and sap its ability to normalize relations with Iran. For the Iraqis, safety, security, and economic advancement would remain uncertain. Those who could leave would. Stability would become an ever-receding prospect.

One plausible consequence of this turmoil would be the emergence of a U.S.-trained and U.S.-equipped Iraqi army, increasingly open to former officers of Saddam's military, as a powerful force in Iraqi politics. The professionalism and esprit de corps of the army is already on the rise. Officers who see themselves as having to navigate a maelstrom of unregulated militias, weak and irresponsible government officials, tribes emboldened and then embittered by their U.S. connections, and overbearing but uneven U.S. assertions of control could turn inward, as they did under the British and under Saddam. They might adopt a posture of superiority to politicians,
impatience with upstart tribal leaders, and passive-aggressiveness toward their U.S. patrons and then sideline the civilian government and take control of the state. This result might be less disastrous than complete long-term breakdown: to the degree that Iraq needs a mediating military presence to sustain a fragile peace, this role might ultimately be better served by a military with its own corporate identity rather than by U.S. troops. But still, the United States would be confronted by a strong, centralized state ruled by a military junta that would resemble the Baathist regime Washington overthrew in 2003. Rather than an anarchic situation, the United States would face potentially aggressive nationalism and a regime unsympathetic to U.S. regional priorities.

RESPONSIBLE RETREAT

At this stage, the United States has no good option in Iraq. But the drawbacks and dangers of the current bottom-up approach demand a change of course. The only alternative is a return to a top-down strategy. To be more effective this time around, Washington must return to the kind of diplomacy that the Bush administration has largely neglected. Even with 160,000 troops in Iraq, Washington lacks the leverage on its own to push the Maliki government to take meaningful steps to accommodate Sunni concerns and thereby empower Sunni moderates. (The legislative package and the de-Baathification reform law passed earlier this year were seriously flawed and did more to spur the Sunnis' anxieties than redress their grievances.) What the United States could not do unilaterally, it must try to do with others, including neighboring countries, European allies, and the United Nations (UN).

In order to attain that kind of cooperation, Washington must make a public commitment to a phased withdrawal. Cooperation from surrounding countries and European partners is unlikely to be forthcoming without a corresponding U.S. readiness to cede a degree of the dubious control it now has over events in Iraq. Currently, the dominant U.S. presence in Iraq allows the rest of the world to avoid responsibility for stability in and around Iraq even as everyone realizes the stakes involved. A plan to draw down U.S. forces would therefore contribute to the success of a larger diplomatic strategy, prompting Middle Eastern states, European governments, and the UN to be more constructive and proactive in working to salvage stability in the Persian Gulf.

The point, therefore, is not to focus on the precise speed and choreography of a troop withdrawal. Rather, what is necessary is to make clear that the United States intends to withdraw. Should the Bush administration suspend the currently programmed withdrawals of the surge force, it would send precisely the opposite message. President Bush, Secretary of Defense Robert Gates, and General Petraeus have all signaled their interest in halting any further drawdowns after the last surge brigade has come home this summer. Petraeus, who has already begun to lay out his case in interviews, argues that "the key is to hang on to what you've got." The president has suggested that he is unwilling to withdraw additional troops until after the Iraqi provincial elections -- which, although originally scheduled for October, could very well be delayed. It is therefore possible that the next U.S. president will have to decide what to do with approximately 140,000 troops, a considerably larger number than most observers assumed would still be on the ground in Iraq at the end of 2008. (Some consideration will also have to be given to the problem of removing 56,000 contractors and facilitating the departure of a segment of the 30,000-50,000 Iraqi and foreign workers supporting the U.S. presence.)
Given that the laws of physics are as relevant to troop redeployments as are the laws of strategy and politics, the higher baseline bequeathed by Bush would mean a longer timeline for withdrawal. As of last summer, there were 1,900 tanks and other armored vehicles, 43,000 trucks, and 700 aircraft in Iraq. Equipment is scattered over 70 bases throughout the country, along with 38 major supply depots, 18 fuel-storage centers, and 10 ammunition dumps. According to the conservative rule of thumb used by military logisticians, the U.S. Army and the Marine Corps could move a brigade per month from the Iraqi theater. Moving the 15 brigades likely to be in Iraq in January 2009 would require up to 10,000 truck trips through potentially hostile zones within Iraq.

Although fixating on an exact timetable for withdrawal might be unhelpful at this juncture, a new administration should begin to draw down deliberately and in phases as soon as its internal deliberations are complete and the process has been coordinated with Baghdad. These steps could take months, as the new team conducts its policy-review process; military planners plot safe and efficient withdrawal routes; congressional consultations are carried out; conclusions are reached about where the forces being drawn down should be redeployed; planners determine the size, roles, and missions of the residual force; and the numerous dependencies created by the occupation and the surge are gradually shed. Once under way, however, a drawdown of most of the troops now in Iraq could be completed within two years. The redeployment might proceed more quickly if U.S. public support for the war collapsed, the Iraqi government demanded a swifter withdrawal, or the political situation in Iraq settled down; alternatively, the process might take more time if U.S. forces were under attack, an atrocity claiming the lives of many Americans occurred, or a responsible, reconciliation-minded Iraqi government and a concerned international community sought a slower drawdown.

RECONCILIATION FROM ABOVE

Announcing a withdrawal will entail certain risks. Aware that U.S. forces will finally be departing, Iraqi factions might begin to prepare for a new round of fighting. The Sunnis, aware of their vulnerabilities to attack by militant Shiite forces without the United States to protect them, might resuscitate their alliance with al Qaeda. The government in Baghdad might be concerned about its own exposure to attack in the absence of a U.S. shield and proceed to forge tighter links with Tehran or encourage greater activism by the Mahdi Army. It is all the more vital, therefore, that the drawdown take place as part of a comprehensive diplomatic strategy designed to limit these risks. The interval between a decision to withdraw and the removal of the bulk of U.S. forces should provide the space in which the UN can convene a multilateral organization to foster a reconciliation process in Iraq.

There is much that can be done to revitalize a top-down approach to reconciliation if it is under UN auspices and led by a credible special envoy. First, the international community should be energized to help Iraq move forward on provincial elections, which would test the popularity of the new Sunni leaders who have emerged during the surge and lash them up to Baghdad. This would have the added benefit of isolating the radical federalists from the majority of Shiites, who would prefer to live in a united Iraq. A UN envoy would have a better chance of brokering a deal on the distribution of provincial and federal powers, the issue that led to the veto of the provincial election law, than would Washington. In a multilateral setting that is not
conspicuously stage-managed by the United States, regional states, including Iran and Saudi Arabia, could play a pivotal role in this process. Although Tehran's cooperation is inevitably hostage to its broader relations with Washington, UN sponsorship of this effort might provide the leaders of Iran with the cover they need to act in their own interest. The Saudis, for their part, would like to see the UN involved and are prepared to use their influence and money to impel the parties in Iraq toward reconciliation.

Second, an institutionalized multilateral group of concerned states should mobilize the broader international community to assist with the care, feeding, and permanent housing of the millions of refugees and internally displaced Iraqis who have not been able to get to the United States or Europe. This is essential, since refugee camps and squatter settlements are incubators of radicalism and radiate violence. The longer these populations remain unmoored and cut off from education, employment, and access to adequate social services and health care, the harder it will be to resettle them permanently, whether in Iraq or elsewhere.

Third, before a new and more intense phase of the civil war begins, there should be a multilateral process put in place to prod Saudi Arabia and other Persian Gulf states to finance investment projects that provide real employment in Iraq. Furthermore, Iraq's neighbors, including Iran, should be pressing the Iraqi government to bring far more Sunni Awakening volunteers into the regular Iraqi army and, crucially, into the provincial police forces funded by the central government. The latter step would reinforce the positive effects of the provincial elections and the emergence of politically legitimate local leaders. The current commitment to enlist 20 percent of the Awakening's members is far too small to have an impact.

Finally, the tribes feeding off the surge must be weaned from U.S. assistance and linked firmly to Baghdad as their source of support. Intertwining the tribes with Baghdad in this way, as the Iraq specialist Charles Tripp has noted, would yield something very much like the imperial protectorates in the Middle East of the first half of the twentieth century. The "club of patrons" in the capital would dole out goods to tribes through favored conduits. At this juncture, the U.S. military is performing the role of the patrons -- creating an unhealthy dependency and driving a dangerous wedge between the tribes and the state. Through coordinated action by the UN sponsors of the multilateral process, the government in Baghdad, and U.S. commanders on the ground, payment responsibilities will have to be transferred from the U.S. military to Iraqi government representatives.

There is no guarantee that the old way of giving tribes a taste of the lash followed by a dollop of state largess -- the model that successfully integrated tribes in Jordan and Saudi Arabia in the twentieth century -- can be successfully applied to a divided Iraq today. Iraq is heterogeneous, unlike Jordan or Saudi Arabia, where the state and the tribes shared a religious heritage. Furthermore, overestimating Iranian or Saudi influence on Iraqi politics and the willingness of the UN Security Council to plunge into the existing morass is all too easy. In any event, it will be a slow and hazardous undertaking. Many things have to happen more or less simultaneously in a carefully coordinated chain of actions. Washington has to announce that it will begin withdrawing the bulk of its forces. The UN secretary-general, with the backing of the Security Council, must select a special envoy. A contact group of key states must be formed under UN sponsorship. Priorities and milestones will need to be set for the distribution of resources within
Iraq, the recruitment of Sunnis to the army, provincial elections, foreign investment, dealing with refugees, and development assistance. Crucially, the phasing of the troop drawdown will have to mesh with this diplomatic process but not hinge on its ultimate success. This course is risky and possibly futile. Yet it is still a better bet than a fashionable, short-term fix divorced from any larger political vision for Iraq and the Middle East.
ENEMY COMBATANTS, TERRORISM, AND ARMED CONFLICT LAW

A Guide to the Issues

Edited by David K. Linnan
CHAPTER 3

Contested Morality in U.S. Foreign Policy

JANICE LOVE

This chapter addresses the debate among U.S. Christian leaders over the morality of the United States' March 2003 invasion of Iraq in the context of two larger scholarly foreign policy discussions. The first involves the nature and understanding of American power in the world. The second involves contending perspectives on where the current U.S. government's war against terrorism fits into the long-term path of American foreign policy. This assessment should contribute substantially to understanding contentious arguments over the legitimacy, or lack thereof, of the U.S. government's actions in Iraq, and the war on terrorism more generally.

Our ultimate conclusion is that, in international relations theory terms, the Iraq conflict represents the U.S. government's apparent choice for hard over soft power. When governments choose to use hard power as the primary means of exercising influence, they strive to harness a sufficient stock of soft power, too, so that their actions will be widely perceived as legitimate. Religion is an important dimension of soft power, and governments often seek the blessings of religious leaders to help legitimize the use of hard power.

In the case of this war, however, there is a split within the U.S. Christian community. The vast majority of church leaders representing historic, mainline Protestant and Catholic traditions, claim that the U.S. government's choice to go to war and its prosecution of the war fail to meet the criteria of a just war contained in the just war doctrine. These U.S. leaders have overwhelming support from their denominational affiliates abroad, including the late Pope John Paul II. In contrast, Christian leaders from the Southern Baptist Church and prominent U.S. televangelists set aside the multidimensional and more complex historic just war doctrine in favor of applying one particular criterion adapted from the just war theory. They argue that the U.S. government, a legitimate political authority blessed by God to exercise Christian leadership in world affairs, chose a just course of action in prosecuting the Iraq war. These leaders' endorsement of the war added soft power to the government's exercise of hard power.
THE HARD VERSUS SOFT POWER DEBATE IN INTERNATIONAL RELATIONS THEORY

Since World War II, the concept of power has been at the center of the study of international relations. In general, most scholars would agree that power is the ability of political actors to achieve their goals. Packed into this assertion is a distinction between the two aspects of power: capabilities, the resources an actor directly controls; and influence, the actor’s ability to change the values or behavior of another political player. More conservative analysts, the Realists, usually presume that capability causes influence, and consequently consider that little meaningful differentiation can be made between the two. More liberal scholars, the Pluralists, argue that interactions among political players can affect the conversion of capabilities into influence. Therefore, the distinction potentially makes a big difference.¹

Building on Pluralist assumptions, Joseph Nye² revises and relabels these distinctions to analyze U.S. foreign policy. In his terms, capability becomes a sophisticated notion of hard power, while a multidimensional concept of soft power builds on and embarrasses the idea of influence. As for definitions, hard power on the whole rests “on inducements (carrots) or threats (sticks).” This is a more material base.³ The United States has a large arsenal of both carrots and sticks. In contrast to this notion, soft power “co-opts people rather than coerces them,” and thereby gets them to do what you want.⁴ Therefore, the basis for soft power rests more in ideas than on material incentives, either of positive or negative kinds.

Building on Machiavelli’s view of power as a mixture of coercion and consent, Gramsci wrote extensively about the moral, political, and cultural values of a dominant group becoming so widely dispersed that less powerful or even subordinate groups incorporate them as unquestioned common sense.⁵ In distinguishing soft power from the older notion of influence, Nye argues that soft power is only one form of influence, and that it is “more than persuasion... It is the ability to entice and attract. And attraction often leads to acquiescence or imitation.” Soft power inspires “the dreams and desires of others...”⁶

Typical instruments of soft power include popular culture embodied, for example, in telecommunications such as film or television, as well as in education and cultural exchange. As with hard power, governments do not control all these instruments, but in contrast to governments’ considerable command of a large amount and wide array of instruments of hard power, nonstate actors often have greater access to soft power. Furthermore, in the second half of the twentieth century, nongovernmental organizations and transnational social movements have become remarkably adept at using soft power to their advantage. Again, following Nye, in an information age, countries increasing their soft power are likely to be those with a culture closer to prevailing global norms; access to multiple channels of communication in which they can frame the issues; and credibility based on their domestic and international performance.⁷ As with capability and influence, the close relationships between hard and soft power can be significant, and they often reinforce each other. Both can be central to achieving an actor’s goals. “But,” warns Nye, “soft power is not simply the reflection of hard power.”⁸

Nye uses the concepts of hard and soft power to analyze the larger frameworks of foreign policy choices facing the U.S. government and society. His terms will be used in this chapter more narrowly to examine contentious claims about the morality of the Iraq War. This examination, however, needs to be set in the wider context of two contemporary and contending views of the history of U.S. foreign policy.

<<605-618>>
CONTENDING PERSPECTIVES ON U.S. FOREIGN POLICY: 
BENEVOLENT DOMINATION VERSUS IMPERIALISM

Since the end of the Cold War, analysts have sought to define the next challenge to America’s physical security and basic social, political, and economic values in grand, overarching perspectives. Samuel Huntington’s (1996) famous assertion of a “clash of civilizations” provided one possibility of “the West against the Rest,” whereas Robert Kaplan suggested that the crucial test would be massive chaos, i.e., an anarchic world with disintegrating nation-states, warring ethnic groups, overpopulation, and struggles over increasingly scarce resources.9

The 9/11 attacks jolted everyone, and for those searching for a way to characterize security problems in a post–Cold War world, a new clarity emerged. In the wake of the 9/11 attacks, New York Times columnist Thomas Friedman popularized a particular version of the history of large-scale challenges to the United States and its allies in the twentieth and twenty-first centuries. Fascism arose in the first half of the twentieth century and was defeated by nations that embraced freedom and democracy. Then communism reared up menacingly in the second half of the century, only to implode at century’s end due to its inability to compete effectively with national systems of democracy and capitalism backed by large, credible military arsenals. The events of 9/11, Friedman argues, demonstrated that terrorism, under girded by religious extremism, constitutes the new mega-threat to freedom and democracy in the new era.10

From this point of view, even if not all analysts would agree with Friedman’s particular telling of the big trends of history, the United States had an obligation to invade Iraq. This duty arose not primarily from the need to protect the physical security of our homeland, but rather in the long term to exercise “the revolutionary side of U.S. power,” to instill a model of freedom and democracy in a region that has little experience of such. This makes the Iraq war, in Friedman’s language, a war of choice, not necessity; a war “to unleash a process of reform in the Arab-Muslim region that will help it embrace modernity and make it less angry and more at ease with the world....” Our job, he says, “is to build a regime in Iraq that won’t produce any more battered human skulls.”11 This grand mission, a war without end carried out by a “benign U.S. hegemon,” may not be finished in his lifetime, he reports, or even that of his children. It is a “war for what America stands for.”12

This grand perspective finds no fault in characterizing the United States as imperial or hegemonic in its post–Cold War domination of world affairs. American domination is a good thing for infusing other nations and cultures with the values of democracy and religious liberty. The second grand perspective, however, orients its understanding of U.S. foreign policy in the twentieth and twenty-first centuries as part of a larger project of imperial aspirations that began in the nineteenth century.13

Inspired in part by the British and other European empires, U.S. political leaders actively began pursuing a substantial American presence in Asia and Latin America in the late nineteenth century. This vision has been well documented by prominent historians and students of foreign policy.14 One of the early emblematic and specific policy manifestations was “supple and highly innovative.” For example, the United States demanded an open door policy with China in 1899. The United States would honor China’s territorial integrity if allowed the same privileges granted to European powers and Japan, i.e., a foothold from which to access Chinese markets. American policymakers’ expectations were that U.S. companies and others would “reap more than their fair share of the benefits. An ostensibly level playing field actually tilted in favor of American enterprise.
In short, the policy of the open door was "a classic strategy of non-colonial imperial expansion."
15 And it applied remarkably well to other regions of the world, too.16

From this perspective, World War I became a "crusade to graft American values onto the entire world and to thwart all others—such as Lenin—who fancied themselves engaged in an analogous undertaking," with any notion of isolationism being only a "legend."17 Meanwhile, also in the early decades of the century, U.S. military incursions repeatedly propped up authoritarian dictators in Latin America and the Caribbean.

After World War II, the United States continued to pursue open doors, leading the Western world and the global economy by default, a state of affairs that many labeled "Pax Americana." By the 1970s, West European and Japanese economic prowess, built on the foundation of their American-assisted post–war recovery, gave rise to the need for U.S. leadership in a coordinated, more multilateral approach to global affairs that exercised open door policies through international financial institutions like the International Monetary Fund, the World Bank, and the Paris Club. Moreover, the United States' military guarantee of West European and Japanese security against the possible threat of Soviet aggression provided all these big economic and political players strong incentives to work together under U.S. leadership. Yet, a number of U.S.-backed coups d'état in support of "third world" dictators as well as the Vietnam War demonstrated a readiness to use military force to preserve global influence, especially in competition with another large imperial presence in the world, the USSR.

By 1991, the dissolution of the USSR and the disintegration of its military might brought an end to the Cold War. Russia as well as most of its former satellites became open for American commercial influence, too. And as indicated by Nye, the United States began to enjoy a very rare position in world history. No other nation comes close currently to exercising this country's military, economic, political, and cultural power.

Many American policymakers and citizens hold fast to the belief that the United States is a reluctant imperial power and that the nation's hegemonic reign is benign. Analysts who view the U.S. imperial impulse as stretching back more than a century would disagree, however, as do many people in various parts of the world subjected to the blunt instruments of U.S. military or economic might. In this context, from this perspective, the March 2003 invasion of Iraq appears to be one more imperial attempt at opening doors to further U.S. economic, military, political, and cultural interests, rather than the grand experiment of a benevolent hegemon undertaking democratic nation building. The imperial perspective on American foreign policy notes that among the scores of U.S. overt and covert military invasions or interventions, only two resulted in the implementation of democratic capitalism: Germany and Japan. The outcome in Iraq, if anything other than chaos, they claim, is more likely to resemble Cuba in 1898 or 1906, Nicaragua beginning in 1909, Haiti beginning in 1914, Guatemala or Iran in 1954, the Congo in 1960, Vietnam in the early 1960s, Chile in 1973, or other such instances where the consequences of U.S. military involvement undercut or crushed the possibility of budding democratic impulses.

U.S. CHRISTIAN LEADERS AND THEIR FOREIGN POLICY PERSPECTIVES

Although not entirely divorced from hard power, religion, moral philosophy, and ideology feature soft power—as does law. These potent societal sources of influence often provide important foundations for national or wider cultures, and thus can implicitly or explicitly enhance or undermine a government's exercise of power. Governments often recognize the
significance of such sources of soft power by seeking assistance and public blessings from religious leaders or others with moral or ideological legitimacy.

The missionary expansion of Christianity that anticipated and accompanied imperial conquest by European powers and the United States has its own history about which much is written. Christian missions often played the paradoxical role of providing soft power for sanctioning the expansion of empires while at the same time humanizing them. A famous African adage, for example, states: “When the missionaries came, Whites had the bible and we had the land. Now we have the bible and the Whites have the land.”

When the colonies of Africa, Asia, and Latin America sought their independence, most Protestant missions also pursued freedom from ecclesiastical colonialism, that is, separated their governance from their parent churches in the West. Thus Anglicans, Methodists, Presbyterians, Baptists, Lutherans, etc. in these various continents became churches in their own right, no longer controlled, for example, by the English Anglicans, the German Lutherans, or the U.S. Methodists, Presbyterians, or Baptists. These newly independent leaders often spoke with different interests in and understandings of world affairs. Among Catholics, Vatican II, convened by Pope John XXIII, called on the faithful worldwide to use their convictions to address the problems of the world. Furthermore, the rise of liberation theologies out of Latin America, Asia, and Africa in the 1960s and 1970s challenged both Protestant and Catholic Christians in rich countries to examine their previous support for or complicity in systems of colonial and neocolonial domination, the racism embedded explicitly or implicitly in their doctrines, and their use of resources in a world of extreme poverty. Theologians from the so-called third world also began to offer new insights in the interpretation of sacred scripture, the articulation of doctrine, and practices of the faith. Moreover, these changes across the world unfolded at the same time that the civil rights movement challenged racially divided Christian churches at home.\(^\text{18}\)

The two broad and contending historical perspectives on the history of U.S. foreign policy, together with shifts globally within Christendom and in secular world affairs, had a profound influence on U.S. church leaders. In the first half of the twentieth century, most readily (but not uncritically) believed the United States to be a benevolent hegemon. Many believed that American military, economic, and political international engagement made the world safer for democracy and human well-being. In the second half of the century, however, the challenges articulated by theologians from the so-called third world, combined with deep domestic unrest over the Vietnam War and other military interventions, brought new insights and understandings for church leaders. They now had to function in worldwide Christian arenas where many church leaders from other parts of the globe criticized the United States as an oppressive imperial power. Whether or not American church leaders agreed with this perspective, they could not ignore it.

Vietnam provided the watershed to shift many U.S. church leaders’ perspective. Most began to take official stands against the Vietnam War reluctantly and fairly late. For example, the U.S. Conference of Catholic Bishops issued a 1966 statement concluding that the United States’ prosecution of the war was reasonable. By 1968, their enthusiasm had officially waned, but only by 1971 did they explicitly call for an immediate halt to U.S. military engagement in Southeast Asia. Nevertheless, Vietnam was a major turning point in their understanding of the United States and world affairs. Thereafter most leaders of the Catholic and mainline Protestant churches have called fairly consistently for restraint in the use of American military force to address international problems, giving strong preference to conciliation and negotiation.\(^\text{19}\) Yet, with often carefully considered nuance, many continued to embrace nonmilitary U.S. foreign policies that promoted
causes such as human rights, debt relief, and economic development. If judged by their public pronouncements below, most can be characterized as multilateralists rather than unilaterals. Nevertheless, their relative reticence in recent decades to deploy their soft power to bless the use of force is noteworthy.

By contrast, the NCR (New Christian Right), which arose in force in the 1970s, on the whole endorses the use of military might to achieve U.S. foreign policy goals. The NCR consists of organizations headed by televangelists like Pat Robertson, Jerry Falwell, Bob Jones II, and Franklin Graham who find unity in their commitment to change laws and government structures in light of their understanding of the biblical ideal. For much of the twentieth century, these conservative evangelical and fundamentalist Protestants on the whole shunned political engagement. Rapid social changes during the 1960s, mainline religious opposition to the Vietnam War, and the perceived threat of secular humanism transformed them into activists. As Charles Kimball notes “the literature and rhetoric of groups in the New Religious Right reveal nostalgia for an ideal time that has been lost—usually connected somehow with the founders of the country—and warnings about the danger awaiting this nation if it continues to turn its back on God.”

These leaders’ largest political mobilizations began in the 1980s and continued through the early 1990s. They articulated a clear theological position: God ordained the United States to be a Christian nation, a city on the hill, a light to the nations. Often labeled Dominion or Reconstruction Theology, this understanding of the faith asserts “that Christianity must reassert the dominion of God over all things, including secular politics and society.” Followers seek “to remove the political and institutional barriers to God’s law in order to impose the rule of God’s law.” As Karen Armstrong describes it “God gave Adam and later Noah the task of subduing the world. Christians have inherited this mandate and they have the responsibility of imposing Jesus’ rule on earth before the Second Coming of Christ.”

This theology obviously embraces the perspective that the U.S. domination in world affairs as well as the government’s foreign policy decisions are benevolent, but followers push further. America has an obligation to, and blessings from God to spread U.S. influence and that of the Christian faith worldwide. For example, this perspective most steadfastly condemned any attempts at rapprochement with the USSR during the Cold War. Leaders of this persuasion have been invited to the White House regularly under the Nixon, Reagan, and second Bush administrations. Interestingly, the primary spiritual adviser to President George H.W. Bush was Archbishop Edmond Browning, the presiding bishop of the Episcopal Church. During the 1991 Gulf War, in keeping with similar expressions by other mainline religious leaders, Archbishop Browning regularly, both in private and in public, challenged the President’s decision to mobilize the military because he and others believed that all other options had not yet been exhausted (one of the criteria for a just war).

In sum, as mainline Catholic and Protestant church leaders in the late twentieth century became more critical of U.S. foreign policy, particularly as exercised through military means, they became less welcome to provide counsel to the executive branch. Moreover, they became increasingly reluctant to lend their considerable stock of soft power to the military campaigns and foreign policy decisions that lacked moral legitimacy from their perspective. Therefore, since the 1970s, Presidents and their administrations, with some exceptions, have relied more on the religious right not only for counsel, but also for blessing their decisions to go to war or to intervene militarily in other nations. Thus, in recent decades, the U.S. government’s hard power has been increasingly augmented with religiously legitimizing soft power from the religious right.
These overall trends of contending perspectives on U.S. foreign policy as well as in church leaders’ reactions to them provide the backdrop against which to understand divergent Christian positions on the morality of the Iraq war. Prior to discussing the specifics of this debate, however, we review the spectrum of traditional Christian ethical positions on war.

**CHRISTIAN PERSPECTIVES ON WAR**

Three traditions, with some noteworthy variations, dominate Christian ethical perspectives on war. These are the pacifist, crusade, and just war traditions. The oldest is the pacifist.

Most scholars agree that in the whole Christ’s teaching and example reinforce a message that violence and war are wrong. For the first three to four centuries, the early church adhered to pacifism, which meant opposition to all killing, military service, and warfare. In addition to being true to Jesus’ own witness, a range of reasons explains this stance. They included generally the nonpolitical orientation of church life within the Roman Empire and an expectation of a near-term apocalypse. This perspective declined with the Constantinian establishment of Christianity in the fourth century, but it survived nonetheless to be embraced by a number of prominent Christian leaders including Francis of Assisi, Erasmus of Rotterdam (fifteenth and sixteenth centuries), and in the twentieth century, Martin Luther King, Jr. The historic peace churches, including the Mennonites, the Church of the Brethren, and the Society of Friends (Quakers) continue to adhere to pacifism.

Early in the fourth century, Constantine adopted Christianity and linked it to the state. Drawing on Plato and Cicero, Augustine (fourth and fifth centuries) outlined the beginnings of the just war theory, which evolved across the medieval and modern periods, and is explored more fully in a parallel chapter. A distinction is usually made between the just resort to war (jus ad bellum) and just conduct in war (jus in bello). The six most common principles of jus ad bellum are: (1) just cause (in response to an aggressive attack or serious threat of evil), (2) just intent (not to devastate another nation totally or seek self-aggrandizement, but to restore peace with justice), (3) limited objectives (with the values preserved through force being proportionate to those sacrificed through force), (4) last resort (exhausting all possibilities of peaceful settlement prior to pursuing war), (5) legitimate authority (a properly constituted government), and (6) reasonable hope of success. The two main principles of jus in bello are: (1) discrimination (respecting and protecting the lives of noncombatants, and committing no atrocities, reprisals, looting, or wanton violence) and (2) proportionality (inflicting damage that is strictly proportionate to the ends sought, i.e., the war’s harm must not exceed the war’s good).22

In the 1960s and 1970s, liberation theology attempted to transform this tradition into one that would support just revolutions. This variation essentially challenged the criterion of legitimate authority. Since so many brutal and authoritarian governments in so many places had no popular legitimacy, any use of force against regime opponents could not be judged to appropriately within the standard. In contrast, however, if insurgents had broad and deep support, they could be considered a legitimate authority allowed to consider exercising the use of military force.

Nonetheless, just war teachings, including most variations on this tradition, and pacifism seek to prevent war. They presume that peace is better than war. If war cannot be avoided, however, a just war ethic seeks to restrict and reduce its horrors. Although begun by the Greeks and refined by Christian theologians, principles similar to those from the just war
doctrine can be found in many religions. They now have also become partially embodied in secular international humanitarian law.

A third tradition within Christianity is that of the crusade where Christians wield the sword as a matter of faith. The violent savagery of the early crusades beginning in 1095 has modern echoes among religious extremists today, but virtually all churches and prominent religious leaders reject this option.26

The Roman Catholic Church formalized and continues to adhere to the just war tradition. In its thirty-six member churches, the NCCUSA (National Council of Churches of Christ in the USA) gathers under one ecumenical umbrella most mainline Protestant, Anglican, and Orthodox member denominations in the country. Although differences exist among them, most members of the NCCUSA also adhere to some variation of just war teachings, as do most Christians around the world. Thus, most churches adhere to the belief that under very limited, rigorously, and prayerfully considered conditions, Christians might use violence. A few NCCUSA members, however, like their counterparts in other countries, come from the historic peace church tradition that continues to uphold pacifism as a faithful witness.

As noted earlier, when commenting on or giving advice to the U.S. government in its exercise of foreign policy, these mainline denominations, the Roman Catholic Church, and the NCCUSA have, on the whole, called for restraint in the use of military force, especially since the Vietnam era. Church leaders regularly draw attention to the intimate connection between means and ends, a principal tenet of both just war teachings and of pacifism. Achieving just and peaceful ends becomes increasingly difficult to accomplish through the use of violent means. Furthermore, church leaders often lift up the need for systems of common security that safeguard the well-being of all people everywhere. They assert that the safety and success of the United States can only be achieved and sustained through relationships of reciprocity that secure justice and freedom for all peoples and nations.

CHURCHES’ RESPONSES TO THE 2003 INVASION OF IRAQ

In the months leading up to the March 2003 U.S. invasion of Iraq, most of the NCCUSA member churches called on the U.S. government to continue to seek alternatives to war. They repeatedly expressed the judgment that U.S. decision-makers had not yet exhausted all policy options short of declaring war. The NCCUSA itself issued statements and drew together leaders of other faith traditions to give a united witness for peace both from within the mainline Christian community and across religions. The U.S. Conference of Catholic Bishops carefully compared the government’s rationale for the Iraq war to the criteria enunciated by the just war doctrine. They concluded that this war did not meet these standards and called on world leaders to step back from the brink to “work for a peace that is just and enduring.”27 All churches called for prayers for American leaders, world leaders, and all the people standing in harm’s way. The WCCs (World Council of Churches), a fellowship of about 340 Protestant, Anglican, and Orthodox churches from more than 100 countries, made similar statements, as did the Pope John Paul II on behalf of the Roman Catholic Church worldwide. Rarely have Christian churches the world over been so united in their call for the pursuit of a more peaceful and just alternative to a particular war.28

Yet, some prominent Christian leaders in the United States disagreed. Officials of the Southern Baptist Convention, for example, like the prominent televangelists (Pat Robertson, Jerry Falwell, and Bob Jones II), argued that a legitimate political authority was
pursuing a just cause, using war as a last resort. This particular adaptation of just war theory emphasizes the criterion of legitimate authority. It trumps all the others due in part to its grounding in Paul’s admonition in Romans 13:1. “Let every person be subject to the governing authorities, for there is no authority except from God, and those authorities that exist have been instituted by God.” According to NCR leaders’ application of just war principles and their proclivity to understand God to be blessing American hegemony in world affairs, the war against Iraq became an unpleasant but necessary duty of a Christian nation.29

Others, like Jean Bethke Elshtain, argued in favor of the war against Iraq on similar but somewhat different grounds. Elshtain and a number of other Christians have for more than a decade expressed the need to forge a twenty-first century standard for humanitarian intervention. When should governments violate the sovereignty of a particular nation and intervene militarily to save lives in places plagued by massive injustice, gross violations of human rights, or campaigns of ethnic cleansing? Many people of good will the world over believe that situations like Bosnia, Kosovo, and Rwanda demonstrated the need to intervene with military force when helpless populations face dire peril. Arguing that America, as the world’s sole superpower bears an awesome but necessary burden in a violent world, Elshtain supported the U.S. government’s invasion to remove the oppressive regime of Saddam Hussein. The implicit comparison was to how the U.S. military under the Clinton administration had bombed Serbia when its government threatened ethnic cleansing in Kosovo. Furthermore, she attacked mainline Christian leaders for opposing the Iraq war by accusing them of wearing ideological blinders inherited from their earlier, youthful resistance to the Vietnam War. Her analysis seemed to rule out any possibility of a genuine conviction that this particular war fell far short of the classical criteria of a just war.30

The WCCs also took up the question of ethical standards for humanitarian intervention. Like Elshtain, this global ecumenical organization expressed the need for guidance on when and how the community of nations should intervene to respond to ominous circumstances within particular countries. Although still in the process of studying the issue, the WCC has repeatedly emphasized the need to uphold the principles of international law. In order to be legitimate and legal, and thereby undergirded with soft power, any intervention for the protection of peace, security, and human rights must be decided and implemented multilaterally, not by individual governments working unilaterally. From the WCC’s point of view, the world’s common security is best upheld, and the full implementation of human rights everywhere is best secured, through use of mutually agreed, long-standing multilateral processes of pursuing peace with justice for all nations, not just one or a few. If one or more governments, like the United States, find multilateral institutions like the United Nations to be less than perfect instruments for pursuing security and human rights, work to reform them rather than to sideline or undermine them, the WCC urges.31

To address these kinds of complex issues and the question of how to create peace and justice in the long term, in 1999, the NCCCUSA adopted a policy statement, “Pillars of Peace for the 21st Century.” Rather than repeating the criteria for resorting to violence, this statement approaches the dilemma more positively and proactively by examining comprehensively the conditions that make for security and attainment of human rights. The document provides an important framework within which to ponder America’s role in the world.32 The statement reads, in part:

Peace rooted in justice requires increased political collaboration and accountability within the United Nations system, among regional bodies, governments, local authorities, peoples’ organizations, and global economic structures to seek the common good and equality for all...
Peace rooted in justice requires the participation of vulnerable and marginalized groups, seeking to promote justice and peace, in those mechanisms capable of redressing the causes and consequences of injustice and oppression. Peace rooted in justice requires the nurturing of a culture of peace in homes, communities, religious institutions, nations and across the world; the use of non-violent means of resolving conflict; appropriate systems of common security; and the end of the unrestricted production, sale and use of weapons worldwide. Peace rooted in justice requires respect for the inherent dignity of all persons and the recognition, protection and implementation of the principles of the International Bill of Human Rights, so that communities and individuals may claim and enjoy their universal, indivisible and inalienable rights.

Others also have sought to provide an alternative to just war theory and pacifism. One group of theologians and conflict resolution specialists came up with a list of ten key guidelines for pursuing peace with justice:


Attempts at moving away from debates over just and unjust wars in favor of charting ethical principles in order to undercut violence are still a work in progress. They do not yet pervade Christian doctrines and teachings. It remains to be seen whether they will come to be convincing standards or guidance among church leaders and the Christian community. Only then might they have any impact on larger policy discussions, whenever purveyors of soft power lobby those with access to large arsenals of hard power. At present, however, there is more agreement on the validity if not detailed application of just war theory approaches, even while the active search continues for a broader Christian framework more oriented toward conflict resolution or avoidance than the use of force as such in our globally interrelated community.

CONCLUSIONS

The U.S. invasion of Iraq constitutes one of its more controversial foreign policy decisions in recent history. Many allied governments objected, as did their populations. Many adversaries also objected, as did their populations. International organizations such as the United Nations were bypassed when they sought to slow the rush to war. In the face of such substantial opposition, the U.S. government risked much of its stockpile of soft power at the same time that it was mobilizing one of the strongest applications of hard power the world has witnessed in recent decades.

If judged by Nye’s indicators of how to increase soft power, the Iraq war may squander the U.S. government’s credibility and undercut future attempts to communicate its support for prevailing global norms of liberalism, pluralism, and autonomy through a benevolent hegemony. Many across the world who already believed the United States to be a self-serving and sometimes ruthless imperial power will see the war as confirming their point of view that America has little soft power to spare.

By contrast, the virtually unprecedented display of unity against the war among mainline U.S. Protestant churches, the U.S. Catholic church, national and world ecumenical
institutions, and the Vatican more closely fits Nye's indicators of how to build a political actor's reserve of soft power. However, the deep disputes between the NCR and its tele-evangelists on the one hand, with the mainline Christian leaders on the other, display a continuing divide over how America's Christians view the United States' role in the world. This spawns in turn significant differences over when and how to support or undercut a government's exercise of hard power with religious institutions' soft power. The questions stand on the border of religion and politics, religious doctrine, and international relations theory.

NOTES


3. "In military power, we are the only country with both nuclear weapons and conventional forces with global reach. Our military expenditures are greater than those of the next eight countries combined, and we lead in the information-based 'revolution in military affairs.' Economically, we have a 27 percent share of world product which ... was equal to that of the next three countries combined (Japan, Germany, France). We are the home of fifty-nine of the hundred largest companies in the world by market value (compared to thirty-one for Europe and seven for Japan.) Of the Financial Times' listing of the 500 largest global companies, 219 were American, 158 European, and 77 Japanese. In direct foreign investment, we invested and received nearly twice as much as the next ranking country (Britain) and accounted for half of the top ten investment banks. American e-commerce was three times that of Europe, and we are the home of the seven of the top ten software vendors. Forty two of the top seventy-five brands were American, as well as nine of the top ten business schools." (ibid., 8).

4. Ibid., 8.

5. Far from being a Marxist, Nye nonetheless asserts that "Soft power rests on the ability to set the political agenda in a way that shapes the preferences of others. The ability to establish preferences tends to be associated with intangible power resources such as an attractive culture, ideology, and institutions. Soft power arises in large part from our values expressed in our culture, in the policies we follow inside our country, and in the way we handle ourselves internationally. Like love, [soft power] is hard to measure and to handle, and does not touch everyone, but that does not diminish its importance" (ibid., 9).

6. Ibid., 9.

7. Ibid., 69.

8. For instance, "[t]he Vatican did not lose its soft power when it lost the Papal States in Italy in the nineteenth century. Conversely, the Soviet Union lost much of its soft power after it invaded Hungary and Czechoslovakia..." (ibid., 10).


13. Andrew J. Bacevich, American Empire: The Realities and Consequences of U.S. Diplomacy (Cambridge, MA: Harvard University Press, 2002); Michael Ignatieff, "Why Are We in Iraq?"

14. For an excellent account of the argument, see, for example, Bacevich, American Empire, 26 ss. Beginning in the nineteenth century “the weltanschauung guiding American politics was a simple one: ‘problems are solved by growth or further expansion’... ‘a charming but ruthless faith in infinite progress fueled by endless growth’ became central to the American way of life. But the closing of the frontier by the 1890s and the onset of severe economic crisis in the same decade obliged Americans to look farther afield. But the United States pursued expansion abroad in a way that reflected particular American interests and values. After a brief, unsatisfactory experiment with old-fashioned empire in the wake of the Spanish-American War, American leaders abandoned efforts to assemble an array of distant possessions as the preferred means of sustaining economic growth. Given the costs of pacification, administration, and defense, colonies offered a poor return on the dollar. In addition, the nation’s own revolutionary heritage and its traditional anti-imperial sympathies were at odds with the notion of U.S. soldiers subduing alien populations. The challenge confronting American leaders was to formulate policies that provided the benefits of empire without its burdens. In that regard, what mattered was not ownership or even administrative control but commercial access.”


16. “America’s own commitment to openness testifies to its own benign intentions—and therefore justified American exertions on behalf of an open world... ‘Most imperialists believed that an American empire would be humanitarian, and most humanitarians believed that doing good would be good for business.’ The dogma of openness became a component of American ideology, the principle upon which the world should be organized, the basis for a broad national consensus on foreign policy, and a rationale for mustering and employing American power. In essence...the open-door policy legitimated ‘the endless expansion of the American frontier in the name of self-determination, progress, and peace.’” (Ibid., 26).

17. Ibid., 27.


21. Some scholars claim Reconstruction Theology to be an extreme form of Dominion Theology. This distinction does not make a substantial difference for the analysis here.


23. Ibid., 118.


27. See the National Conference of Catholic Bishops’ Web site for the full text (uscob.org/bishops/iraq.htm; last accessed December 5, 2004). See also the NCCUSA Web site for a series of statements made by its governing bodies and interfaith gatherings, as well as program initiatives that promote peace with justice and liturgical resources (nccusa.org). See also the Web site of your own denomination to discover how it currently and historically has approached the issues of peace and justice.


32. See the NCCUSA Web site for the complete text (nccusa.org).

Obama and Niebuhr: 
Religion and American Foreign Policy 
David Little

I am pleased to talk about the connection between President Barack Obama and the Protestant theologian, Reinhold Niebuhr, because Niebuhr’s perspective on religion and politics (which I came to appreciate as a student of his in the late fifties) does cast light on Obama’s approach, both as to where the two men agree, as well as where they occasionally differ. I emphasize that I am here restricting my consideration of Niebuhr’s relevance to certain aspects of current American foreign policy. Others may carry the comparison further, including its pertinence to domestic matters. It is just that I am subject to the limits of time and space.

I am hardly the first person to consider the connection. Numerous commentators have discussed it. In fact, all the attention highlights a growing resurgence of interest in Niebuhr, thanks in part to Obama’s public acknowledgement. Obama’s words of praise appear on the cover of a new 2008 edition of Niebuhr’s Irony of American History—first published in 1952—with an introduction by Andrew Bacevich, professor of history and international affairs at Boston University. Bacevich calls it “the most important book ever written on American foreign policy.”

Niebuhr and Irony
In tracking the connection between Niebuhr and Obama, it is worth starting with Obama’s brilliant off-the-cuff summary of the Irony of American History, as reported by David Brooks:
I take away [from the book, said Obama] the compelling idea that there is serious evil in the world, and hardship and pain. And we should be humble and modest in our belief we can eliminate those things. But we shouldn’t use that as an excuse for cynicism and inaction. I take away [that we must] make ...efforts knowing they are hard, and not swinging from naïve idealism to bitter realism.

For Niebuhr, human beings, particularly in political life, can neither escape nor can they easily resolve the conflict between good and evil, between right and wrong. The problem is they are strongly tempted to try both things—to avoid morality altogether or, conversely, to exaggerate their capacity for righteousness, when yielding to either temptation only makes matters worse. If people try to bracket moral questions as not important in politics, they become “bitter realists,” whose “cynicism and inaction” amount to nothing more than moral irresponsibility. But if they represent themselves as exemplars of the good and the right, able to subdue evil and right wrongs simply by exertion and good intentions, they become “naïve idealists,” blind to their own mixed motives and to the harm that typically accompanies moral crusades.

The best corrective for either affliction is to employ the idea of “irony”—hence, the title of Niebuhr’s book. For Niebuhr, irony describes a state of affairs perversely contrary to expectations, as when frenzied efforts to securitize loans bring the whole practice of lending almost to a halt. To see the irony in something is to perceive the “perverse incongruities” between what is expected and what occurs in a way that the parties involved
do not see because of some flaw or other. As Niebuhr puts it, “if virtue becomes vice through some hidden defect in the virtue; if strength becomes weakness because of the vanity to which strength may prompt the mighty man or nation;…if wisdom becomes folly because it does not know its own limits—in all such cases the situation is ironic” (xxiv). That in World War I President Woodrow Wilson set out idealistically to make the world safe for democracy, and wound up agreeing to a German postwar settlement that gave rise to one of the most anti-democratic regimes in history is, for Niebuhr, the height of irony.

Looking at American history through the eyes of irony reveals, in Niebuhr’s view, a long record of naïve idealism, accompanied by recurring outbursts of bitter realism. Occasionally, if rarely, some leader, like James Madison or Abraham Lincoln, manages to avoid the extremes and find a middle way. By means of extraordinary insight into themselves and their fellows, they grasp the irony of American history. They recognize the self-righteousness of the virtuous, as well as the moral callousness of the worldly-wise, but they yield to neither. Rather, they promote institutions and policies that correct for both kinds of failure. In a word, they pursue ideals in a realistic way.

It is combining realism and idealism, becoming a “realistic idealist,” that is the heart of Reinhold Niebuhr’s approach to morality and politics, including his emphasis on irony. President Obama gets Niebuhr’s position exactly right: There is indeed for Niebuhr “serious evil in the world,” evil that human beings are inescapably obligated to try to combat. At the same time, resisting evil and pursuing good is in reality very “hard,” as Obama puts it. Individuals and groups readily mistake their own interests for other
people’s interests, or they too easily discount or minimize the often mind-boggling complexity of trying to balance competing interests and ideals.

No wonder human beings so frequently oversimplify the moral task, or, alternatively, give up on it altogether, and opt for simply serving their own naked individual or collective self-interest. Like it or not, human beings live under a moral demand they can neither disregard nor fully achieve. To understand the human predicament that way is to see the irony of it, to see the inevitable gap between what is expected and what occurs.

For Niebuhr, this approach calls for a strong *religious sensitivity*. Although he never suggests that only religious people can see the world ironically—in fact, it is very often they who don’t!—he does assert that, rightly understood, religious sensitivity is of great value. “Christian faith,” he says, “tends to make the ironic view of human evil in history the normative one” (155). Because their ultimate faith is not in themselves, not in their capacity for righteousness, but in God, Christians may honestly confess their own complicity in the complex historical entanglements of vice and virtue, vanity and power, wisdom and folly without giving up on virtue, power, and wisdom. They are at once humbled and hopeful, contrite and emboldened. They are inspired, with Niebuhr, to pray for serenity to accept the things that cannot be changed, courage to change what may be changed, and, above all, wisdom to know the difference.

Niebuhr’s religious sensitivity enabled him, among other things, to discern the importance of religion in history, both as cause and effect, and as source of benefit and harm. He showed the way at a time when social scientists were busy reporting the decline of religion as the result of the worldwide “secularization” of modern society. Niebuhr’s approach has in
part been vindicated by the overwhelming upsurge in the study of religion and politics following the collapse of the Soviet Union.

His acuity in discerning the connections between religious ideals and worldly realities was at times astounding. In 1932, he anticipated the contribution “religious imagination” might make to developing non-violence as an effective technique for overcoming racial injustice in America. In a setting where whites massively outnumbered blacks, but still paid lip service, however hypocritically, to the “insights of the Christian religion,” blacks, Niebuhr thought, might dramatically redeploy those insights in the form of a strategy that could, on the one hand, avoid the catastrophic consequences of armed revolt, and, on the other, exert necessary pressure. Certainly, he believed, whites would not yield ground unless pushed. It was that very message that Martin Luther King famously and effectively embraced in the late 50s, claiming Niebuhr as his primary influence, and considering nonviolence to be essentially “a Niebuhrian strategy of power” (Fox, Reinhold Niebuhr, 282-283 and Niebuhr, Moral Man and Immoral Society, 252-256).

Set in the midst of the Cold War, The Irony of American History is devoted to analyzing the “perverse incongruities” of both Communism and Democratic Capitalism, especially the American brand. For Niebuhr, each side saw the mote in the other’s eye without acknowledging the beam in its own.

There was, he thought, painful truth in Communist criticisms of the United States, centered in some of the “contradictions of capitalism,” originally espoused by Karl Marx. Niebuhr’s principal indictment was the abject failure of an unregulated, “free” market to satisfy, in his words, “minimal standards of ‘welfare’ in housing, social security, and [note well]
health services” (32). Niebuhr believed that it was the toxic alliance of American religion with virulent anti-Communism* and doctrinaire opposition to an active federal government that so severely oversimplified the real moral task confronting the United States at that time.

However, there was also profound truth in the charges against Communism. More than American ideals, Communist aspirations were disastrously illusory and self-defeating. Given the failure to limit authoritarian control, the Communist dream turned inevitably and catastrophically into a nightmare (15).

In *The Irony of American History*, Niebuhr sided with the United States and its allies against the Communist alternative, and that conviction grew firmer still throughout the fifties and sixties. He came strongly to favor American constitutional democracy, especially as seen through Madison’s eyes, since it proved to restrain, fairly effectively and equitably, multiple conflicts of power and interest.

All the same, he was a pragmatic rather than a dogmatic liberal. He advocated a foreign policy constrained by an abiding sense of the limits of American power and virtue. In particular, he was suspicious of declarations of rights intended to apply universally. He associated such proposals with Thomas Jefferson and Woodrow Wilson, both naive idealists in his mind. He was only slightly less critical of the Universal Declaration of Human Rights, adopted after World War II, because he doubted it would do much good. He

*While rejecting the anti-Communist tactics of Senator Joseph McCarthy and the House Un-American Activities Committee—himself a sometime target of McCarthy-inspired anti-Communist investigations, Niebuhr occasionally adopted a simple-minded version of anti-Communism of his own. In 1953 he wrote “Why is Communism So Evil?” which his biographer, Richard Fox, correctly calls “an egregiously shallow analysis.” In 1961 he published an essay proposing the sorely shortsighted thesis later to be made famous in the Reagan years by Jeanne Kirkpatrick, that once in power Communist regimes, unlike authoritarian dictatorships, are “irrevocable” (see Fox, *Reinhold Niebuhr*, 252-256 and 274-275).
was also pessimistic that rights schemes and constitutional “contrivances” could find much traction outside the West (136).

On the other hand, Niebuhr did support the United Nations because it represented a step forward by doing what it could and not promising too much. Though it would be unable to solve the East-West conflict, the UN could at least serve to bring the policies of “even the most powerful of the democratic nations [guess who?] under the scrutiny of world public opinion” (136).

**The Obama Connection**

Judging from his three key foreign policy speeches—at Oslo, Cairo, and West Point—and from other writings and reports (especially his book, *The Audacity of Hope*), Obama has been strongly influenced by Niebuhr, and particularly by the notion of realistic idealism and its connection to irony and religious sensitivity. There are, at the same time, also some points of difference.

Obama does not explicitly apply the ideas of “divine judgment” and “sin” to national life as much as Niebuhr did, though he here and there makes the same point. He emphasizes the fallibility of human beings, and their susceptibility, even with the best intentions, “to the temptations of pride[,] power, and sometimes evil.” He speaks eloquently of the experience of the black church, and its impact upon him, underscoring “the intimate knowledge of hardship” and “the grounding of faith in struggle.” “Out of necessity,” he says, “the black church rarely had the luxury of separating individual…and collective salvation,” or drawing sharp “lines between…sinner and…saved.” Sin is shared; it is public; and redemption is inescapably social. It involves feeding the hungry, clothing the naked, caring
for the sick, and challenging the powers and principalities (*Audacity of Hope*, 206-7). These are all profoundly Niebuhrian sentiments.

On the subject of religion and public life, Obama builds on Niebuhr, and in some ways, in my opinion, improves on him. Very few presidents, except Jefferson, Madison, Lincoln, and possibly Kennedy, have been as thoughtful as Obama on the matter. On the one hand, he pointedly challenges liberals and secularists to learn to tolerate actively religious expression in the public square, however much they disagree with it. “Scrub language of all religious content,” he writes, “and we forfeit the imagery and terminology through which millions of Americans understand both their personal morality and social justice.” “Imagine Lincoln’s Second Inaugural Address without references to ‘the judgments of the Lord,’ or King’s ‘I Have a Dream’ speech without reference to “all God’s children” (AH, 214). There is room for government officials such as himself to express in public, without apology and where appropriate, their own religious sentiments.

On the other hand, no president has gone so far as Obama in clarifying what it means to think publicly about religion, and to spell out the obligations for religious people. For one thing, it means to treat members of “the public” truly inclusively and equally when it comes to religion. “Whatever we once were, we are no longer just a Christian nation,” Obama writes. “We are also a Jewish nation, a Muslim nation, a Buddhist nation, a Hindu nation, and a nation of nonbelievers” (AH, 218).

For another thing, it means religious people (and others) must learn to adapt to the demands of what has been called, “public reason.” When it comes to passing laws and designing policies that have the force of law, “the religiously motivated [must learn to] translate their concerns into universal, rather than religion-specific, values.” “Their proposals must be subject to
argument and amenable to reason.” Obama speaks here of a common language of deliberation all members of the public may be expected to share, one that rests on “universal values,” identified as “the Golden Rule [and] the need to battle cruelty in all its forms,” as well as the rule of law and human rights (AH, 219). The implication is that if we don’t adopt such a language, we face two serious problems: We are in danger of going back on an obligation to equal inclusiveness, thereby becoming a sectarian nation, after all. Second, it is patently unfair to hold dissenters and unbelievers accountable to laws grounded in principles they cannot be expected to share.

This means, presumably, that even the most fervent religious statements by government officials, when offered in support of a law or policy, must finally be testable by public reason. If not, we might encounter the case, say, of a president who ultimately bases a decision to go to war on an alleged private revelation from God.

All of this is simply commentary on Obama’s strong commitment to the separation of church and state protected, as he believes, by the American Constitution. And it is a commitment, he emphasizes, that was resolutely supported not just by Deists and free-thinkers influenced by the Enlightenment, but by devoted Christians and others in the eighteenth century, and, he might have added, in the seventeenth century, as well. His point here illustrates his persistent disposition to look for the progressive, as well as regressive, influences of religion on American ideals (AH, 216-218).

While Obama, like Niebuhr, does not favor imposing the American Constitution on other states, the two men do not see all aspects of this question in the same way. More than Niebuhr, Obama espouses, as I mentioned, the worldwide applicability of the broad principles of the rule of law. He not only affirms the value of the UN, as did Niebuhr, but he is more
emphatic about the importance of international law in regulating the use of force. And he gives much more weight to the idea of universal rights. Such rights, he says “are not just American ideas.” “They are human rights, and that is why we will support them everywhere” (Cairo Speech, 5). Incidentally, whether the ideals of Obama’s human rights policy match the practice is a subject for another venue. I simply don’t have the time to go into that controversial matter here.

For now, we must summarize the way Obama’s religious sensitivity affects his attitude regarding American policy toward the Muslim world. Like Niebuhr, Obama is exceptionally attuned to the bearing of religion on world politics, both as cause and effect, and as source of benefit and harm.

In addressing “the great tension between the United States and Muslims around the world,” Obama gives expression to the daunting complexity of the connections between religion and global politics. He understands that Islam, like any religion, is a storehouse of different, even divergent, ideas and impulses, susceptible of multiple interpretations, and subject to nonreligious influences. He mentions colonialism, the Cold War, and “the sweeping change brought by modernity and globalization” as critical influences on Muslim hostility and resentment toward the West, and as affecting the inclination of a “small but potent minority of Muslims” to turn to indiscriminate violence.

He goes on to imply that Muslim hostility and resentment, as well as the resort to indiscriminate violence, will only begin to be reduced when on-the-ground conflicts, as between Israel and the Palestinians, are mitigated, and when significant improvements are made in the areas of rule of law, human rights, and economic and educational development.

** See “Postscript: The Problem of Human Rights” at the end of this essay.
One point he emphasizes is that religious attitudes—in this case, those of Muslims—are affected by nonreligious causes, and must be so understood. It will not do simply to blame the religion of Islam for anti-Western attitudes or terrorism, or to believe that a change in religious outlook will make all the difference in overcoming these things.

But there is another point, which serves as a counterweight. It concerns the positive significance of religion in addressing enmity and indiscriminate violence. Obama spends considerable time detailing the civilizing effects of Islam, and highlighting Qur’anic and other resources within the tradition for opposing religious intolerance and indiscriminate violence, and for affirming the rule of law and human rights. Obama is on firm ground here. He has the support of numerous contemporary scholars of Islam who come to similar conclusions.

In the Cairo speech, Obama mentions, in passing, U.S. policy toward Afghanistan and Pakistan as one of the possible impediments to improved relations between the U.S. and the Muslim world. It is a subject, of course, that he takes up in much greater detail in his Oslo and West Point speeches, and this brings us to some final reflections on a central—and controversial—aspect of current American foreign policy. The major point I want to make is how compellingly the way Obama goes about defending his policy illustrates his commitment to realistic idealism, though he does it in a fashion somewhat different from Niebuhr.

There are, to be sure, strong Niebuhrian accents in both the Oslo and West Point speeches touching on the severe moral and other complexities and risks that attend decision-making in complicated circumstances. However, by emphasizing as much as he does the importance of a just war framework for thinking about the use of force in Afghanistan and Pakistan,
and by employing that framework to defend his policy, Obama moves beyond Niebuhr. He agrees with Niebuhr that force must sometimes be used in a fallen world. However, Niebuhr did not write much about a just war approach, claiming that while moral and legal distinctions are needed for limiting force, “finiteness and sin” inevitably imperil the approach’s practical usefulness. For him, it smacked too much of naïve idealism.

Obama’s attitude is different. Without discounting the potential for abuse, he has more confidence in the approach. The fact that the just war framework includes eight different standards that must be considered in deciding whether force in given circumstances is justified or not appears to reflect his sense of the severe moral and factual complexity of making decisions about force. Far from oversimplifying the task of limiting force, a just war framework, Obama seems to say, expands and complicates a policy maker’s scope of moral responsibility, of the things he or she may be held accountable for in arriving at a particular decision. If such an approach is applied conscientiously, it exemplifies a form of idealism that is not naïve, but highly realistic.***

According to just war teaching, a decision to use force is strongly justified if it satisfies all eight standards: 1., that be initiated under legitimate authority (in the case of Afghanistan and Pakistan, under the charters of the UN and NATO, and the US Constitution); 2., that it serve a just cause (such as “self-defense” or “international peace and security,” in the words of the UN Charter); 3., that it exhibit a peaceful intent (no imperial designs); 4. that it be undertaken only as a last resort (after exhausting all reasonable

***Though Obama mentions only four of the just war standards in his Oslo speech, he winds up touching on all eight when the Oslo and the West Point speeches are considered together. I concede my account makes the just war framework more explicit and systematic than Obama does, but that he introduces and employs the framework is a fact of the greatest importance.
nonviolent means of resolution); that there be, 5., a *reasonable probability of success*, and, 6., a *favorable overall balance of benefit over cost*. Two additional standards apply to the conduct of armed conflict: 7., *noncombatant immunity* (meaning no direct, intentional attack on defenseless people), and 8., *military proportionality* (avoiding excessive indirect and unintentional injury or destruction).

Mind you, there is nothing automatic about applying this framework. A moment’s reflection will show that judging the facts against each standard, let alone weighing all the judgments together, and then coming to an overall verdict, is a complicated matter. Maybe a military campaign has proper authority, protects against serious regional and international threats to peace and security, intends peace, is undertaken as a last resort, but is there a reasonable probability of success, or do overall costs outweigh benefits, or is the campaign conducted in accord with noncombatant immunity and military proportionality? Trying to reconcile conflicting judgments concerning the different standards perfectly illustrates the deep perplexity of adjusting ideals and reality in the context of something like Af/Pak policy. In my view, for what it’s worth, that is exactly the sort of moral and policy complexity and perplexity President Obama is faced with at the present time.

But however each of us comes out on whether or not, all things considered, the Af/Pak campaign is justifiable, it is important to bear in mind two specific ways the just war framework fits into President Obama’s version of realistic idealism.

First, it highlights some of his key moral ideals, as well as the means he accepts as necessary for promoting them. While his Oslo speech is suffused with an “acute sense of the cost of armed conflict,” the speech also reflects his abhorrence of *arbitrary force*—of resorting to armed conflict,
that is, without meeting some or all of the eight tests of the just war framework. He condemns terrorism and torture, and they are of course examples of inflicting severe suffering directly and intentionally upon defenseless people, in direct violation of just war standards.

One may infer that for Obama arbitrary force is one of the forms of cruelty that are universally wrong, and that ought so to be prohibited. He acknowledges the power of the nonviolent message represented by King and Gandhi, and partly agrees that military force is not sufficient to achieve the desired objectives in places like Afghanistan and Pakistan. Nevertheless, he (like Niebuhr) also holds that, in the real world, force, regrettably, is sometimes necessary in the pursuit of justice and peace.

Second, the just war framework provides a religiously-neutral set of universal moral and legal standards for assessing the use of force. As such, the framework is consistent with Obama’s emphasis on “public reason” that is at once religiously neutral and carefully limited, and that everyone, regardless of religious identity, may be expected to embrace.

In this respect, Obama’s approach is profoundly different from the approach to religion and foreign policy of George W. Bush, who, in attempting to justify the war in Iraq, frequently invoked explicitly religious reasons for fighting. “Our nation is chosen by God and commissioned by history to be a model to the world of justice,” he declared. And he once sanctified his Iraq policy by rewriting the opening verses of the Gospel of John, substituting America for the Word of God as the “light that shines in the darkness.” Obama and Niebuhr would regard such utterances as examples of the most blatant and harmful form of naïve idealism, suggesting a total failure to appreciate the limits of American power and virtue, and a
distressing misunderstanding of the place of religion in American foreign policy.

Before concluding, I would like to add a brief additional comment on the Af/Pak policy and what I say about it, having just read Bob Woodward’s new book, *Obama’s Wars*. During the drafting of the West Point speech, Obama is quoted as saying, “The American people are idealists, but they want their leaders to be realistic. The speech ought to convey that” (307). Woodward’s book is very much the account of a president struggling conscientiously and insistently to find a policy that reconciles ideals with the hard realities of Afghanistan and Pakistan, and that does it against the background of the standards set by the just war framework.

The tone of this book is radically different from *State of Denial* (2006), Woodward’s final assessment of the war policies of the Bush presidency. The two books represent a poignant contrast between one president, subservient to the military and/or his Secretary of Defense, incurious, evasive, indifferent to detail, inattentive to discrepancies in policy, and another, persistently engaged, an aggressive, almost prosecutorial, questioner, committed to “evidence-based reasoning,” doubtful of military self-assurance, and deeply troubled by the costs of war and by the risks and uncertainties of the present course of action. According to Steve Coll in his *New Yorker* review of Woodward’s book, Woodward reveals “much of what Obama promised voters when he sought the White House: realism and intelligence.” He describes a president “who has taken responsibility for the most fateful decisions he can be called upon to make…He has earned and shouldered his burdens” (Oct. 11, 2010, 36).
Not surprisingly, the just war requirement of a Reasonable Probability of Success receives by far the most extensive and anguished attention throughout the book, followed closely by an abiding concern for the overall balance of benefits over costs in respect to blood and treasure. On the one hand, there is within the administration much more dissent and skepticism concerning the feasibility of the current policy than I had previously understood, a fact that can’t help but lower the level of confidence that we are on the right course. But on the other hand, there is simultaneously widespread agreement regarding the urgent importance of stability in the region directly linked to a reduction of the extremist threat. In short, Woodward’s account only intensifies the perplexity Obama faces in trying to relate ideals and reality in Afghanistan and Pakistan.

**Conclusion**

Obama and Niebuhr do not see everything the same way, but they have much in common. They are both realistic idealists. They both feel the force of a moral demand that can neither be disregarded nor fully achieved. Both have a sense of irony—of the “perverse incongruities” between what is expected and what occurs, and both are religiously sensitive as a way of living with irony.

However we assess their particular judgments regarding American foreign policy, or whatever we make of the differences of emphasis between them, they share, it seems to me, a degree of thoughtfulness and conscientiousness in respect to the difficult issues of religion, morality, and politics of which we have great need.
Postscript: The Problem of Human Rights

It is frequently argued that in regard to human rights policy the Obama administration has not lived up to the standards of realistic idealism. The administration is charged with one-sidedly sacrificing human rights ideals in its effort to accommodate to domestic and international political realities.

Kenneth Roth, director of Human Rights Watch, published a provocative article in the Spring 2010 issue of Foreign Affairs, “Empty Promises? Obama’s Hesitant Embrace of Human Rights,” which provides a helpful catalogue of some of the alleged shortcomings of the administration. These include failure to investigate persistently and comprehensively possible human rights violations on the part of the previous administration, extended detention of terrorist suspects without trial, and sharp discrepancies between a commitment to human rights and generous support for governments that appear not to share that commitment.

There is no time to assess these charges. What can fairly be said is that, as yet, no very conscientious effort has been made by the president to give a general account of his human rights strategy, of how particular policies match broader guidelines, and what principles govern those guidelines. Few presidents are as good as President Obama in doing that sort of thing. Why hasn’t it been done in this case?

Lacking that, we have no defined standards of accountability—such as are supplied by the just war framework—according to which the public is

----

Secretary of State Hillary Clinton gave a speech on human rights policy at Georgetown University on Dec. 14, 2009, but the speech does not address acute points of tension between ideals and realities, such as the challenge of balancing human rights objectives with U.S. strategic interests in places like Uzbekistan and Turkmenistan.

This criticism needs some modification in the light of President Obama’s speech, “Protecting Our Security and Our Values,” delivered on May 21, 2009, which I read only recently. That speech, which thoughtfully, if at some points controversially, addresses the tension between constitutional ideals and threats to national security, provides a model for a broader defense of the Obama human rights policy that I am calling for.

**** Secretary of State Hillary Clinton gave a speech on human rights policy at Georgetown University on Dec. 14, 2009, but the speech does not address acute points of tension between ideals and realities, such as the challenge of balancing human rights objectives with U.S. strategic interests in places like Uzbekistan and Turkmenistan.

***** This criticism needs some modification in the light of President Obama’s speech, “Protecting Our Security and Our Values,” delivered on May 21, 2009, which I read only recently. That speech, which thoughtfully, if at some points controversially, addresses the tension between constitutional ideals and threats to national security, provides a model for a broader defense of the Obama human rights policy that I am calling for.
prompted, as honestly and impartially as possible, to evaluate administration performance.

It would be especially distressing if preaching and practice in an area of such importance turned out to be significantly inconsistent. It would betray the president’s own impressive efforts elsewhere to honor the imperatives of realistic idealism, and it would betray Reinhold Niebuhr’s insistent campaign to dispel the “perverse incongruities” of American foreign policy. It would, in a word, be doubly ironic.