American Unilateralism Vs the UN Charter and International Law, 
Case Study: The Bush Doctrine

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Abstract
This dissertation analyses the United States foreign policy during the presidency of
George W. Bush, or what is so called “the Bush doctrine”. The US foreign policy
during this period is one of the most debatable topics in the field of international
relations and conflicts. This dissertation, then, is undertaken to investigate whether the
United States war on Iraq was legal, legitimate, or illegal. It attempts to testify
American arguments in launching this war, unilaterally, under the lens of the UN
Charter and international law.

The doctrine of preemptive strike creates serious problems to global peace and security.
The US, through adopting this doctrine, affected the credibility of the United Nations as
the primary institution responsible for preserving world order and stability. The
dissertation, therefore, aims to find out whether the Bush doctrine is a break to the
principles of the UN and international law. It also explores whether the US failed or
succeeded in legitimizing its attacks on Iraq, especially at the international level.

Key words:
Unilaeralism, The Bush Doctrine, The invasion of Iraq, Terrorist attacks, UN Charter,
International law, American foreign policy.
Résumée


Les États Unis quand elle a adoptée cette doctrine, était capable d’influencer la crédibilité de l’ONU, le premier responsable de préserver la stabilité mondiale. Ce mémoire essaye d’explorer si la doctrine de Bush est une violation des principes de l’ONU et la loi internationale, en plus de la légalité de la guerre Américaine en Iraq, et surtout sur le plan international.
ملخص

الهدف من هذه الدراسة هو تحليل السياسة الخارجية للولايات المتحدة الأمريكية في عهد الرئيس جورج
ولكر بوش أو ما عرف ب "عقدة بوش". إن موضوع السياسة الخارجية الأمريكية اسال الكثير من الجدل والاثار
الكثير من النقاشات والحوارات. هذه المذكرة تبحث في موضوع شرعية الحرب الأمريكية على العراق في 2003.
و تختبر صحة التبريرات الأمريكية لهذه الحرب تحت عدسة ميثاق الأمم المتحدة والقانون الدولي المتعافد عليه.

إن مبدأ الحرب الاستباقية يخلق العديد من المشاكل للانمن والسلام الدوليين. الولايات المتحدة الأمريكية من
خلال تبنيها لهذه الفلسفة اثرت على مصداقية الأمم المتحدة. هذه الأخيرة المسؤولة عن حفظ النظام الدولي. هذه
المذكرة إذا تحاول أن تكشف ما إذا كانت "عقدة بوش" هي اغترار لمبادئ الأمم المتحدة والقانون الدولي و أيضا
ما إذا كانت الأمم المتحدة قادرة على تشريع حربها على العراق أم لا. خاصة على الصعيد الدولي. و اثار ذلك.
Dedication

This research project is dedicated to:

My father and mother

My brother and sisters: Salim, Sihem, Mira, and Bicha

My whole family and those I love
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All my gratitude is to Allah the Almighty.

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List of Abbreviations:

CIA: Central Intelligence Agency

ICJ: International Court of Justice

NAM: Non Aligned Movement

NBC: National Broadcasting Company

NSS: National Security Strategy

OPEC: Organization of the Petroleum Exporting Countries

UK: the United Kingdom

UN: the United Nations

USA: the United States of America

WMD: Weapons of Mass Destruction

WWI: World War One

WWII: World War Two
General Introduction

American foreign policy during the presidency of George W. Bush or what became publically known as “the Bush doctrine” made a revolution in US foreign policy, mainly through the American war on Iraq in 2003. The Bush administration foreign policy decisions caused and are still causing hot debates among scholars, historians, and politicians. Therefore, the main concern of this dissertation is to explore the extent to which the United States, through the war on Iraq, violated and challenged the United Nations as the primary institution responsible for maintaining global peace and stability. The dissertation tries to unveil the American illegal acts towards international law and global order.

This dissertation tries to explore if there exists a right of preemptive self-defense in the UN Charter and international law, under which the United States launched its war on Iraq. However, recent developments in American foreign policy and the impact of the 9\11th attacks share an important part in this research. The events of 9\11 did not only affect the American people and their nation, but they also involved the entire international community and forced a scrutiny to the UN Charter and the principles of international law followed by the whole world.

The objective from this research project is to shed light on American unilateralism in the light of the UN Charter, and examining the National Security Strategy claims about the existence of a right of self-defense in the Charter. This research tries to demonstrate the true nature of the relationship between the United States and the United Nations, and the extent to which international concerns would influence American foreign policy decisions.

The dissertation investigates how President Bush justified his doctrine of preemption, which aims for homeland security with no regard to the international
reaction and opposition. Then, it compares these justifications with the real motives of
the invasion of Iraq through examining what took place in reality during the war.

The main questions the dissertation intends to answer are:

* How did the 9/11 attacks influence the making of American foreign policy and presidential decision?

* Is there a real motive for the war on Iraq, or was it just an American faulty interpretation of the UN Charter about the use of force in international relations?

* Are the Bush doctrine and the war on Iraq a legal step or is it illegal and even illegitimate and violated both the principles of the UN Charter and international law?

The research methodology is a comparative analytical one. It is based on data collection from primary sources such as presidential addresses, speeches, governmental documents, and international charters. Moreover, data is also gathered from other secondary sources such as books and articles from magazines and journals. All these sources are cited according to MLA style 7th edition.

The dissertation is composed mainly of two chapters. The first chapter deals with the definition of multilateralism and unilateralism as two contradicting agendas, pointing out to their advocates and their arguments. Then, it moves to some selected cases of American military interventions in different parts of the world from 1945 to 2001. The chapter includes also the definition of the Bush doctrine and the impact of the 9/11 attacks on the flow of American foreign policy.

The second chapter explores the justifications of the American foreign policy makers towards the war on Iraq, and compares them with the real hidden motives of the war. Furthermore, it analyses the war on Iraq in the light of the UN Charter and international
law, and the extent to which the war is legal, legitimate, or illegal at the international arena.
Chapter One: Understanding American Unilateralism

Introduction

Unilateralism has a long history in the United States. Due to the changes that the world structure witnessed after WWII, the United States of America inevitably took the role and responsibility of the “Global Leader” and unilateral behaviors became clearly practiced in the American foreign policy. In fact, the policy of interventionism in the American foreign affairs was basically shaped in different forms; mainly through giving aid to the countries that went out limping from the WWII, having an active role in the United Nations and other international organizations and institutions, in addition to the involvement of the CIA in several coups d’état and civil wars; mainly in Asia, Latin America and the Middle East.

Therefore, the prior concern of this chapter is not the routine definition of unilateralism as any agenda that supports one–sided action; as much as it is about the cases of extreme unilateralism that took place in the American history, and to change the stereotypes claiming that unilateral actions which described the American foreign relations with the rest of the world started only when president George W. Bush and his government took office in 2001.
I-Unilateralism VS Multilateralism

Unilateralism and Multilateralism describe nations’ foreign policy, how nations interact with each other, and specify the kind of relationship between them. Therefore, the key difference between the two agendas is that the former calls for one nation acting alone while the latter emphasizes on a number of nations acting together.

I-Multilateralism

The multilateral agenda requires a group of countries that should work together in regard to a given issue, mainly in forms of membership in alliances or international institutions. Advocates of multilateralism see it as an opportunity for smaller countries to rise, and to make their voice heard at the international level (Nemouchi 10). In addition, allies and coalitions allow consolidation and the achievement of greater results, and facilitate the process of exchanging information and important issues through discussing the actual problems facing the whole world and finding the suitable solutions for them.

Multilateralists went further to argue that most problems facing the world, especially in the twenty first century, are not amenable to unilateral solutions; and need the unification of the whole global community to face them especially that there are serious problems that face this millennium. Over time, nations recognized that terrorism, nuclear and biological weapons, illegal drugs, and organized crime are dangerous problems that are too vast and difficult for any nation to manage them alone, no matter how powerful it is. In 1990, Robert Keohance defined multilateralism as “the practice of coordinating national policies in groups of three or more states” (Fehl and Thimn 5). Hence, the involvement of a shared policy, in which local and national policies of the concerned nations is taking part. Arguably;
multilateralism, as a concept in foreign policy affairs of nations stands on three basic principles that James Caporaso⁵, explained stating that:

As an organizing principle, the institution of multilateralism is distinguished from other forms by three properties: indivisibility, generalized principles of conduct, and diffuses reciprocity. Indivisibility can be thought of as the scope (both geographic and functional) over which costs and benefits are spread…Generalized principles of conduct usually come in the form of norms exhorting general if not universal modes of relating to other states, rather than differentiating relations case-by-case on the basis of individual preferences, situational exigencies, or a prior particularistic grounds. Diffuse reciprocity adjusts the utilitarian lenses for the long view, emphasizing that actors expect to benefit in the long run and over many issues, rather than every time on every issue. (Fehl and Thimn 6)

Caporaso’s definition illustrates the different aspects of multilateralistic behavior in order to achieve greater results, and to benefit the whole international community and not only specific nations and their alliances as implies unilateral actions. Multilateral goals are, then, achieved when the whole world unifies to solve problems as their own, and not to deal with them in relation to their countries or individuals.

2-Unilateralism

By definition, Unilateralism is the doctrine that nations should conduct their foreign affairs individualistically and without the advice or involvement of other
nations. It is usually characterized by minimal consultation of other parties (Nemouchi 7). Being as such, unilateralism could be the best solution in issues that can be solved without cooperation.

Advocates of unilateralism argue that the world order is unipolar and that there is only one superpower that could rule the world and maintain its security and peace (kellner 20). In this case, it is the United States since it is economically, militarily, and technologically superior to the other nations. Thus, only America could confront the threat coming from the dangerous states which America itself determines who they are.

Unilateralists perceive multilateralism as a great danger that threatens global security and even gives opportunities for weak nations to stand behind the strong ones, and relying on them to solve their local problems. In fact, unilateralism consists mainly of a strong well structured foreign policy that is closely serving national interests. Military intervention in this case is useful whenever it serves vital interests of the nation and its allies. In this regard, adopting a unilateral approach demands great military capacities, rapid military readiness, as well as the acquisition and development of new weapon technologies (Davidovic 10). However and logically speaking, military intervention should be the last solution a nation goes to, and a president and his government should first try all the political solutions. On the other side, a president launching a military war should ask whether a military intervention is possible, and likely to be effective and achieve the armed goals.

Unilateralism does not only cover military intervention and the direct use of force. Humanitarian interventions are another form of unilateralism that proved to be effective in many cases through history, and the United States is no exception (Shah 30). When it is about achieving its political goals in different parts of the world, under
the rationale of defending human rights, and in the sense of a moral responsibility given to it since its earlier history of the founding fathers; the US always found its way to intervene.

In this case, it is of great importance not to rely only on the definitions that were given to unilateralism in the context of the Cold War, and the military actions of the states, therefore, a working definition could be the one brought by Daniel Bodansky, a researcher in international environmental law and public international law, who explained that unilateralism is “one state proceeding independently, on its own authority, with minimal involvement by other states.” (Davidovic 11). In addition, humanitarian interventions are another form of acting unilaterally in its implicit way, which the US adopted as well.

American unilateralism has Longley been the center of interest of many scholars and politicians whenever referring to unilateral actions and preemptive self defense. America has a long history with unilateralism since the end of the Cold War. It adopted a clear tendency of taking decisions without much regard for the interests or views of its allies or even the rest of the world.

**3-Selected Cases of American Unilateral Behavior (1945-2001)**

The United States attacked, directly or indirectly, and intervened in different places in the world. What characterized these interventions was the clear and unlimited use of its military forces; with no regard to the views of other nations or even the international organizations and institutions. Those military engagements were usually under motives like influencing regime changes in those countries, the preservation of human rights being marginalized there, or spreading values of democracy and freedom.
Broadly speaking, these were the main reasons by which America justified its unilateral and illegal acts.

Historically, the process of the American interventions since the end of the Second World War is characterized by three main kinds of military operations: the direct military intervention with nuclear or conventional bombs and missiles, the direct military intervention with naval forces, and finally the indirect military intervention through command operations and the threat of recourse to nuclear weapons (Blum 7). Therefore, an unlimited number of instances can be depicted in history regarding the American unjustified use of force since the end of WW2 until 2001; the beginning of the first presidential term of President Bush.

American foreign policy during that era has been, notably, was characterized by a series of military operations in a number of foreign counties. Usually under the necessity of making the world a safe place for the American interests and desires, or to prevent the rise of any country that would represent an alternative to the American model of superiority and success. Throughout the American history, Cold War considerations had dominated and influenced American decisions about intervention. Stopping the spread of communism was the essential goal the United States fought for. Justifications for launching such wars were a combination of national interests as well as a preemptive self-defense against any threat suspected from the USSR and the communist countries (Wilsson 9). For these reasons, many American military interventions in foreign wars and even civil conflicts could be highlighted and examined in order to show the American brutality and affiliation towards the use of force, whenever a danger on its interests is suspected.

A- Intervention in Asia
Immediately after WW2, the United States government and policy makers knew that a civil war in China is about to take place; due to the political struggle between the nationalist government and the Chinese communists there. The United States, then, emerged as a major factor in the Chinese affairs. In June 1950 and at the beginning of the Korean War, President Truman ordered the American army to prevent a Chinese communist attack held by the Chinese nationalists against mainland China. Directly after Truman sent the American ambassador and head of the US Mission to China for the aim of creating a peace agreement between the two sides, and preventing the coming civil war, the American diplomatic intervention ultimately failed; and the United States declared its military operations in China (Blum 21).

America’s involvement in the Korean War is another military intervention that was an effort to contain the spread of communism in Asia. The United States emerged from WW2 as the dominant Western democratic superpower. It quickly declared itself the role of the world policeman, and defender of democracy in the world. In June 1950, Communist North Korean forces invaded the South of the country; the United States has immediately responded and sent its military forces to restore the balance in the country. In fact, Truman and the whole America saw that the North invasion would marginalize the role of the United Nations and encourage other forms of communist aggressions in other parts of the world. For that reason, the United States succeeded in convincing the United Nations and got the approval of the UN Council and sent its air and naval forces to North Korea (Davidovic 47).

As a matter of fact, the American military involvement in the Korean War is often seen as an American desire to defend democracy, and a fear of the rapid spread of communism in the world and which clearly went against the American ideals and even way of life, and threatened its democratic principles (Debruyne and Leland 9). The
result was over 14,000 civilians killed; and thousands of homeless and wounded Korean citizens, due to the American policy of containment that was practiced in the country (Ibid).

Equally important, the American involvement in the Vietnam War was one of the worst wars in the American history. The first reason behind the US involvement was linked to the start of communism in North Vietnam after WW2, and its effect on world economics and politics. Although the war was called the Vietnam War, yet, the United States was primarily involved and participated in most of the war in order to defend democracy, maintain capitalism, and suppress communism there (Wilsson 25). The war was very costly and bloody due to the major conflicts between the United States and the USSR. In fact what made the American fear growing enough to be involved in the war was its belief in the so called domino theory, according to which once a country fell to communism, the surrounding ones would follow it (Antizzo 112). Therefore, America fought eagerly to gain the war against the USSR and communist thoughts and policies.

To put it another way, the American involvement in the Vietnam War was based upon a series of many choices that were taken by successive American presidents during the period from 1945 to 1975. The decisions of the American leaders were mainly based upon one central motive; the need to immediately stop the spread of communism, a great danger that required considerable time and effort. The result was over 58,000 Americans died, and over 300,000 soldiers were wounded (Debruyne and Leland 10). The war, thus, had negative effects on the Americans and the whole world; and created a feeling of uncertainty and confusion among them.
Similarly, and since 1959, tensions and problematic situations had long described the relationship between Cuba and the United States. This was mainly caused by the famous Cuban Missile Crisis by which the United States discovered the Soviet nuclear missile bases in Cuba just ninety miles off the American coast. The crisis happened during the administration of President John F Kennedy, the time when the Cold War reached its most dangerous state. The United States armed forces were at their highest state of readiness ever, and so was the Soviet Union. On October 22, Kennedy announced the discovery of the Soviet missile in Cuba; and eventually decided the quarantine in the island. He also declared that any nuclear missile launched from Cuba would be regarded as an attack on the United States by the Soviet Union, and demanded that the Soviets should remove their offensive weapons from Cuba (Blum 185).

In 1961, the United States was not so happy with the government of Fidel Castro in Cuba and wanted him out. The United States planned an invasion of Cuba, or what became known as the Bay of Pigs invasion. The US landed Cuban exiles in Southern Cuba in an attempt to overthrow the government of Fidel Castro in 1961. Accordingly, many people were killed during that time; the United States failed in this war (Persson 8). The Bay of Pigs invasion is considered to be globally embracing America, first, because of its unnecessary intervention in the Cuban affairs through its unilateral decisions and actions, and second because of the lack of a completed and perfect plan; which led the United States to pay a major price, that is the global embarrassment during the Kenedy presidency (Blum 188).

**B- Intervention in the Middle East**
Similarly, the United States has been a major military interventionist power in the Middle East for decades, and usually for its national interests. Most importantly, was the security and exploitation of the world’s important energy resource, that is oil, in addition to other considerations that America has closely related to its so called war on terrorism (Nafeez 4).

William Blum, an American author, historian, and critic, in his book *Killing Hope: US Military and CIA Interventions since World War II*, demonstrated that the American intervention in both Afghanistan and Pakistan has long shaped American foreign policy in the Middle East. Though situated in Asia, both countries are considered part of the Middle East. The United States military involvement in Afghanistan became the longest war in its history. The US moved to remove the Taliban – led government in Afghanistan; in order to prevent future attacks by al Qaeda, and to send the message that governments that tolerated or supported terrorism would not be secure, at the same time, the Soviet Union and the United States were engaged in the Cold War, a global competition for the combination of other nations. The United States, thus, was deeply interested in whether the Soviet Union would succeed in establishing a communist government in Afghanistan, and in order to prevent that possibility from occurring, it began its military operations in Afghanistan; and sent its army forces to oppose the Soviets. The war extended from 1979 to 1992, the time of the end of the Cold War; and after that the United States has changed in a way its intervention in the country, through what America would call humanitarian interventions; under the pretext of protecting human rights (383-350).

Furthermore, the United States military powers were stationed in Iran since 1947. The United States was deeply interested in the Iranian affairs since earlier times.
However, America had denied its involvement in the Iranian affairs since the 1953 coup; until recently in 2000, the Secretary of the State Madeline Albright admitted that:

In 1953 the United States played a significant role in orchestrating the overthrow of Iran's popular Prime Minister, Mohammed Mossadeq. The Eisenhower Administration believed its actions were justified for strategic reasons, but the coup was clearly a setback for Iran political development. And it is easy to see now why many Iranians continue to resent this intervention by America in their internal affairs. (Shah 50)

Equally important, the American engagement in the Gulf War was the center of interest of Niaz Shah in his book *Self-Defense in Islamic and International Law: Assessing Al-Qaeda and the Invasion of Iraq*. He wrote that in August 1990, the army of Iraq invaded the neighboring country of Kuwait; and quickly won under the leadership of Saddam Hussein, who proclaimed that Kuwait must be annexed to Iraq. The United States, who was under the presidency of President George Bush, immediately sent its military forces to Kuwait; showing the world that this intervention was only to help the defendless Kuwait and maintain security in the country. President Bush was ready to state the principles that guided the American involvement in the Gulf War. speaking about the immediate and complete withdrawal of Iraq from Kuwait, the restoration of the legitimate Kuwait government, the stability and security of the Middle East, and finally the protection of Americans abroad (19).

Indeed, the United States succeeded in driving the Iraqi forces from Kuwait; and even with minimal coalition deaths on the American side. Therefore, peace settled the Middle East area; and the real goal for which the US was involved in the war was
accomplished. The US sought to secure its economic advantages and encouraging the free flow of natural resources, basically oil fields as great energy source. In addition to establishing the value of American superiority and power in the Middle East region (Nafeez 8).

According to many analysts and politicians, the Gulf War played an important role in American history since it implicitly showed the illegal right of the United States in overseeing control of the world’s natural resources. It is for that the reason that the American involvement in the war created a debate all over the world. Many people opposed the United Stated engagement in the Gulf War; and that the unpleasant crimes committed there could be avoided if the US stayed away and acted as a neutral side in the war (Dabruyne and Leland 67).

On the other side, President Bush and his government regarded the Iraqi action as a threat to a vital American interest; that is the oil production large capability of the Gulf region. Being as such, the United States intervention in the Middle East affairs illustrates the lengths to which the American power structure has gone to gain and maintain American domination of the Middle East; a region that represents key to the United States position as an imperialist world power.

C-Intervention in Latin America

Again, the United States invasion of Panama; or equally named the Operation Just Cause, was the military engagement of the US in Panama during the administration of American president George H. W. Bush. On December 20, 1989 over than 27,000 American troops invaded the small country of Panama. Throughout history, and over two years, the American leaders struggled with the increasingly difficult government of General Mannuel Antanio Noreiga, the man was portrayed on American TV as a
madman who was brutalizing his own people; and as a dictator who must be removed even by force if necessary. In fact, the man was suspected in the United States with drug trafficking charges; and was accused of suppressing democracy in Panama.

Finally, the United States succeeded in forcing the General to seek asylum in Panama City, where he surrendered on January 3, 1990 (Antizzo 51).

For the purpose of removing any suspicion on the United States in the eyes of the Panama’s people and even the rest of the world, President Bush immediately articulated the American official justification for the invasion and listed the four reasons behind the invasion. At first, the United States proclaimed that it was saving the Panama’s people from brutality, however, brutality happened only when heavy US firepower was turned on civilian communities; and Panama’s reporters estimated that between 2,000 to 6,000 people were killed in this invasion, therefore, the invasion was not obviously done to protect the Panamians (Wilsson 13).

Secondly, Bush claimed that the invasion was done for the purpose of protecting American lives there in Panama; even if in reality only one American soldier was killed by the PDF troops. Bush said that this meant that all 35,000 Americans who were in Panama are in danger (Antizzo 49). If so, what were all these 35,000 Americans doing in Panama, in fact, they were serving the American economic, military, and political domination in Panama.

In addition, combating drug trafficking in Panama, that became a center for drug and money laundering, and defending democracy and human rights there was the third justification given by the United States to defend its invasion on the country (Yordan 133). Importantly, defending the rights of Panama’s people through freeing the country from a thug and a dictator was a complete hypocrisy from the American government
because it was the US government that imposed this brutal agent on Panama for many years.

In that case, the real excuse of the invasion was that the American interest in Panama has always focused on one main thing; that is the strategic importance of the Panama Canal (Blum 63). The canal was crucial to US global operations; and represented a tightening point between the United States and the rest of Latin America. Thus, it is again and always a matter of American interests; and was never about defending democracy and human rights, as America had always proclaimed.

Though it marked a change in the flow of American policy, the Bush doctrine mainly illustrated in the war on Iraq in 2003 is nothing more than a continuity to this policy of interventionism. Bush and his government followed the same path of precedent American presidents of the. What distinguished the Bush doctrine from other American presidential doctrines may be the direct and unjustified use of force whenever it is needed to achieve their goals. A preemptive strike and anticipatory self-defense were the major elements of the new era of the Bush doctrine regarding foreign policy decisions.

II- The Bush Doctrine

After the attacks of September 11, 2001, the Bush administration quickly set its goal on how to make the country safer. A step towards this aim was the establishment of the so called Bush doctrine, which is a set of foreign policy guidelines about how to fight terrorism and other threats against the western society. The doctrine, with its principles about preemptive war and anticipatory self defense, was widely regarded as a revolution in American foreign policy especially towards the Middle East and largely towards Iraq.
The Bush doctrine declared that America could launch first strikes to defend itself from terrorists and countries that supported terrorists in order to prevent further attacks before they occurred (NSS 9). The doctrine largely provided the rationale for the invasion of Iraq on the grounds that it might have weapons of mass destruction which could threaten the US. Relying mainly on the idea of preemptive war and promoting democracy in the world, the new developments in American foreign policy became publicly known as “the Bush doctrine” which was first clearly expressed in the president’s address at West Point in June 2002.

1-Definition of the Bush Doctrine

The Bush doctrine refers to the core ideas that shape American foreign policy since 9/11. It usually represents the framework that guides American strategies, decisions, and policies when combating global terrorism and enhancing the international war on terror. Immediately after the tragic attacks of September 11, both the American public and Congress looked for an answer from their newly elected president. As a result, the Bush administration emerged with a combination of ideas that organized one of the biggest reformations in American foreign policy since 100 years.

Interestingly, the idea of preemptive war and anticipatory self defense to prevent further attacks on the United States was coupled with other ideas and decisions, which became publically known as the Bush doctrine. This latter emphasized that America would use its military power to respond preemptively and unilaterally to any threat on the American interests and security (Singh 13). This was the biggest change in American foreign policy since the end of the Cold War and even earlier before.

The Bush doctrine relies mainly on four basic elements: a strong belief in the importance of a state’s domestic regime in determining its foreign policy, and the
related judgment that this is the accurate time to transform international politics. It is the perception of great threats that can be defeated only by new and vigorous policies; most notably preventive war. A willingness to act unilaterally when necessary, and as both a cause and a summary of these beliefs, an overriding sense that peace and stability require the United States to assert its primacy in world politics (Jervis 365). This claim is strongly based on the premise that this is a period of great threat and great opportunity. The doctrine calls for the assertion and expansion of American power in service of hegemony, in the sense that the whole world must benefit from the American superiority.

Being as such, the doctrine provided the United States with political opportunity to transform its strategic national security strategy from the Cold War era containment and deterrence toward a strategy that emphasizes offensive warfare (Kellner1). That is to say a war against the so called “rogue states” or dangerous governments and regimes. It even went further to include nations which support those rogue states in a way or another and in the sense that the friends of my enemies are my enemies. Therefore, if a government is supporting terrorists it is implicitly making itself an American enemy (NSS 10).

President Bush decided immediately to shape his doctrine on the basis of the targeting of the states. In his words the president stated that “we will make no distinction between the terrorists who committed these acts and those who harbor them” (Bush 2001). Bush also added that the attacks “were more than acts of terror, they were acts of war” (Bush 2001). More importantly, the publication of the 2002 National Security Strategy document enforced the idea of preemptive strike and took it to a higher level of a formal presidential doctrine. The document states that “today, our enemies will use weapons of mass destruction … we can’t let our enemies strike first”
The document also gave the justification for the need of preemption relying on the principle of self protection:

We will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorist; to prevent them from doing harm against our people and our country… nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an eminent danger of attack. (NSS 6)

Indeed, the development of a National Security Strategy was crucial to the US foreign policy. The document was a kind of official formalization of the Bush doctrine, which was first unveiled in president Bush’s commencement speech to the graduating class of West Point in 2002. The Bush doctrine and due to Bush’s call for a clear tendency towards preemption against terrorism quickly became known as the “first strike doctrine” (Persson 15). Since preemptive military actions involve striking first whenever suspecting an imminent threat, the doctrine extended more to go beyond the narrow principle of anticipatory self defense. It gave the United States the right to act preemptively even without a clear and imminent threat:

As outlined in this position paper, US foreign policy rests on three main pillars: a doctrine of unrivaled military supremacy, the concept of preemptive or preventive war, and a willingness to act unilaterally if multilateral cooperation cannot be achieved. (NSS 6)
The document asserted that it is an American right to act unilaterally if this would protect its national security from any threat. The use of military force is, then, no more illegal if it is practiced by the United States.

Furthermore, President Bush argued that the new policy was necessary to prevent the spread and irresponsible use of weapons of mass destruction among rogue states and terrorist groups (NSS 8). The policy of deterrence, he maintained, was no longer sufficient to prevent a rogue nation or terrorist organization from using nuclear, chemical, or biological weapons (Bush 2001). The doctrine’s primary goal was to combat terrorism around the globe even preemptively. Instead of the Cold War tactics with deterrence and a wait- and- see policy, a new preemptive strike policy was introduced and what was once a policy of containment is now a policy of preemption (Persson 15).

Martin Persson in the writing of his dissertation about the illegality of the Bush doctrine maintained that the doctrine makes a shift in the foreign policy of the United States. Basically built on an American internationalism, the objective, according to American foreign policy makers, was not only a safer world but also a better one. In this case it is obvious through this doctrine that the United States will carry on with its interventionist policy even if under different motives depending on the circumstances of the time. The means will never deviate from the political, economic, diplomatic, and most importantly militarily means; and whenever it serves American vital interests (15-16).

The Doctrine provides another shift in American foreign policy, which is the movement from the idea of deterrence towards a policy of coercive diplomacy. A policy practiced mainly with countries that the administration defines as “rogue states” such as
Iraq, Iran, and North Korea or “the Axis of Evil”\(^2\) (Davies 385). The phrase “coercive diplomacy” is preferable in this context to that of “Preemption” because it is not linked to the traditional definition of “Preemption” as the policy of striking an enemy as he prepares an attack. “Coercive diplomacy”\(^4\) also includes “Prevention” which means striking an enemy even in the absence of specific evidence of a coming attack. According to many international relations scholars, the core difference is in the timing or imminence of the threat a preventive or preemptive attack is supposed to address (Nemouchi 9). It is for that reason that the idea of “coercive diplomacy” served perfectly the principles and aims of the Bush doctrine.

Moreover, in 2006, the White House released President Bush’s second term National Security Strategy which reflects the president’s most solemn obligation; to protect the security of the American people and the domestic stability of the country (Persson 17). The 2006 National Security Strategy largely reaffirms the 2002 National Security Strategy and repeatedly refers back to its provisions about the use of force. Almost every section of the 2006 NSS begins with a summary of the equivalent section of the 2002 Strategy. It is for these reasons that there will be no much emphasis on the 2006 NSS as it was with the one of 2002.

2-Impact of 9/11 Attacks on American Foreign Policy

September 11 attacks, broadly referred to in the United States as the terrorist attacks, were a series of airline hijackings and suicide attacks committed by 19 militants associated with the Islamic extremist group al-Quaeda\(^1\) against targets in the United States. It was the deadliest terrorist attack on American territory in American history. The attacks were mainly against New York City and Washington DC and caused
extensive death and destruction. In addition to changing the American way of dealing with terrorism and securing its own internal territory.

Allegedly, and just before the attacks, the US intelligence received information from Ossama Bin Laden himself that something “big” would happen on 11th September. NBC News reported at the beginning of October that Ossama phoned his mother two days before the World Trade Center attacks and told her that in two days she is going to hear big news and will hear nothing from him for a while. According to NBC, a foreign intelligence service recorded the call and relayed the information to the US intelligence (Mosaddeq Ahmad 117). This is indeed a clear evidence that the United States intelligence was aware of the attacks even before they really occur at least few days earlier.

In addition, it is worth noting that the attacks of 9/11 were widely referred to as a new Pearl Harbor (the Japanese surprising attacks on Pearl Harbor in 12/7/1941). President Bush himself reportedly wrote in his diary on the night of 9/11 that the Pearl Harbor of the 21st century took place today (Bush 2001). Immediately, many people, including Henry Kissinger, said that America should respond to the attacks of 9/11 in the same way it responded to the attacks on Pearl Harbor (Nemouchi 4).

More importantly, Condoleezza Rice; National Security Adviser, reportedly told senior members of the National Security Council to think about how they would capitalize on the opportunities to fundamentally change American doctrine and the shape of the world, in the wake of September 11th (Rice 2002). American policy makers, on the other hand, widely regarded the attacks of September as an opportunity to reign over the world, just as the Pearl Harbor attack gave the United States the
opportunity to enter WWII and replace Great Britain as the leading imperial power (Nemouchi 5).

The terrorist attacks on the Twin Towers in 2001 deeply influenced the flow of American foreign policy, and even pushed the Bush government to reconsider its own way of dealing with terrorism and launched its so-called “war on terror”. All means were permitted to be used by the United States if any threat is to be suspected on its national security and that of its citizens. The Bush administration openly declared the adoption of a clear tendency towards military actions as the accurate solutions to the current challenges. A preventive war was the weapon by which the United States will face its enemies.

Indeed, the United States attempted to convince the world community about the rightness of its war on terror on the basis of protecting its “national security” from a great menace. The menace which it challenged by its very rude mode of organization and operation and its assumed political agenda, including an alleged aspirations to restore the world order (Acharya 275). But in doing so, the US and its allies who waged this war are not excluded from destroying the norms and principles of world order and global security.

Democracy promotion was also a significant motive of US foreign policy during the era of post 9/11. President Bush’s National Security Strategy of September 2002 is as much about democracy, freedom, and human dignity as about fighting terrorism; and claims to preemptive self defense. Deeply influenced with the American exceptionalism, the Bush administration always stressed its heroic role to lead global struggle for democracy, and the preservation of human rights all around the globe. This is why it is clearly stated in the American NSS document that the United States will use
its 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 (NSS 3).

However, it must be acknowledged that the major change the attacks brought to American foreign policy was at the military level. The development of a more active interventionist policy was significant to the new policy adopted by the United States. The terrorist attacks were the fuel of many military operations led by the United States in different parts of the world, mainly was the war on Iraq in 2003. Again, the fear from the emergence of new terrorist groups and the possession of weapons of mass destruction was the central claimed reason of the American interventionist policy.

The attacks of 9/11 transformed Bush’s approach towards his foreign policy. Even if academics disagree over the extent to which pre- and post 9/11 American foreign policy exhibited change over continuity, it is clear that the attacks were the catalyst for developments that otherwise would probably not have occurred at all or would have developed in anyway (Singh 14). This is to some extent true because it is impossible to imagine an American military intervention in Afghanistan or any part of Central Asia, or even the United States waging a war on Iraq if the attacks did not occur. Therefore, many of the developments that American foreign policy witnessed, both positive and negative ones, owe much of their origin to the 9/11 attacks.

Most importantly, the terrorist attacks on the US in September 11, 2001 did not represent a transformative moment for only American foreign policy, yet it had a great impact on the neoconservative thoughts during the Bush administration. The terrorist strike served to confirm the basic notions the neoconservatives believed in during the Bush administration, including the belief that preemptive war is the best solution to confront the threat of terrorism on the US (Nemouchi 55) The contrast between the
democratic ideals that were held by the United States and the “axis of evils” was represented mainly by terrorist organizations and autocratic dictatorships. The events of 9/11 served for further support to the neoconservative notion of “imperative urgency” to intervene by force if necessary (Ibid).

Indeed, those opinions later had a role in explaining the large support of the neoconservatives for the war on Iraq in 2003, and neoconservatism became the new policy of the United States Government. The neoconservatives began to shape US foreign policy, and the Bush administration embarked on an aggressive foreign policy due to the great influence of the president’s neoconservative advisers (Nemouchi 30). Generally speaking, the neoconservatives saw that it is the US duty to convert evil regimes into democracies through the use of military and political strength. They reasoned that the strategy of preemption would spread democracy as a tool to deter further terrorist activities and transform especially the Islamic world and the Middle East region into democracies that looked more like the United States if compared with other Islamic states (Nemouchi 58).

In fact, David Grondian, in his article entitled “Mistaking Hegemony for Empire: Neoconservatives, the Bush Doctrine, and the Democratic Empire” was able to explain the general characteristics of American neoconservatism which had later a great impact on the Bush government:

• Its adherents favor a strong executive power, meaning that they not only desire a powerful government, state and president, but they also believe military force can and should serve to back stop a robust foreign policy (228).

• The rhetoric of neo-conservatism may be populist, but the strategy to be followed is very much corporatist, meaning that while neoconservatives do express
interest in small business and workers. They also insist on the large corporations and the country's richest individuals should benefit from tax relief, so as to stimulate the economy (229).

- Neoconservatives encourage religiosity and respect traditional family values, with the growth allocation of roles (economic as well as personal) made along gender lines, they have little love for intellectual and economic elites (held to be too liberal and materialistic), as well as for artists (judged to be too decadent) (229).

As a result, the neoconservatives were able to introduce fundamental and sweeping changes to the United States foreign policy and national security. These have constituted an unalloyed and undifferentiated source of policy inspiration in the Bush administration.
Conclusion

In the period between the two world wars, the United States’ foreign policy was characterized by isolationism; which meant that the US preferred to be isolated from the affairs of foreign countries. The United States was determined to stay out of wars; even if its allies are in trouble. Americans believed that they were secure from war’s troubles as long as they refused to get involved. However, and Immediately after WWII, the United States took a policy of interventionism; a policy that was fully motivated by a primary goal; that is containing the spread and influence of communism, and meant essentially that the United States is now the leader of global security, economic as well as social issues.

The end of WWII had a great impact on American relationship with rest of the world, and interventions in countries’ affairs have been very significant in the flow of American foreign policy. These interventions were usually justified on the ground of political interests, which include democracy promotion and the protection of human rights elsewhere. Quite the contrary, the United States foreign policy, especially after WWII and during the Cold War, was driven by imperialistic goals rather than humanitarian concerns, in the sense that the United States intervened in the foreign countries only to protect its own interests, and sometimes those of its allies.

Moreover, the United States was determined to act as the super power in the world. It believed that every country was inferior to it, in regards of military power, economic stability, and even moral beliefs, especially if referring to those famous notions of American exceptionalism and the American dream in the US history.

Being as such, Americans in advocating their government, believed that the United States should not intervene to prevent or end violations of human rights in
foreign countries. It could undermine the effectiveness and uniqueness of the global position of the United States; and influence its international credibility.

As a result, American interventionist policy after the Second World War was one of the most debatable subjects in the field of international relations. Almost all American interventions in the world are linked to the large usage of military force and unilateral actions, contradicting the fact that any humanitarian intervention, whether unilateral or multilateral, should comply with the customary international law; or with the permission or request of the country intervened in. However, the United States failed in accomplishing this condition in most cases of its foreign interventions.

Moreover, and despite the fact that the Bush doctrine marked a historic shift in American foreign policy in terms of the explicit use of force and preemptive military strike, yet, it insisted on an already existing policy of interventionism. Affiliation towards the use of force always marked the American relations with the rest of the world and the Bush doctrine did not break this famous rule in the American history.

The terrorist attacks of September 11th had a great impact in reshaping American foreign policy; this led to the rise of the Bush doctrine which signaled the new American way in dealing with terrorism. The doctrine was nothing more than a political response to the terrorist attacks and continuity to an already existing policy of interventionism. Therefore, and despite the fact that the Bush doctrine marked a shift in the flow of American foreign policy, yet, it emphasized on the American proclaimed right to intervene broadly whenever vital interests are jeopardized.
Endnotes of the First Chapter:

1-Al Qaeda: Al-Qaeda, alternatively spelled al-Qaida and sometimes al-Qa'idah, is a militant Islamist group founded between August 1988 and late 1989. It operates as a network comprising both a multinational, stateless arm and a fundamentalist Sunni movement calling for global Jihad. It is widely considered a terrorist organization.

Al-Qaeda has attacked targets, civilian and military, in various countries, most notably, the September 11 attacks on New York City and Washington, D.C. in 2001. The U.S. government responded by launching the War on Terror. Characteristic techniques include suicide attacks and simultaneous bombings of different targets (Nemouchi 39).

2-Axis of Evil: "Axis of evil" is a term initially used by the former United States President George W. Bush in his State of the Union Address on January 29, 2002 and often repeated throughout his presidency, describing governments that he accused of helping terrorism and seeking weapons of mass destruction. Bush labeled Iran, Iraq and North Korea as the axis of evil (Nemouchi 38).

3-Rogue States: A rogue state is a controversial term applied by some international theorists to states they consider threatening to the world's peace. This means meeting certain criteria, such as being ruled by authoritarian regimes that severely restrict human rights, sponsor terrorism, and seek to proliferate weapons of mass destruction. The term is used most by the United States, though it has been applied by other countries (Nemouchi 20).
4-Containment: Was a United States policy to prevent the spread of communism abroad. It is a component of the Cold War. This policy was a response to a series of moves by the Soviet Union to enlarge communist influence in Eastern Europe, China, Korea, Africa, and Vietnam. It represented a middle-ground position between appeasement and rollback. The basis of the doctrine was articulated in a 1946 cable by U.S. diplomat George F. Kennan. As a description of U.S. foreign policy, the word originated in a report Kennan submitted to US Defense Secretary in 1947, a report that was later used in a magazine article. It is a translation of the French cordon sanitaire, used to describe Western policy toward the Soviet Union in the 1920s (Britanica.com).

5-James Caporaso: Is a professor of the Department of Political Science at University of Washington. He is a specialist in international political economy and international relations theory. He has published articles in International Studies Quarterly, American Political Science Review, International Organization, Review of European Integration, as well as several other journals. He has written, co-authored, and edited numerous books, most recently European Union: Dilemmas of European Integration (2000). He is also editor of Comparative Political Studies. Caporaso’s teaching interests include international political economy, international relations theory, regional integration, and comparative politics (Britanica.com).
Chapter Two: The Bush Doctrine: a Break to International Law and a Violation to the UN Charter

Introduction

The Bush doctrine marked a new era in American foreign policy. The terrorist attacks on the Twin Towers and the Pentagon forced the United States to look for new ways of securing the country and Americans in the world no matter what the means and the results would be. This was significantly implemented in the American war on Iraq in 2003. The war, with its consequences, did not only affect the country itself, but also the whole world and put international law into test. The new preemptive strike policy of the Bush administration was perceived among the international community as a challenge to the United Nations, the primary body responsible for maintaining global peace and stability.

Therefore, the doctrine forced international law experts to reexamine of the principles of the UN Charter and international law about self-defense and the use of force between states. Such a reexamination is necessary to check the legitimacy of the war on Iraq in 2003, and the extent to which the United States violated the normative standards of world order.
I-The War on Iraq between Faulty Justifications and Real Motives

Bush administration foreign policy was marked by extreme unilateralism and militarism. US military forces were used to achieve American vital interests and to gain geopolitical hegemony. This policy of military interventionism was clearly applied in the American war on Iraq in March 2003. After a summer of debate on the necessity of the United States going on a war on Iraq to destroy its proclaimed weapons of mass destruction, Dick Cheney, US Vice President, declared on August 26, 2002 the beginning of the application of the new preemptive strike and unilateralist doctrine in Iraq. He argued that weapons of mass destruction when available in the hands of terrorists and murderous can constitute a grave danger to the United States domestic as well as foreign interests (Kellner 1).

1-American Allegations about the legality of the war on Iraq

Iraq highlighted a very important part of the the Bush doctrine and the presidential decisions. The Bush administration emphasized that overthrowing Saddam Hussein’s government was an important part of the war on terror. The Bush doctrine argued that combating terrorism and limiting proliferation goes hand in hand. The United States saw that the danger a rogue state could provide when serving terrorism with weapons of mass destruction, although implausible in the case of Iraq, is not imaginable and cannot be ignored (Jervis 354). Therefore, controlling the spread of nuclear weapons contributes to American Security.

The United States, in defending its own security from the growing threat of terrorism, raised the issue of launching a military attack on Iraq in a very serious manner. President Bush in a speech addressed to the graduating class of West Point on June 1, 2002 argued that with regard to the “nature and type of the threat posed by Iraq”
the United States had a legal right to use force “in the exercise of its inherent right of self defense, recognized in article 51 of the UN Charter” (Bush, 2002). Bush in his speech declared that the United States would reserve its right to attack any nation preemptively if it seemed to be a threat to its own national security and interests.

The US government asserted that the Iraqi system possessed weapons of mass destruction that could be used against the United States or even its allies, especially that they already used their chemical ones before this time (Jervis 360). The United States went even further to claim that the Iraqi weapons could be passed to terrorists, including al Quaida, which represented a great danger to American national security. In exercising its preemptive strike policy, the US on March 19, 2003 launched a military attack on Iraq (Ibid).

In defending its own right to act unilaterally, the United States gave itself a “sufficient” legal authority to invade Iraq with its military army. The invasion took place in 2003, the United States and its “coalition of the willing” went to Iraq by force under the argument that Iraq posed a serious threat enough to legitimate the use of force in a preemptive purpose. The threat in this case, according to the US, allegedly confirmed that Iraq was developing WMS and harboring terrorists (Persson 14). This was the first time that the Bush administration put their doctrine of preemption to test.

The invasion of Iraq was a hot debatable subject in the international arena for a long time and still it is. Few of the United States allies supported the attack, especially the UK, and believed in the American motives of the war. However, numerous others were not convinced and saw the war on Iraq as vague and that the United States lost its international support as well as reputation. As a result, American fears that the Iraqi leader Saddam Hussein would provide weapons of mass destruction to al Quaida, the
terrorist group “responsible” for the 9/11 attacks, justified a preemptive invasion of the country in the name of self-defense.

Spreading democracy in Iraq, and protecting the Iraqi people from the tyranny practiced by a dictator called Saddam Hussein was another reason to wage a war on Iraq. The US believed that it is its responsibility to maintain democracy and protect human rights there in the sense that democracy promotion was vital to the George W. Bush administration. They even declared that the US political and security interests are advanced by the spread of liberal political institutions and values abroad, that eventually would create a “peaceful world”! This is what Bush argued for: “As in Europe, as in Asia, as in every region of the world, the advance of freedom leads to peace” (Bush, 2003).

Bush believed that this cause and effect statement must be applied in the Middle East for protecting human rights as well as the American interests and ideals. Democracy promotion, even by force if needed, was one of the key pillars of American national security policy. Democracy and reform will make the Middle East stronger and more stable, and as a result, this will make the world a better place to live in by undermining terrorism at its source. This, according to the US will protect the American interests and citizens as well as the entire world.

Just a few days before the publication of the new National Security Strategy, President Bush spelled out the case when to use preemptive self-defense against Iraq in his address to the UN General Assembly: “The first time we may be completely certain [Saddam Hussein] has a nuclear weapon is when, God forbids, he uses one” (Bush 2002). Bush affirmed that the United States will never wait until Iraq will use its weapons of mass destruction against her or even the rest of the world, even if there is no
certain proof about Saddam possessing WMD. Bush even added that: “if we know Saddam Hussein has dangerous weapons today- and we do- does it make any sense for the world to confront him as he grows even stronger …” (Bush 2002).

Bush advocated the American right not to wait until Saddam develops even more dangerous weapons to be used against the US. He called for the necessity of a preemptive war in Iraq. Almost, all his speeches addressed in the year of 2003 were about the need to overthrow the Iraqi governmental system. Saddam Hussein’s government was seen as one of the most dangerous regimes the world witnessed in the recent years. In fact, one could cite numerous statements by the Bush administration outlining the risks Saddam Hussein’s government posed to the United States and its allies.

The Bush administration also tried to connect Iraq to al Quaida and that there was a tight relationship between the terrorist attacks of September 11th and the Iraqi government that was harboring these terrorists. The United States even proclaimed that its intelligence experts noted some evidence of contact between al Quaida and Saddam Hussein (Arend96). Therefore, the Bush administration contended that, because of the new threat posed by Iraqi weapons of mass destruction and its relationship with terrorism, it is time to maintain new security strategies. And that the old requirements are no more sufficient in combating terrorism.

The Bush administration attempted to gain the support of both American public opinion and the international community. The Bush government and all along the year of 2002 continued its claims about the dangers of Iraqi weapons of mass destruction. In October 2002, and according to Pew research center pall, 66% of the US population believed that Saddam Hussein was involved in the 9/11 attacks, while 79% believed
that Iraq possessed or is close to possessing nuclear weapons (Kellner 3). This was a major proof that American war on Iraq was a serious process that the United States went through and prepared for even earlier before.

The United States believed that gaining the support of the general public was a major concern towards its proclaimed war on Iraq. Arousing public tension against Saddam Hussein will be as important and necessary as the political and military preparation for the war is. Hence, the United States gained a large support from its public about waging a war on Iraq in the name of combating terrorism and spreading democracy.

Additionally, the impact of Bush’s neoconservative advisers worked hard in order to find out a way to legitimize the war on Iraq. The neoconservatives\(^2\) of the Bush government aimed at largely legitimating the policy of preemptive strikes and the attack on Iraq, believing that it is no more a working policy to wait and see whether Iraq would declare the possession of weapons of mass destruction. They argued that anticipatory self-defense, preemptive strikes, and regime change are new vocabularies that must be added to American foreign policy language (Persson 33).

Without much regard to the international opinion, and despite the fact that many international experts saw it as a great danger that could turn the world more unstable, the US went through its war on Iraq proclaiming that it is part of its war on terrorism (Jervis 355). Indeed, the major justification for the American war on Iraq included reducing terrorism, bringing democracy and liberty to Iraq, transforming the Middle East, and establishing the correctness and the legitimacy of the Bush doctrine. These were the famous notions America worked hard to link them with its invasion of Iraq in 2003 and to justify its war on terror.
The war on Iraq, according to the American proclamations, cannot be seen in isolation from the war on terror. Again, terrorism in parallel with the threat of weapons of mass destruction was another American major motive for the invasion of Iraq. Some scholars went to explain the war as a part of building a new superior American empire, while others described these actions as a reaction to the terrorist attacks on the Trade Towers and the Pentagon in September 2001 (Shah58). Indeed, waging such a huge war on Iraq has an influential relationship with the desire to expand American hegemony. Pushed by the desire to spread American ideals in the world, the war on Iraq was part of the new American foreign policy initiated in the Bush doctrine.

On one hand, the war on Iraq was the implicit outcome of American new imperialism in order to achieve its aims and interests; and spreading its influence over the whole globe. On the other, the terrorist attacks of September 11th had a great impact in turning American foreign policy to a revisionist one (Persson 12). Immediately after the September 11th attacks, the Bush administration claimed the need for new strategies that would guide the process of American relation with the world in general; and the “Axis of Evil” specifically.

The Bush doctrine as clarified in the NNS document argued that the previous American ways of combating terrorism are no more sufficient to face the new threat the Iraqi government represented to its own national security (NSS15). In fact, Bush’s decision to overthrow Saddam’s government was largely considered as a means of protection from terrorism. The threat of Iraqi weapons of mass destruction was fearful enough to take much of the United States attention, and to fight it as soon as possible.
1-Iraq and the Alleged WMD and Terrorism

Despite the fact that the United States succeeded in ousting Saddam Hussein’s regime from Iraq, the American war on Iraq faced a harsh criticism at the international level. Many, all around the globe, do now hate Bush more than Saddam Hussein, and the Bush doctrine was met with the disagreement of a number of governments and countries. In addition, the 2003 Iraq war was a major global media event that was constructed very differently by varying broadcasting networks in diverse parts of the world (Kellner 7).

Indeed, the case of preventive war against Iraq turned on the claim that it had weapons of mass destruction. In this case a question to be raised is that whether the United States was sure about that claim or the war on Iraq was based upon faulty doubts and suspicions? In fact, history showed that the US was not completely sure that Saddam Hussein was developing weapons of mass destruction. The United Nations inspectors were longly looking for evidence of WMS in Iraq and they found nothing. The United States knew, earlier before indulging in the war, that chemical weapons of Iraq were destroyed in the 1991 Persian War (Persson19). The US even knew that any other chemical weapons still existing in Iraq would have lost their toxicity and danger (Ibid).

Despite all these evidences, the US Vice President and Secretary of Defense announced that the United States has solid evidence about a tight link between Iraq and al Quaida. Even other American policy makers insisted that dangerous and active weapons of mass destruction are developing in Iraq. Former Secretary of State, Colin Powell, for instance, declared that “there is no doubt that he has chemical weapons” (2002). He even made similar claims in the Security Council stating that “leaving
Saddam Hussein in possession of weapons of mass destruction for a few more months or years is not an option” (2003).

However, the fact that stands as a proof against the US proclaimed rationales is that the intelligence community disagreed with all the American justifications. CIA Director, George Tenet, testified that he privately warned officials from claims like these (Jervis 360). Unfortunately, the prohibitions were not taken into consideration, and the US continued with its action in Iraq.

There existed numerous evidences that the United States justifications for the war on Iraq largely contradicted what happened on the ground. When going back to the year of 2003, it could be noticed that the American attacks on Iraq were not limited to the suspected sites of storing the weapons. Instead of that, the American military powers occupied the whole country and removed its government. In fact, the attacks resulted in thousands of Iraqi civilian deaths and injuries. It destructed billions of dollars of the country’s infrastructure and private property. History stands as a witness that American war on Iraq was not for the aim of saving the world from Iraqi WMD, and that democracy promotion was not the reason it looked for, to remove Saddam Hussein.

Throughout the war process, the United States insisted on its revisionist policy. Under the Bush administration, the US declared its right to shape the international structure according to its needs and interests. The American war on Iraq was one step towards its global hegemony; starting with the Middle East as a crucial region to the American interests. Indeed, the United States was not ready to wait until confirming that Saddam possessed dangerous weapons of mass destruction that must be destroyed. Nor was it ready to wait for the Security Council’s permission to invade Iraq. Indeed, it
was the impact of September 11\textsuperscript{th} attacks and the period after that which led to these statements to be publically uttered from different American policy makers including the President, Vice President, and the Secretary of State. Immediately after invading Iraq and failing to find weapons of mass destruction, demands for evidence under which the United States invaded Iraq started to rise. In June 2003, the United States Select Committee on Intelligence began a formal review of the US intelligence into the existence of Iraqi weapons of mass destruction, Iraq’s ties with terrorist groups, and so on. The committee of intelligence was, then, against the American invasion of Iraq without strong and correct justifications (Shah 125).

More importantly, and in examining what happened during the war on Iraq and the official declaration of the committee, it becomes obvious that the intelligence was, in a way or another, hiding some facts about the existence of chemical weapons. The White House seemed to become comfortable with the role of CIA and even may be suspected of hiding something. It turned down the request of the Committee of Intelligence about bringing other real evidences about the Iraqi weapons of mass destruction (Shah 28). Therefore, it may be taken for granted that there were no clear and convincing evidences that Iraq had or was developing WMD. The claims of the United States administration were based on some distorted warnings mainly in the intelligence reports.

The American most important reason for waging such a huge armed attack on Iraq was not about the threat of suspected weapons of mass destruction as much as it was about spreading its authority on the country. In addition to removing Saddam Hussein’s government; a government that did not much please the United States and its allies, and did not go with their interests. American hegemony and control of the Middle East were an old American desire that started to become clearer with the Bush
administration, to take place in reality during the war on Iraq in 2003. With regard to American interests, there would emerge another influential factor in the war on Iraq: oil interests are a crucial element in taking such a decision to invade Iraq and acting in such a unilateral manner. The United States sought privatization of the Iraqi oil; especially that Iraq holds the world’s fifth largest proven oil reserves (Nafeez 5).

The United States and its allies, including the UK, saw that it is there right to share Iraq’s enormous oil and gas reserves. In fact, the involvement of the UK in sharing Iraqi oil with the US was later on declared as a reward for Tony Blair’s, UK Prime Minister, military commitment to US plans for regime change in Iraq (Shah 203). Indeed, the oil factor was one important motive, among others, behind the US\UK decision to invade Iraq in 2003. In this respect, it is worth noting that statistics showed that American oil company profits already increased by fifty percent the year of 2003, even before the invasion took place (Shah 205).

The decision for military action has nothing to do with American proclamations of 9\11 attacks, the war on terrorism, weapons of mass destruction, the Iraqi human rights, or any of the reasons the United States government would claim are the justifications behind the war. No one could deny the fact that the only people who will benefit from waging a war on Iraq are the elite worthy oil men, businessmen who financed Bush’s election companies, and even Bush himself who owns huge personal investments in the oil industry. The United States proclaimed that it is always the need for a secure flow of oil that leads her to remove non democratic regimes (Jervis 371). However, and with regard to the previously mentioned facts, it seems that even ordinary American citizens did not benefit from Iraqi oil, after and during the war, as did Bush and his government; and other important international names in the world of oil industry.
Justifications of the American war on Iraq, if compared with what really happened in reality, proved that the rationales given by President Bush and even other senior administration officials are nothing but a necessary means to justify the war. And even for the international opinion, it represented another American unilateral decision and a preemptive war against one of the biggest interesting countries; Iraq that serves American control in the Middle East. When invading Iraq, Bush did not only take over the Iraqi oil fields, rather, he also made sure that American interests will be largely achieved, especially when getting rid of Saddam Hussein as the biggest American enemy in the Middle East area.

However, the US government kept silent on these reasons and showed only that waging an armed attack on Iraq was an obligation after looking for other solutions and demanding from Saddam to give away his weapons of mass destruction. More importantly, and if Iraq’s program truly reached the threat level that President Bush emphasized along his speeches; then why there were no international coalitions to militarily occupy Iraq? Furthermore, there was no international support for the process of ousting out Saddam Hussein’s government? The hidden reason behind this war was the administration’s goal to control the OPEC and to benefit as much as possible from the Iraqi energy resources (persson50). The Unite States sought to keep a large and permanent military force in Iraq. There was no exit strategy planned after the war. The US proclaimed, only, that the military force will be needed to protect the newly installed Iraqi system (Jervis 382).

The United States sought to establish a military base in Iraq from which it will be able to control the whole region of the Middle East (Persson 46). The American desires would be largely served when confirming that a permanent military power is omnipresent in Iraq, and despite the disapproval of the large international community
about the war, the United States succeeded in maintaining its presence in Iraq until the present time, even if with a lesser influence and authority. The United States, and with the coalition of British policy makers, decided that the emerging threat of WMD, terrorism, and combined with Iraq’s continued refusal to comply with its disarmament obligations provided a legal basis for a direct military intervention. However, they were not able to wait until UN resolutions authorize the use of armed force, and they proceeded without gaining such permission (Westra 43). Accordingly, the United States motives of weapons of mass destruction and terrorism did not provide any legal ground for waging a military attack on Iraq.

American claims about the legality of the war did not gain her the support of the international community, neither were they enough to convince the general public about its preemptive behaviors. Many debatable questions come to mind about the real reasons of the war. The United States linked its intervention in Iraq to the terrorist attacks of September 11th; so how an attack that was based in Afghanistan, even according to the US, lead to a war on Iraq? Moreover, why are nuclear weapons in Iraq worth a war and not nuclear weapons in North Korea? In fact, the war on Iraq was based on other hidden motives that were not publically announced. The US war on Iraq provided her with the opportunity to achieve many of its already planned goals in Iraq and the Middle East in general. It was integral to the Bush doctrine as it emerged from the Project for New American Century (PNAC) that it was a commitment to military intervention in Iraq in order to control the flow of oil (Shor 189). However, the Bush administration aimed to hide this fact and declared that democracy promotion in the Middle East was her responsibility in front of the whole world.
II-The Bush Doctrine in the Light of International Law and the UN Charter

The question of pre-emptive self-defense in International Law has been debated ever since the beginning of the UN Charter in 1945. However, it was never openly asserted that states are permitted to use force in their international relations no matter what were the circumstances. Anticipatory self-defense is prohibited under both the principles of the UN Charter and international law unless a real attack takes place in reality.

1-International Law and the UN Charter: Analysis and Interpretation

The Charter of the United Nations is a document signed on June 26, 1945; in San Francisco, and came into force on October 1945. The Statute of the International Court of Justice is an integral part of the Charter. The framers of the United Nations Charter sought to establish a normative order that would severely restrict the use of force. Under article 2 (4) of the Charter, states were obliged to “refrain in their international relations from the threat or use of force…” especially if it is against “the territorial integrity or political independence of any state or in other manner inconsistent with the purpose of the United Nations” (UN Charter 4). When examining the Charter, there would be noticed that only two explicit exceptions to this prohibition are cited, namely: the force authorized by the Security Council and the force in self-defense, Even if there are further explanations about the details of these two exceptions.

First, the state seeking to exercise force in self-defense would need to demonstrate enough necessity. Second, the state using force in self-defense must be obliged to respond in a manner appropriate to the threat (Shah 45). In this case, and if a state was able to demonstrate necessity of an armed attack, the preemptive attack would be legal. States that will act preemptively must wait until the Security Council takes the
necessary measures to maintain international peace and security. Hence, any use of armed force outside of these parameters is illegal.

On the other hand, international law serves as the conventional rules that are agreed upon to maintain global order. International law is created through the consent of states. States express this consent through two basic methods: treaties and custom. Treaties are written agreements between states that are the international equivalent for contracts. There exist two kinds of treaties, namely the bilateral treaties which are concluded between two states; as the Strategic Arms Reduction between the United States and Russia. The second kind is the multilateral treaties which are negotiated among many states; such as the UN Charter (Arend 90). In this regard, the UN Charter could be considered as one part of the international law among several other forms.

It is of at most importance to mention that there is a slight difference between international law and what is called customary international law. Unlike international law, customary international law is not created by what states put down in writing but, rather, by what states do in practice. For a rule to become part of customary international law there must be an authoritative state practice (Arend 93). In other words, states must be engaged in a given activity and believe that such activity is required by law in order to be part of customary international law. Under the regime of customary international law that developed earlier before the UN Charter was adopted, it was generally accepted that the preemptive use of force was permissible in self-defense. However, and despite this permission to use force in well precised cases, there are a variety of restrictions on the use of force by states.

Therefore, the doctrine of anticipatory self-defense poses several profound challenges to international law and the system of order established by the United
Nations, since the United Nations has, since its inception, attempted to limit the circumstances in which states could resort to the use of force. Anticipatory self-defense is a very problematic doctrine because it purports to justify the use of force by a party that has not been attacked based on its own subjective belief. That is why there is a large disagreement among Members States and experts regarding the circumstances under which force can be used lawfully in the exercise of self-defense.

Both the UN Charter and international law prohibit the use of force in international relations. They both require that preemptive self-defense must be the last solution a state goes to after it tries all the possible pacific solutions. Quite the contrary, there have been numerous incidents in which the major powers, including the United States violated this prohibition. Although states were able to offer arguments to the Security Council, yet, this latter either fails to approve the illegality of these actions, or was prevented from doing so because of the veto right given to these major powers.

2- The Bush Doctrine: Legal, Legitimate, or Illegal?

The United States, and basically during the Bush administration, faced a huge criticism on the so called Bush doctrine of preemptive strike. This criticism and opposition were mainly about its legality and the fake arguments given by the government. The arguments failed to convince the international opinion and even the Security Council (Persson 1). Hence, the Bush doctrine introduced a controversial view about the use of force in an anticipatory manner. It would allow the United States to attack other states preemptively; if that state is to pose a possible threat to American national security. In addition, this would not need the sanction of the Security Council or the support of the international community.
As a result, this doctrine caused a debate among international law experts and forced an examination of the doctrine; especially in the light of international law and the UN Charter. Indeed, there cannot be a right, approving one state attacking another, based on nothing but a possible future threat. The US National Security Strategy providing this right was perceived, among the whole global community, as a violation to the world order and the UN Charter; as the first document responsible for organizing states relations and policies. Scholars argued that the Bush doctrine of anticipatory self-defense poses several profound challenges to the system of order established by the United Nations (Kellner 93). The United Nations, and since its establishment, worked hard to limit the circumstances in which nations could resort to the use of force. At the same time, international lawyers argued that this form of self-defense may be necessary only if a state cannot wait until it is an actual victim of an armed attack to resort the self-defense (Kellner 95). Unsurprisingly, the Bush administration did not perceive a real threat from Iraq to the extent that it would wage a preemptive war on the whole country.

In fact, the Bush doctrine in the context of the war on Iraq raised a serious problem at the international level. The fact that all sovereign states are equal is one of the fundamental principles of international law. Hence, all states would enjoy the right of self-defense asserted by the Bush doctrine. However, the United States will never permit other states, especially what is labeled as “rogue states” to enjoy this right of anticipatory self-defense. Rather, preemption is a right that will be limited to the US and its allies of the “developed world”. Furthermore, there exist many cases in history in which countries were forced to combat terrorism or any other serious problems, yet, none of these countries gave itself the right to act preemptively and violate world order. The United States in its war on Iraq marked a departure from the normative standards
followed by the whole globe, and resulted in many serious problems the world is now facing, especially if this doctrine became part of international law and other states practiced it in the flow of their foreign policies.

Admittedly, one could not deny the fact that the UN Charter provides states with a right to defend their security if a real threat is perceived from the enemy. Article (51) on self-defense asserts that:

Nothing in the following Charter shall impair the inherent right to individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right to self-defense shall be immediately reported by the Security Council and shall not in any way effect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

(UN Charter 11)

Indeed, there exists in this article of the UN Charter an announced right of self-defense against a state’s enemy, however, this right is restricted by the occurrence of an armed attack in reality. A state could not launch a war on other states only for suspecting a threat no matter how eminent the threat is. Moreover, the state responding to this armed attack should first wait until the Security Council takes its measures and makes sure that global peace and security are not violated or even threatened. According to this article, the status of the Security Council and its authority should not
be destabilized in any way. The Security Council should remain the international institution responsible for all kinds of decisions that affect international issues.

In addition, article 2 (4) of the Charter prohibits states from the use of force and calls for non-violence to be embedded in international relations between countries. It sets clearly that sovereign states should be respected, and that any breach to international sovereignty endangers world peace and security. It would also shake world order and create chaos and anarchy. Article 2 (4) states that:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations. (UN Charter 3)

Preemptive strikes by individual nations or groups without the authorization of the Security Council are prohibited by the United Nations. In its preamble, the UN Charter states that the United Nations was established “to save succeeding generations from the scourge of war” and obligates members to “settle their international disputes by peaceful means” (Article 2). Hence, it is always a matter of authorization from the Security Council that would make the use of force lawful.

Therefore, the exercise of this right of self-defense is subject to prior authorization of the Security Council. It must be the case that states are faced with a clear and present threat to take action to protect themselves, subject to immediate report to the Security Council. And this is indeed what article (51) on self-defense is all about (Zoller 336). Hence, any reliance on this article of the UN Charter must be based on an overall understanding of its content. States are never to interpret the article according to their needs and to serve their own interests.
Both the UN Charter and international law define the use of force in self-defense as lawful only when the threat takes place in reality, or when it is so imminent that must be stopped before it occurs. The victim in this case cannot wait until the attack happens and is obliged for an anticipatory self-defense. Even if under Article (51) of the UN Charter the occurrence of the attack is a triggering condition in the exercise of self-defense. International law emphasizes that self-defense in a preemptive manner is limited to a great amount of danger the enemy represents to the victim. Hugo Grotius, who is considered as the father of modern international law argued that “war in defense life is permissible only when the danger is immediate and certain, not when it is merely assumed” He even added that “the danger must be immediate and imminent in point of time” (Hensel 59).

The Bush doctrine of preemption as formulated in the National Security Strategy goes beyond this narrow principle and reserves the right to attack preemptively even without a definite and imminent threat. Many scholars went to argue that Bush’s credibility in the international community was close to zilch. The Bush doctrine according to Richard Falk, an American author and professor of international law, is “without limit, without accountability to the UN or international law, without any dependence on a collective judgment or responsible governments” (Shor 190). Moreover, the Bush doctrine in its manifestation in the war on Iraq seems to be politically unwise. When relying on the American excuse of the threat of weapons of mass destruction to invade Iraq, it seems that it is too late for the US to take any kind of successful preemptive action. It means that the threat posed by Iraqi WMD, if really existed, is already grave and imminent and cannot be sustained.

The Iraqi war of 2003 threatens to generate the use of force between states and encourages for a new arms race. Moreover, this would consequently affect the role of
the United Nations in maintaining world order and stability and changes the flow of the international law. The United States when declaring its so called Bush doctrine attempted to exempt itself from the rules of the international community.

President Bush repeatedly warned, in justifying the war on Iraq, that the United States would act, if the international community did not. Not only did he threaten to ensure the disarming of Iraq without the UN authorization, he also declared his intention to institute democracy and bring peace, freedom, and justice (Bush 2001). Thus, the US did not only mark a shift from the traditional norms and international rules, but, also sought to enforce its demands and moralities through unilateral means.

In the same respect, the United States went to the war on Iraq despite substantial opposition. America never cared that its unilateral behaviors imposed by the Bush doctrine lacked the international legitimacy; nor had it looked for arguments convincing enough to give to the Security Council. Bush’s justifications for the Iraqi war always looked like a pursuit of freedom and democracy that were serving American interests in the first place. The National Security Strategy asserts that democracy promotion is integral to the Bush doctrine. The ambition of transforming the Middle East into a democratic region was a basic element in the war on Iraq. However, it is worth noting that the American desire to transform the Middle East, starting with Iraq, into democracy was through the use of force and war. The 2003 war clearly demonstrated that democracy in Iraq was imposed by force rather than spread smoothly, which goes against the norms and principles of the UN Charter.

Moreover, international law today suggests that a state might have the right to self- defense in a case of terrorist attack. Nevertheless, it is likely that the attacked state must be able to link the terrorists to a state and provide enough proof about that. The
United States was never able to convince the general public that Saddam Hussein was harboring al Quaida, and that he had a hand in the terrorist attacks of 2001.

Unsurprisingly, the Bush doctrine was perceived among the international leaders as a radical departure from the system of order inaugurated by the United Nations. Secretary General Kofi Annan argues that the doctrine of preemption “represents a fundamental challenge to the principles on which, however imperfectly, world peace and stability have rested for the last fifty eight years” (Annan 2003). And so is the American doctrine of Bush’s government, which calls for preemptive strike in international dealings.

International governments’ disapproval with the Bush doctrine was publically shown whenever comes the doctrine to analysis. Russia’s position towards the war on Iraq was always a condemnatory one. Just few days after the American military powers landed in Iraq, President Vladimir Putin made a public declaration refusing the American action and even described it as a “great political error”. The Russian president stated that only the UN Security Council could reach a decision about Iraq. Moreover, he argued that the US, regardless to its arguments, must respect the Iraqi national sovereignty and obey international law (Volvoc 2003). Indeed, Russia considered the US invasion of Iraq as illegal and never was willing to support it, under any circumstances.

Russia, took the side of Germany and France in opposing the American intervention in Iraqi internal affairs. France in many occasions showed its position towards the Iraqi issue. President Jackes Chirac openly spoke about the French opposition towards the war. He argued that “my position is that whatever the circumstances, France will veto no” (Chirac 2001). France saw that this war will lead to
a greater war on the whole world. Chirac explained that: “we refuse to follow a path that will lead automatically to war as long as the inspectors [of the UN] don’t say to us, we can’t go any further” (Sciolino). In this regard, France considered the US, for waging this war on Iraq, as challenging the UN and breaking the international order.

Moreover, the Chinese attitude towards the American war on Iraq did not take a different direction. In 2003, China strongly condemned the invasion of Iraq. Chinese President Hu Jinato, on the Iraqi issue, said that the Chinese government has always insisted on a political solution within the framework of the United Nations, and will do its best to reach this aim. In addition, China was always calling Iraq for strictly and fully to destroy completely any weapons of mass destruction. China even insisted that any military action against Iraq would cause humanitarian disasters, and endangers peace and stability in the region (Statement of the NPC Foreign Affairs).

The world major powers’ opposition to the American intervention in Iraq demonstrates the extent to which the US was faced with international criticism and disagreement. Additionally, America failed in convincing the UN most influential members about the legality of its action; hence, the invasion is from the very beginning an illegitimate act.

More importantly, the United States went to explain its doctrine of preemption as consistent with the objects and purposes of the UN Charter; relying mainly on article (51) of self-defense. Indeed, and despite the fact that the new challenges facing the international community today may require a revision of both the UN Charter and the international law, yet, it is still premature and unwise to assert that the Bush doctrine is an established and accepted interpretation of the UN Charter. On the contrary, the vast
majority of states rejected the doctrine, and perceived it as a source of instability and disruption. The Non Aligned Movement once asserted that:

The heads of state or government rejected the use, or the threat of use, of the armed forces against any NAM country under the pretext of combating terrorism, and rejected all attempts by certain countries to use the issue of combating terrorism as a pretext to peruse their political aims against non-aligned and other developing countries under scored the need to exercise solidarity with those affected. They affirmed the pivotal role of the United Nations in the international compain against terrorism. They totally rejected the term “axis of evil” voiced by certain state to target other countries under the pretext of combating terrorism, as well as its unilateral preparation for lists accusing countries of allegedly supporting terrorism, which are inconsistent with international law and the purposes and principles of the United Nations. (Hill 327)

The disapproval of the Non-Aligned Movement demonstrates the extent to which the use of force in international relations is unaccepted and unsupported between states. Therefore, it explains the opposition towards the Bush doctrine and shows its illegality and unlawfulness.

This rule is also supported by the International Court of Justice. The ICJ along many of the cases it witnessed rejected the right of self-defense without a real threat or attack. For instance, and specifically in the Oil Platform Case⁴, the Court rejected the US argument of self-defense (Persson 13). The case, indeed, gave the Court the right opportunity to speak out on a possible extension of the right of self-defense and explained its conditions and circumstances. Moreover, the Court was able to make it
clear that self-defense can only be invoked against an attack that is imputable to a foreign state, and terrorist actions of individuals or groups not directly associated with and supported by a sovereign state (Persson 14). In fact, this was the case of the US when launching a whole war on the sovereign state of Iraq, just because of suspected terrorist groups inside it. Therefore, it goes against the traditional requirements of self-defense in international law as interpreted by the International Court of Justice.

More specifically, the United States did not only violate the international system of order, but also it affected the individuals’ rights. The principle of non-violence that was violated during the Iraqi war did not only demonstrate aggression as an individual crime that violates national sovereignty. More fundamentally, it violates the rights of individuals’ security. Thus, the Bush doctrine was perceived as morally unjustified and never gained international support. Doubts were intensified that the invasion of Iraq was not legal because the UN Security Council did not express openly and give authorization to use force under its resolutions. The act against Iraq resulted in a dilemma for the United Nations and the Security Council. Moreover, it weakened the position and power of the UN at the international level.

All the allegations and claims of the US administration were totally false in consideration of facts and evidences provided by leading political experts and officials. Going to war against Iraq was unjust, unnecessary, and illegal. In addition, the American interpretation of Article (51) of the UN Charter was completely gloomy and unreal. Richard Perle, a member of the Bush administration, used Article (51) as a basis for the legality of the attack on Iraq saying “I don’t believe it does violate the international law. We certainly have a right, not conferred, but acknowledged, in the United Nations Charter, Article 51, to defend ourselves” (Jervis 95). This view was
never shared by major other countries within the UN, nor Iraq provided enough danger to the American security.
Conclusion

Finally, it could be concluded that the military action against Iraq did split the international community and inflamed the world’s major powers. It raised much debate about both the legality of the war, and the principles followed by the United Nations and international law since earlier times of colonialism. With the Bush doctrine it could be assumed that the entire international system of law failed following the 2003 invasion of Iraq.

By going to war against Iraq without the permission of the Security Council, the United States and its allies demonstrated that their geopolitics and forces are too strong and vast to be legally bound by an international organization, including the United Nations. This latter showed its ineffectiveness and failure to maintain global stability, especially if it is about America or any major power.

In addition, the United States, when asserting its unilateral actions in its foreign policy, is openly expressing its apathy and lack of confidence towards the whole international system of law. The invasion of Iraq raises an important issue that is the impact of the so called Bush doctrine on the international community. In fact, its outcomes will continue to influence world order even for the long coming years.

Indeed, Bush and his government succeeded in achieving an aggressive form of unilateralism mainly through the so called War on Terror. This war was waged without caring about a collective security for the international system. The United States aimed at legitimizing preemptive military interventions as an acceptable conduct of state security. However, it never reached this aim regarding the huge international opposition it was faced with.
Endnotes of the Second Chapter

1-COALITION OF THE WILLING: The Bush administration briefly used the term “coalition of the willing” to refer to the countries who supported, militarily or verbally, the 2003 invasion of Iraq; and subsequent military presence in post-invasion Iraq since 2003. In November 2002, US President George W. Bush visiting Europe for a NATO summit declared that: “Should Iraqi president Saddam Hussein choose not to disarm, the United States will lead a coalition of the willing to disarm him” (Bush, 2003).

2-NEOCONSERVATIVES: Neoconservatism is a political movement born in the United States during the 1960s, it peaked its influence during the presidency of George W. Bush, when neoconservatives played a major role in planning the invasion of Iraq in 2003. They were embedded in the administration and were able to influence his foreign policy decisions. Prominent neoconservatives in the Bush administration included Dick Cheney, Donald Rumsfeld, Jhon Bolton, Elliot Abrams, and Richard Perle (Britanica.com).

3-REVISIONIST POLICY: Revisionism in Marxist thoughts, originally in the late 19th century, was the efforts done to revise the Marxist doctrine. The theory rejects the labor theory of value, economic determinism, and the significance of the class struggle. American foreign policy during the Bush presidency was largely referred to as a revisionist one (Britanica.com).

4-THE OIL PLATFORM CASE: Is a public international law case decided by the International Court of Justice. It revolved mainly about the issue of the legality of the use of force n relation to two specific identified attacks against the Iranian oil platforms by the US during the Iran Iraq War. The United States asserted that on both occasions it was acting in self-defense, and that the Iranian Platforms were used for military
purposes. In 2003, 11 years after the initial application was submitted by Iran, the Court rejected the claims of both states (Foster 532).

5- Hugo Grotius: Hugo Grotius (1583-1645), is a Dutch jurist and scholar whose Masterpiece *De Jure Belli ac Pacis* (1625, *On the Law of War and Peace*) is considered as one of the greatest contributions to the development of international law. He was also a statesman and diplomat, Grotius has been called the “father of international law” (Britanica.com).

6- Preemptive VS Preventive Attack: Preemptive attacks are based on the belief that the adversary is about to attack, and striking first would be better than waiting the enemy to do so. In contrast, preventive attacks are launched in response to less immediate threats. Preventive attacks are motivated not by the desire to strike first rather than the second, but by the desire to fight sooner rather than later. Usually this is because the balance of military capacities is expected to shift in the enemy’s favor, in addition to other considerations (Britanica.com).

7- Legal VS legitimate Act: A legitimate act is usually considered as reasonable, and the whole international community would accept and even support. Therefore, if an act by a state is legitimate it is considered to be fair; and causes no harm to the other countries or individuals. A legal act, on the other hand, is defined as “lawful” and goes in accordance with established procedures that already exists and must be followed and respected (Britanica.com).
General Conclusion

In conclusion, the Bush doctrine of preemptive strike remains one of the very rare presidential doctrines that forced such large discussion, within the United States and the whole international community. The doctrine, through its application in Iraq in 2003, largely threatened global stability, and was able to shake the position and role of the United Nations. Indeed, the war on Iraq fueled many serious problems to the UN Charter and forced its reexamination, especially about the issue of preemptive self-defense and its circumstances.

The United States, because of its dominating position in world politics, assumed to do pretty much what it wants without the need of the international approval. Moreover, the Bush doctrine opened the door for other states to use the new right of preemptive self-defense as a mean of achieving their own strategic interests. This doctrine imposed a great danger that jeopardized international relations between states. Even the United States will no longer be able to condemn or prevent other states from acting unilaterally against the Security Council’s will, because if doing so, it would be largely contradicting itself.

Regarding the fact that only few states support the doctrine of preemptive self-defense while the majority oppose it, it could be concluded that preemptive self-defense is not permissible in the international law. This latter is created through the consent of states and in which they believe and accept. Thus, a preemptive strike is an illegal behavior that contradicts the international law, since the use of force outside the framework of the UN Charter damages its articles.

States resort to the use of force must wait until a real attack takes place to react. They are obliged to officially report their actions to the Security Council, and take its permission. The United States, when invading Iraq, failed to fulfill the two conditions.
Neither Iraq launched a military attack on the US, nor was the US able to convince the Security Council and gain its authorization. As a result, the National Security Strategy of the US is a whole challenge to the United Nations as the world’s first institution responsible for maintaining world peace and stability, as well as a break to international law.

The international community cannot, in any way or another, support the so-called Bush doctrine. If doing so, this would indeed mean a free permission to a war everywhere, and creates a chaotic world. The United States gave itself the right to preemptively invade Iraq, just for some collected doubts about the development of weapons of mass destruction or supporting terrorism. It was never able to wait until the confirmation of those doubts and that Saddam is really preparing to use his weapons against the US. In fact, the United States quickness to launch a war against Iraq stands as a strong proof that it already knew that the possibility of finding Iraqi weapons of mass destruction is a very slight one.

Whatever the case, the Bush doctrine of preemptive self-defense contradicts the established rules in international law today. The US, and since it adopted the UN Charter and accepted it, is required to follow it no matter what were the circumstances. The regulation of the use of force between states has been very restricted since the creation of the UN Charter in 1945. The articles of the Charter must be interpreted in a very restrictive manner. This was not the case with the American war on Iraq. The US interpreted the articles about the use of force according to its needs and interests, with no regard to the international opinion.

Finally, the case of the invasion of Iraq 2003 proved that the UN is no longer a multilateral institution, and is nothing but a means in the hands of the US to achieve its
goals. The UN, as an international organization, failed in many occasions to settle the disputes between states. Even when it succeeds in doing so, this usually takes a very long time. UN’s credibility and ability to act were heavily damaged. Many of the serious international conflicts became more serious just because of the failure of the United Nations to solve them.

A reexamination of the UN Charter and the principles of the international law is a necessity that must be taken seriously. Even the UN must discuss the possibility of authorizing such action of preemptive self-defense by the Security Council. At least, when doing so, it will protect its effectiveness and its international status. The United Nations as an international organization responsible for maintaining world peace and security needs to reinforce its charter by forceful mechanisms. These mechanisms would oblige states, especially powerful states like the US, to respect its laws as well as decisions.
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