The United States and the Norm of Non-Intervention

US argumentation for the use of force from Clinton to Bush

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CHAPTER ONE

Introduction

> *The world will be absolutely in despair if America deserts it.*
>
>   – Woodrow Wilson (quoted in Luck 1999: 16).

This thesis is about the norm of non-intervention in American use of military force. How does this central part of the UN Charter affect American foreign policy thinking when it comes to military intervention? How does it shape US decisions regarding the use of force? The focus will be on the legitimisation of the use of military force in the Clinton and Bush administrations. The thesis will be an empirical analysis of differences and similarities in the two administrations' argumentation for military intervention.

The non-intervention norm has long been, and remains, fundamental to the international order. The norm is laid down in the UN Charter, in which it is made the central norm, and is also essential in other instruments of international law (Matlary 2002: 12-13, Roberts 2004; Vincent 1974). Through this norm, the international society bans the use of force between states. The exceptions are given by the UN Charter: A state can use force in self-defence or if international peace and security are threatened (UN 1945). The norm of non-intervention has changed over time – not least after the end of the Cold War. While changes in this norm are of key important, the aim in this thesis is more limited. My focus is rather to illuminate possible changes or similarities in the American attitude to the norm in the period after the Cold War – or more precisely; from Clinton to Bush.

1.1 Research question

The United States has used military force more than any other state in the last 50 years – with or without the approval of the UN or NATO (Ikenberry 2004: 90). Also, in the post-Cold War era, the United States has on several occasions demonstrated its ambivalence towards international law.[1] While on one side supporting international cooperation and law enthusiastically, the United States has on the other side on several occasion demonstrated a contemptuous attitude to international law (Murphy 2004: 2-5).

From this point of departure, it is interesting and important to study the standing of the norm of non-intervention in American intervention policy today. I will focus on the two administrations that have been in office after the end of the Cold War: The administration of Bill Clinton and the administration of George W. Bush. Hence, my research question is as follows:

Have there been any changes in the US attitude to the norm of non-intervention from Clinton to Bush?

The research question is important because of three factors in particular. Firstly, it is important in light of the hegemonic state's central position in the international system. Through its dominating position, the hegemon has a central, sometimes crucial, role in international cooperation and institution building (e.g. Cronin 2001; Luck 1999). Of particular importance here is the hegemon's role in the shaping of international norms. The hegemonic state has, because of its powerful position, the opportunity to shape and affect the development of norms. Hence, we must expect the norm of non-intervention to be affected by the attitude of the hegemonic state. Because of its hegemonic position, the United States' argumentation when the norm of non-intervention is violated will be of greater importance than other states' argumentation (e.g. Nye 2002; Finnemore 2003). In his book *The Paradox of American Power* Joseph Nye (2002) emphasises *soft power* – the power of getting others to do what you want. The power of shaping norms is an example of such power. Nye

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[1] Important examples here are the Iraq war in 2003, the Kyoto Protocol of 1997, the Mine Ban Treaty and the International Criminal Court.

argues that if the United States represents values that others want to follow, it will cost less to lead: "When the society and culture of the hegemon are attractive, the sense of threat and need to balance it are reduced" (ibid: 17). Nye's argument is that if the United States wants to remain strong, it has to pay attention to soft power as well as *hard power*, such as military and economic power.

Secondly, as the unrivalled military hegemon, the United States has greater options to intervene unilaterally than any other state. In 2005, US military spending alone exceeded the 32 next military powers combined (SIPRI 2005). Such a military superpower's view on the use of armed force against another state is of great importance.

Thirdly, it is interesting to study the policy of the first two US administrations in the post-Cold War era – a period of US hegemony. After George W. Bush entered the presidential scene in 2001, it has become quite common to draw very different pictures of Bush and his predecessor. Bush, with his policy after 9/11, is often perceived as a unilateral president with contempt for international arrangements and a strict focus on American domestic interests. Some even use the phrase "revolution" about the Bush administration's foreign policy line (e.g. Daalder and Lindsay 2003; Schlesinger 2005; Melby 2004). Clinton, on the contrary, has been described as a multilateral president being more cooperative on the international level (e.g. Schelsinger 2005; Malone 2003; Guardian 2002). However, I argue that this stereotypic presentation can be challenged. Robert Kagan (2003: 43) argues that even though many Europeans today view the Clinton period as a time of transatlantic harmony, "it was during those years that Europeans began complaining about American power and arrogance in the post-Cold War world".

1.2 Background

American global power is an important characteristic of our age. No other state can compete realistically with the United States - neither on the military, economical, technological, cultural, nor the political stage (Ikenberry 2004; Knutsen 1999; Nye 2002). By the end of the Cold War, the United States stood alone as the world's only superpower, and has increasingly manifested its position since. According to

Ikenberry (2004: 83), "American power advantages are multidimensional, unprecedented, and unlikely to disappear any time soon". We find ourselves in the period Charles Krauthammer (1990) has named *the unipolar moment.*

During most of the 20th century, the United States was the greatest champion of a rule-based order in international affairs. In particular, US engagement was crucial in the creation of the international order that developed after World War II. In the aftermath of the war, the United States enthusiastically supported the development of a wide range of international organisations designed to encourage cooperation among member states to address the many grave problems facing the post-war community (Murphy 2004: 3-4). The American efforts resulted in an international system based on legal principles – a system we to a large extent have carried with us up to this day.

Despite its record as a multilateral institution builder, the United States has a strong unilateral, at times even isolationist, tradition. The United States itself has demonstrated a strong ambivalence towards acting within legal and institutional constraints (Ikenberry 2002; 2004). This attitude has not least been expressed in the United Nations – particularly in the United Nations Security Council.[2] In several serious security conflicts, such as in the Israeli-Palestinian conflict, in Kosovo and in Iraq, the United States has demonstrated a clear willingness to block UNSC decisions – or act militarily without the Council's blessing.

1.2.1 US hegemony and international organisation

The world order established after World War II presupposed at every stage of its development a dominant power that would be non-imperial, non-aggressive and committed to the proliferation of law-based international institutions (Murphy, 2004: 2). Yet, during the post-Cold War era, this dominant power, the United States, has demonstrated increasing difficulty in adhering to the rule of law in international affairs.[3] We have seen several examples of the consequences of the US' willingness, or lack thereof, to recognize, cooperate and comply with central international

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[2] Of practical reasons, the abbreviation UNSC will be used extensively in this thesis.
[3] Also, under the Cold War, the United States violated international law. E.g. communist aggression in various parts of the world or state sponsored acts of international terrorism "sometimes resulted in unilateral action by the United States of questionable legality" (Murphy 2004: 4).

institutions. The Kyoto Protocol of 1997, The Mine Ban Treaty of 1997, International Criminal Court (ICC) and the Iraq war in 2003 are important cases in point (ibid: 4; Ikenberry 2002: 49).

A popular explanation of US non-compliance, unilateralism and contempt for international law is the idea of *exceptionalism*. This idea has different aspects, but of particular interest here is the interpretation saying that the United States is so different from other countries that it cannot – or will not – fit comfortably into decision-making and norm-setting structures of global political bodies. Luck (1999) argues that US exceptionalism proved to be one of the most common obstacles to successful international cooperation in the 20th century. As the following chapters will show, the findings of this thesis support Luck's view.

Since the end of the Cold War, we have seen several examples of American use of armed force. The degree of compliance with the norms of the international community has varied. While in some cases, as in Iraq 1991, the US has used force for purposes that were internationally sanctioned and legitimate; some US-led uses of force have challenged the principle of non-intervention.[4] This has been met with criticism by states like France, Germany and Russia, and the arguments have generally been based on the non-intervention norm. The US doctrine of pre-emption has not led to less international discord on the issue (Roberts 2004: 133-134). [5]

The US ambivalence to international organisation has not least had important implications for the United Nations. The world organisation's ability to act is to a large extent at the great powers' mercy. The fact that the hegemon plays a unique part here is beyond doubt. The United States definitely has a greater influence on the UN's, and not least on the Security Council's, actions and functional abilities, than any other member state. "US global leadership in the Security Council is central, and its ability to sway the UN membership on issues critical to it is unique" (Malone 1998:169). When there are divisions in the United States about the degree to which it should be engaged in multilateral institutions or about the range of its global

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[4] The intervention in Kosovo in 1999 and the intervention of Iraq in 2003 are important examples here.
[5] *Pre-emption* is based on the idea of preventing an attack by disabling a threatening enemy. President George W. Bush's advocacy of pre-emption was encapsulated in the 2002 National Security Strategy (Roberts 2004: 144). The pre-emptive strategy is known as the Bush doctrine, and will be considered more extensively in chapter 5.

responsibilities, the political repercussions can be felt throughout the world (Luck, 1999: 23).

Murphy (2004: 358-359) argues that the chances for a successful rule of law in international affairs will be greatly enhanced if the United States participates actively in the development – as it did in the comprehensive institution building after the Second World War. This will also be the case for the norm of non-intervention. Because of the hegemon state's unique position, its attitude regarding the norm is important for the norm's future development.

1.2.2 Two administrations – different policy?

The primary research question will be analysed through a comparison of the Bill Clinton and George W. Bush administrations' argumentation in four cases of military intervention: Iraq in the 1990s, Kosovo in 1999, Afghanistan in 2001 and Iraq in 2003.[6] In Kosovo and Iraq, the Security Council refused to approve the use of force. Nevertheless, the US chose to act without a UNSC mandate. In Iraq in 1998 and Afghanistan the UNSC never gave a direct mandate for the use of force. However, these cases are more in a grey zone regarding legality.

Comparing these two administrations is interesting because of several factors. Firstly, they are both from the post-Cold War era. During this period, the US has established a unique position as the only remaining superpower, and it is of great interest to examine how these administrations have behaved in a hegemonic world order and to which extent international law, here represented by the norm of non-intervention, has shaped US behaviour.

Secondly, the two administrations represent two different political parties in US politics. Traditionally, the Democrats and the Republicans represent two distinct traditions in American foreign policy. While the Democrats traditionally have supported a relatively multilateral direction, the Republicans have argued for a more unilateral and, partly, even isolationist, line (Luck 1999). Also, as already discussed, it is often said today that there are great differences between the two – not least with respect to the US role in the international society. Stereotypically, Clinton is the

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[6] Regarding the Clinton administration's policy in Iraq, the main focus will be on Operation Desert Fox in December 1998.

multilateralist, while Bush is the unilateralist. My aim is to find out whether the differences are that obvious in the field of military intervention.

1.3 Theoretical framework

My point of departure is the role of the norm of non-intervention in the legitimisation of the use of force. If article 2(4) in the UN Charter is strictly interpreted, no use of force between states is accepted. Only the Security Council can authorise the use of force, and military intervention without UNSC mandate is hard to legitimise. However, the norm is occasionally violated – with or without the support of the Security Council.

Analysing norms and how they affect political decisions is challenging. Finnemore and Sikkink (1998: 888) ask "how do we know a norm when we see one?" It is not possible for a researcher to see inside the minds of the decision-makers. However, the spoken and written arguments are always or often available.

> (…) because norms by definition embody a quality of "oughtness" and shared moral assessment, norms prompt justifications for action and leave an extensive trail of communication among actors that we can study"
>
> (ibid: 892)

Therefore, analysing the two administrations' arguments for why they are justified in violating the norm of non-intervention is a valuable approach to my research question.

At first sight, neorealist or neoliberalist approaches would be fruitful theoretical choices in an analysis of a state's behaviour toward international norms. There have been several attempts to use such theories to explain US behaviour in the post-Cold war era (e.g. Mastanduno 1997; Ikenberry 2004; Nye 2002). Neorealists see norms as reflecting power relations in the international community, and having only limited influence on international relations (e.g. Florini 1996). Neoliberalists, on the other hand, argue that norms and international institutions can reduce transaction costs and uncertainty among states, and such influence actions through the idea of interdependence (e.g. Keohane and Nye 1977; Keohane 1984). Additionally, we have

constructivists, arguing that norms define interests. According to constructivists, norms are socially constructed and important in the understanding of state action (e.g. Finnemore and Sikkink 1998).

The traditional approaches all give useful in sights. However, the aim thesis is more empirically than theoretically based. My task is not to suggest theoretical explanations of norms or to analyse differences between theoretical norms perspectives, but rather to analyse empirically *how* the United States has legitimised violations of the norm of non-intervention.

Also, I argue that US foreign policy after the Cold War is difficult to explain by using traditional theoretical approaches. Even though the Clinton administration supported multilateral initiatives and international law, there are several examples of the opposite. The policy of the Bush administration is also difficult to categorise. From a realist point of view, the Iraq policy of the United States in 2003 could be seen as an undisputable evidence of classic *realpolitik*. But why did the Bush administration spend several months pursuing UN authorisation for military action in Iraq? And why was it so important to present a multilateral coalition of allies to the world society? (Finnemore 2003: 23).

Martha Finnemore's (2003) discussion of changing patterns of intervention is very useful for my discussion of the norm of non-intervention. Methodologically, Finnemore's perspective is more useful for my purpose than the traditional theoretical approaches. She analyses how actors justify norms, and how norms has changed. Finnemore's constructivist perspective will make up a loose frame around this thesis, and will be helpful in the development of the analytical tool used to shed light on the research question.

According to Finnemore, the role of international organisations and law has been of great importance for the changes in military intervention during the past centuries. Finnemore (ibid: 2-3) argues that in the post-Cold War world, states will only intervene in another state multilaterally. According to Finnemore, this is the reason why United States' unilateral action meets so much international opposition. The United States has several times, such as in Iraq, acted against this established norm of multilateralism, and great powers such as Russia, France and Germany has

reacted strongly on this behaviour. On the other hand, US unilateralism challenges Finnemore's multilateralist argument, because such action may indicate that the United States puts itself above the multilateralist consensus. Hence, one may argue that the power of the norm of non-intervention would not affect or restrain the United States to the extent Finnemore claims it to do.

Finally, I have established five analytical categories: National security (a), international security (b), humanitarian concerns (c), breach with international law (d) and democratisation (e). The categorisation is motivated by central features of the intervention debate after the Cold War. For example, in the post-Cold War world, Finnemore (2003: 129) sees three kinds of threats capable of provoking intervention: Violations of territorial borders, civil conflicts involving massive humanitarian disasters, and massive terrorist attacks. In addition, Finnemore views proliferation of weapons of mass destruction as a possible emerging threat. The threat categories fit into the categories employed in my analysis: National security, international security (involving both violations of territorial borders, civil conflicts and terrorist attacks), breach with international law (involving all of Finnemore's threat types) and the humanitarian argument (involving humanitarian disasters).

1.4 Method and sources

The processes analysed in this thesis are hard to measure by numerical methods. Thus, a qualitative comparative case study seems to be a more fruitful methodological approach to the research question of this study.

By doing a content analysis of the Clinton and Bush administrations' argumentation in four military interventions, I will compare the intervention policy of the two administrations. Hopefully, my findings will make me able to draw some general conclusions about the role of the norm of non-intervention in hegemonic use of force.

1.4.1 Methodological approach

Qualitative research covers a wide range of approaches, but in principle, none of them rely on numerical measurements in the sense quantitative research does. Instead, qualitative researchers have traditionally focused on one or a small number

of cases, and emphasised depth rather than width in their analysis (King et al. 1994: 4). In this thesis, I'm analysing two US administrations' lines of argumentation regarding the use of force. Thus, this analysis must be categorised as a qualitative comparative case study

The four interventions under study are different, but they all share the feature of being internationally disputed. None of them had a clear UN mandate, even though the interpretation of former UN resolutions was central in both administrations' actions in Iraq.

I therefore think it is fruitful to compare the two administrations' policy of intervention in light of these interventions. My challenge is to examine whether, and possibly how, the two administrations differ in their argumentation for the use of military force.

The four cases differ on many points, not least considering the historical context. However, they are important cases in this given period, and will be analysed in the light of central US security documents and speeches.[7] Thus, I argue that the findings of this thesis will be robust and valid.

To be able to make a reliable comparison, I have made a set of argumentation categories, as stated above in 1.3: National security (a); international security (b); humanitarian concerns (c); breach with international law (d); and democratisation (e). In category 2, international security, I also include arguments considering *regional security*. The method leans on George and Bennett (2004: 69), who consider "asking a set of standardised, general questions of each case" as necessary to ensure the achievement of comparable data in comparative studies.

Finally, I will attempt to organise the arguments into a hierarchy, one for each administration, ranging the argumentation categories after how much weight they are given by each administration. This will be helpful in the comparison of the two administrations, and will be used as a tool to illustrate changes and similarities in the American argumentation.

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[7] This will be considered more comprehensively in section 1.4.2.

1.4.2 Sources

My data material in this thesis consists of written sources exclusively. The analysis will mainly be based on presidential speeches, that is the presidents' State of the Union addresses and central speeches before and during the four interventions under scrutiny. I have also analysed key official documents such as the administrations' national security strategies. Additionally, the analysis is supplemented by speeches and statements by other officials in each administration.

I have been able to find relevant and significant written material, and the material consists of both primary and secondary sources. There exists a multitude of sources describing the relationship between the United States and international institutions. There is also a relatively rich literature on the role of international law in the use of force. The web pages of the two administrations provide access to speeches and other official documents, so constituting invaluable primary sources of information.

The analysis is based on official documents. Great amounts of primary source material are available on the Internet, and this material makes up the central analysis material in this thesis. As Bennett and George (2004: 97) underlines, a researcher should not assume that investigating primary sources and declassified government documents alone will be sufficient to find the answers to her research question:

> We have at times found students who have became intimately familiar with hard-to-get primary source materials of a case but who have only a vague sense of the wider context because they have not taken the relatively easy (but often time-consuming) step of reading the newspapers or journals from the period.

Considering the size of this thesis, I consider newspapers, available official documents on the Internet and academic literature on the subject as sufficient, valid sources.

This way of making use of different kinds of sources is often referred to as *method triangulation.* According to Jick (1979, quoted in Grønmo 1996: 98-99) this method secures a more balanced and complex evaluation of the sources, and can also strengthen the validity and reliability of the results. In the selection of data material,

a researcher has to focus on both validity and reliability. Validity refers to the material's relevance for the research question. To what extent can the data material reveal something relevant about the research question (Hellevik 2000: 52, 102)? In this thesis, I consider the validity to be satisfactory. The two administration's speeches, official documents and other official statements are expected to reflect the core of the arguments on the use of military force.

Reliability refers to the accuracy of the data material. A high level of reliability is a precondition for a high level of validity. Important here is whether one can expect to get the same results if the analysis is repeated (ibid: 52-53). Method triangulation, as described above, contributes to strengthening the reliability of the analysis. I base my analysis on a wide selection of both primary and secondary sources, hence strengthening the reliability of my conclusions.

1.4.3 Methodological challenges

One important obstacle for the validity of the study is the fact that it does not consider the possible (and obvious) changes and events in the international society in the given period. We cannot overlook the fact that contextual factors affect a state's policy, and to ignore 9/11 as an explanation of US foreign policy changes after 2001 would be deeply problematic. Nevertheless, the focus of this study is on the norm of non-intervention as central in any situation where use of force is given serious consideration or actually implemented. If this norm matters in international law, it should be of similar importance in every case of military action. Independent of historical context, it is important to study the argumentation behind violations of the norm of non-intervention. Furthermore, the consequences of 9/11 do in fact make it even more interesting to study US argumentation regarding the use of military force *before* the terror attacks that so strongly influenced the American image of vulnerability and national security.

Moreover, when analysing the foreign policy of the Bush administration, I must bear in mind that the debate over the post-9/11 interventions in Afghanistan and Iraq is not over. The interventions, Iraq in particular, are heavily debated among scholars, politicians and in the general public, and some may say that it is too early to

draw a conclusion regarding the argumentation for military action. Analysing administrations still in office is challenging, particularly when comparing them with former administrations. The secondary literature on these interventions is not as retrospective as the literature on the Clinton administration's military actions. Nevertheless, my analysis is mainly based on speeches and strategic documents written by the administrations before and during particular interventions, and thus, the empirical point of departure is quite similar for the two administrations. I therefore argue that it is possible to draw well-founded conclusions.

In every qualitative study, the researcher runs the risk of letting his or her personal biased views influence the analysis. This can affect both validity and reliability, and the researcher has to be aware of this problem during the analysis. Also, there is always the risk that different researchers will interpret the same sources differently. Nevertheless, the wide selection of both primary and secondary sources will reduce the risk of drawing invalid conclusions.

1.5 Organisation of the study

The following chapter presents the norm of non-intervention and the development of this fundamental principle, in particular during the post-Cold War Era. This chapter also presents the background for the analytical categories used in the analysis.

Chapter three gives an overview of the US foreign policy tradition, and not least the hegemon state's ambiguous relationship to international organisations, the United Nations in particular. This chapter also considers a key concept in the understanding of US behaviour in the international society: American exceptionalism. In the understanding of the US justifications of the use of force, it is important to define the United States as an actor in the international community. This, this chapter will provide important background material.

Chapter four reviews the Clinton administration's record in Iraq and Kosovo. The focus is on the controversial air strikes in Iraq in the late 1990s, particularly Operation Desert Fox in 1998, and the NATO-led intervention in Kosovo in 1999, Operation Allied Force. Chapter five gives an overview of the second Bush administration's intervention in Afghanistan in 2001, Operation Enduring Freedom,

and its struggle to get international support and legitimacy for Operation Iraqi Freedom in 2003.

Chapter six summarises the empirical findings. These findings suggest that the two administrations seem to differ more on form than content in their attitude to the norm of non-intervention. They represent different parties and certainly they differ in terms of rhetoric and style. But as the following chapters will show, the substance of their arguments is to a large extent similar. What seems to be more important than person and political party is the long American tradition of exceptionalism, which seems to affect both presidents strongly. Truly, the Clinton administration put more emphasis on the humanitarian aspect than does the Bush administration. And the Bush administration focuses more on democracy than the Clinton administration did. But at the end of the road, the main argument for using military force is the same in both administrations: National security. This argument is coloured by an attitude saying that if the United States see military intervention as necessary, it has the right to act – and will not let multilateral arrangements hinder this.

CHAPTER TWO

The Norm of Non-Intervention: Development and Current Status

> *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, Article 2 (4)

This chapter will discuss the development and current status of the norm of non-intervention. Through a review of the development of this central norm in international affairs, the chapter will give important theoretical contributions that are fundamental to the empirical analysis in the following chapters. To get at the core significance of the norm of non-intervention, we must try to identify its central features and where it comes from. Hence, this chapter has the purposes of giving the theoretical and empirical background for the analysis in chapters four and five. Based on some central features of today's intervention debate, I will present the five argumentation categories that constitute the main analytical tool in the analysis.

The international society has, like any society, shared notions that shape and regulate the use of force. As Martha Finnemore (2003: 1) points out, one of these is that large-scale force is the privilege of states. States have a monopoly on the use of force within their own borders, and violence by non-state actors is considered illegitimate. According to the Westphalian principle, the state also has a monopoly on the use of force outside its borders. It is obliged to protect its own territory, but shall on the outside abstain from attacking other states (Matlary 2002: 16).

While interstate war was a characteristic feature of international affairs for centuries, the international society today bans the use of force between states. In 1945, the UN Charter established the first international legal framework that outlawed war. The *norm of non-intervention* is fundamental in the UN Charter through Article 2 [4], and is also laid down in other instruments of international law. When a state signs the UN Charter, it pledges not to use or threaten to use force against any other state – except in *self-defence*[8] or where *international peace and security are threatened.*[9] Under the Charter paradigm UN member states agree to settle all disputes by peaceful means, and to refrain from the use of force in their international relations (UN 1945; Chandler 2002: 159; Matlary 2002: 13; Voeten 2005: 529).

Despite the fact that the norm of non-intervention has long been fundamental to international order, its observance has never been perfect. Security concerns and a wide variety of other reasons have often led states to intervene by force in other states – even in circumstances different from self-defence against an armed attack or the protection of international peace and security. This is a fact also in our time, and after the Cold War, we have seen more interventions than ever before since the end of World War II (Roberts 2004: 135; Matlary 2002: 15).

Military intervention involves violation of both the principle of sovereignty and the principle of self-determination. Hence, intervention always brings about extended normative discussions. Over time, some normative claims become less powerful or disappear entirely – and others gain power. For example, after World War II, particularly after 1990, claims about human rights have challenged assertions about sovereignty and self-determination (Finnemore, 2003: 6, 21).

The norm of non-intervention is strong in the international society. An evidence of this is the fact that when the norm is violated, states are called upon, and/or feel compelled, to justify and give reasons for their actions. We may expect a norm-violating state to use arguments that it both supports itself and that other states will find acceptable and legitimate. In light of this, it is interesting to see how the United States justifies norm-breaking behaviour. The fact that the hegemonic state sees a

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[8] Article 51 declare the member states' "inherent right of self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security" (UN 1945).

[9] Article 42 (UN 1945).

need to actively justify its actions is itself an indication of the standing of the norm. However, the explicit argumentation is the most important material in the understanding of the US attitude to the norm of non-intervention.

The chapter starts with a review of the history of non-intervention from Grotius to the post-Cold War era. Furthermore, I will consider the norm's current status and the role of the United Nations Security Council as the observer of the norm of non-intervention. Finally, I summarize the chapter and establish the implications for the empirical analysis by presenting the analytical categories.

2.1 Non-intervention from Grotius to the 21. Century

The norm of non-intervention derives from and protects the principle of state sovereignty. Vincent (1974: 15) underlines that "to ask what areas the principle of non-intervention protects is equivalent to asking what matters are within the domestic jurisdiction of states". Power asymmetries are colossal in the international system, and the vast majority of the world's sovereign states could not defend themselves if a great power decided to intervene. Hence, the norm is the necessary condition for sovereignty among states (Neumann 1997: 43; Finnemore, 2003: 7).

In the study of international affairs, the norm of non-intervention has been brought to the fore by the *English school* or the Grotian tradition. This tradition embraces the conception that norms guide the relationship between states. The norm of non-intervention is one of these constraining and constituting norms; defining limits for or rather prohibiting the use of force between states (Matlary 2002: 35).

Vincent (1974) sees the development of the norm of non-intervention as a succession of generations of political thinkers. First, there was Hugo Grotius, the first to conceive of international law as existing between sovereign states. The founding father of international law contributed strongly to the development of new political and moral standards in international affairs. In particular, respect for state sovereignty and treaties were of great importance.

In addition to Grotius, Vincent regards Hobbes and Pufendorff as precursors of the non-intervention norm with their ideas of natural equality and a state of nature. Second, Wolff's and Vattel's writings contain the first explicit manifestations of the

principle on non-intervention. Wolff formulated the concept of the *civitas maxima*, a great society brought about by a quasi-agreement between nations from which the voluntary law of nations could be derived. Vattel added to Wolff's doctrine of natural rights a general law requiring respect for those rights. Third, the positivist lawyers of the 19th century observed that the internal order of states seemed to rest on internal will, indicating that other states do not have the right to interfere in domestic affairs. Vincent also emphasises the theorists Cobden, Mill, Kant and Mazzini as promoters of state observance of the principle of non-intervention (Vincent 1974; Neumann 1997: 43).

In her study of changing patterns of intervention, Finnemore (2003: 107-108) finds that before the French Revolution, neither diplomats nor statesmen perceived the internal organization or government of states to be a threat or grounds for military intervention. After the Napoleonic Wars, internal relations were seen as one of the premier threats in international affairs. Coupled with the increased difficulty of annexing or conquering states that followed the territorial balance of The Vienna Congress, this cleared way for the construction of "intervention" – a category distinct from war.

> Military intervention to influence or alter domestic governing arrangements, leaving boundaries intact, provided a potential solution to the problem of internal threats and still respected the fundamental rules and norms of the systemic order.
>
> (ibid: 118)

International law made the concept comprehensible and credible by language and ideology. Military intervention was soon accepted as an important tool of foreign policy. Nevertheless, the rules of intervention were strongly debated throughout the post-Napoleonic period. At the eye of the storm was the question of what made intervention legitimate. One important point is, however, that there was no normative difference between unilateral and multilateral intervention in the concept's first period. In fact, it was not until after the Cold War that unilateralism became normatively problematic for states. This was a result of the fact that

international organisations got a dramatically increased role in the structuring of interventions from the beginning of the 1990s (Finnemore 2003: 117-121, 124).

Finnemore (ibid: 86-87) emphasises two components that influence patterns of intervention and that have changed over the past centuries. Firstly, the understanding of the mechanisms by which order is to be maintained has changed, and prescriptions for intervention have changed accordingly. Secondly, there have also been changes in the notions of domestic rule conducive to international order and stability. The Cold War serves as a good example. During this period, the United States and the USSR viewed respectively capitalist and communist states as threats to international stability. As a result, the two super powers on several occasions intervened to install more "preferable" governments. As we shall see, there is an interesting parallel in the post-Cold War era: The persistent focus on the spread of democracy and liberal values that is apparent in both the Clinton and Bush administrations, particularly in the latter. Moreover, the idea that domestic rule is central to international order is at the heart of the post-Cold War debates over intervention. This feature forms the basis for one of my categories used in the analysis: *Democratisation*. In chapter four and five, we will see that this argument is frequently used by both administrations, particularly in their Iraq policy.

2.1.1 After the Cold War: Humanitarian intervention

During the Cold War, collective humanitarian intervention was not a real option. There was neither will nor possibility to intervene for humanitarian reasons, because no state wanted to risk a "warm" world war for this case. The UN members viewed humanitarian intervention as a colonial remnant, and strongly disapproved of the phenomenon (DUPI 1999: 12). Also, the Security Council was paralysed by the bipolar tensions, and before 1990, the Council adopted only 22 resolutions under Chapter VII. Only a minority of these authorised the use of force (Voeten 2005: 530).[10]

With the end of the Cold War, world politics became less confrontational, and the Security Council could again show itself as a relevant actor on the international arena. In the post-Cold War era, we have witnessed a considerable increase in

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[10] The two most important exceptions were the peacekeeping force in Congo and the Korean War in 1950 (Voeten 2005: 530).

international engagement in armed conflicts and humanitarian crises. On several occasions, the Council has mandated the use of force, such as in Somalia, Bosnia and Rwanda.

Nevertheless, the Security Council's efficiency in reacting on massive human rights violations has been limited. Kosovo and Rwanda serves as severe examples of this. In Rwanda, the UNSC didn't act in time to prevent the humanitarian catastrophe. In Kosovo, the UNSC didn't act at all, resulting in a NATO intervention without UN mandate. Lack of consent in the Security Council is one explanation of the UN's limited ability to act in emergency situations. There has been discord on both what defines a threat against international peace and security, and when it is legitimate to violate the principle of non-intervention (Rawski and Miller, 2004: 358-360; DUPI: 36-40).

The interventions since the end of the Cold War have been different both in terms of context and results. According to a DUPI report (1999: 13), this underlines two problems. Firstly, how can legal limitations of uses of force without UNSC mandate be combined with the increasing desire to protect civilian individuals against human rights violations? And secondly, even in cases when there is a will to provide such protection, there exist political and instrumental limitations on the international society's ability to offer it. These questions will be discussed later in this chapter.

2.1.2 Humanitarian intervention

The argument of humanitarian intervention makes up the second analytical category in this thesis. The phenomenon of humanitarian intervention has influenced the debate about non-intervention since the time of Grotius. He defended a limited right to humanitarian intervention if a suppressed population asked another state for help to fight the suppressive power. When a state was torn by civil war, Grotian doctrine allowed intervention by outside states on the just side. This idea of humanitarian intervention had a strong position among scholars of international law up until the end of the 19th century. During the 20th century, the doctrine of humanitarian intervention disappeared from state practice and its position in international law weakened (Vincent 1974; 283-284; DUPI 1999: 11-12; Brunnée and Toope 2004: 408).

During the 1990s, we saw many advocates for a right to wage war to prevent states from human rights violation. States have come under increasing pressure to intervene militarily for humanitarian reasons, and we have witnessed several cases where states have intervened to protect citizens other than their own (Chandler 2002; Finnemore, 2003: 52; Matlary 2002). Roberts (2003: 146) defines humanitarian intervention as:

> (…) coercive action by one or more states involving the use of armed force in another state without the consent of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants.

The dilemma of humanitarian interventions is how to handle the conflict between the norm of non-intervention and the international responsibility for preventing human rights violations.

Article 2 [4] of the UN Charter must be seen as prohibiting all interstate use of armed force, included humanitarian intervention, without authorisation by the UNSC. Nevertheless, there is a debate on whether humanitarian intervention can be consistent with Article 2 [4] even without this blessing. Arguments for humanitarian intervention outside the Security Council are often related to the protection of human rights and a general responsibility for international peace and security when the UNSC is unable to act. One argument against this attitude is that the prohibition of the use of force and the principle of non-intervention are so important in customary international law that they are valid even when the UNSC system of collective security is ineffective (DUPI 1999: 85-86) .[11]

The core of the debate on humanitarian intervention is often the conflict between the concern of *order* and the concern of *justice*. Is it more important to maintain international stability and order than to protect suffering and threatened people in a conflict?[12] A difficult aspect of this relates to how we consider the world order of the 21st century. Is it built upon states and state's rights, or are we moving towards an

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[11] International law consists of treaties and customary law. Murphy (2004:5) defines customary international law as an unwritten product of interactions between states undertaken with a sense of legal obligation.
[12] For a more detailed discussion of order and justice, see Hedley Bull (1977): *The Anarchical Society: A study of Order in World Politics.*

order based on the rights of the individual? This is an important question of consideration in the weighing between order and justice. Since 1945, the principle of *human security* has gained more importance at the expense of state sovereignty. The individual is to an increasing extent seen as a significant subject in international affairs, and there is a tendency to consider the individual's security and rights as fundamental to international peace and stability. *De facto* rule over a territory no longer legitimises the denial of justice or human rights violations. The international society has a *responsibility to protect* the individual (DUPI 1999: 14-17; Forsythe 2000: 21-22; Chandler 2002: 12-13, 120; Bannon 2006).[13]

It is possible to distinguish between the *legality* and *legitimacy* of humanitarian intervention. The *legality* is defined by the norms of international law, and is a juridical term. An intervention's *legitimacy* is more politically or morally based, but could also include juridical principles. This is a less precise and formal concept, and the legitimacy of an intervention will often be controversial. An intervention could never be said to be absolutely legitimate, but rather to be "considered legitimate in general" (DUPI 1999: 23-24). As we will see in the empirical analysis, the distinction between what is legal and what is legitimate has been very relevant in US intervention policy. Both in Kosovo and Iraq, the US argued that the *legitimate reasons* to intervene were present – even without the *legal* foundation provided by the UNSC. Here, we see the link to traditional view of US exceptionalism, implying that the US has some kind of unique mandate to decide when to act or not. I will discuss this phenomenon more comprehensively in chapter three.

The arguments for the legitimacy of humanitarian interventions without a UNSC mandate can be strong in cases of extreme human rights violations. However, the legality of such interventions is highly disputed, and the UN Charter leaves no doubt about the high standing of the norm of non-intervention. Yet, this principle of international law may change according to state practice on the field (DUPI 1999: 26-27).

The quoted DUPI-report (1999: 94-98) asks whether state practice in the 1990s has developed a right to humanitarian intervention without UNSC authorisation. The

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[13] The concept of a *reponsibility to protect* was introduced by the International Commission of Intervention and State Sovereignty in 2001 (Bannon 2006). This will be considered later in this chapter.

report concludes that this is not the case. According to international law, no state has the right to intervene in another state without a green light from the Security Council – even if the purpose of intervention is humanitarian. State practice after the Cold War seems to imply an increasing acceptance of humanitarian interventions in exceptionally severe cases. Nevertheless, this is not sufficient evidence for a legally established right of humanitarian intervention without UNSC approval (ibid.). Hence, e.g. the intervention Kosovo in 1999 must be seen as a violation of international law.

2.2 The role of the United Nations Security Council

The UN Charter gave the Security Council the task of maintaining international peace and security. It has the legislative authority to take decisions binding all members, and it can take action against other states. After the Cold War, the Council has authorised the use of force several times, such as in Iraq, Haiti and Somalia (DUPI 1999: 34; Murphy 2004: 31, 57; Roberts 2004: 137-138).

The UN Charter specifies two general circumstances in which force may be justified. Firstly, every state has the inherent right to individual or collective self-defence in case of an armed attack. This right is defined in Article 51. Secondly, the Security Council can sanction the use of force if it defines a situation as being a threat to international peace and security (Voeten 2005: 530). This is explicitly stated in Article 42:

> Should the Security Council consider that measures provided for in Article 41
> would be inadequate or have proved to be inadequate, it may take such action
> by air, sea, or land forces as may necessary to maintain or restore international
> peace and security.[14]

> (UN 1945)

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[14] Article 41 says that "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, Postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations" (UN 1945).

However, the UNSC's authority is limited to cases mentioned in chapter VII of the UN Charter, and the Council can only act if none of the veto powers use their authority.[15] This clearly limits the UNSCs ability to act, and makes up a grave challenge for the Council. With a Security Council paralysed by discord, what should the international community do to handle cases of genocide and grave human rights violations (DUPI 1999: 20, 35)?

Despite its strong legitimising role, the UNSC has a grave problem when it comes to actual realisation of military operations. The Council has no military forces at its disposal; it can only mandate the use of force. Consequently, the Council's factual ability to act is at the member states' mercy. Even though article 43 in the Charter calls on the member states to make armed forces available to the UN, there are no concrete agreements binding the states to make such contributions. Consequently, the Council cannot command member states to commit their armed forces to a UN military enforcement action. As a result, several of the UNSC's humanitarian interventions have been characterised by too little action too late. This was the case both in Somalia and Rwanda (DUPI 1999: 62-63, 79; Murphy 2004: 143-144).

We cannot escape the fact that the Security Council is a political organ. It consists of states with widely different interests, and its decision-making procedures mirror the distribution of power in world politics. Furthermore, the Council has only the power and strength provided by its member states at all times. This dilemma has made the UNSC unable to act on several occasions where the UN Charter demanded action (DUPI 1999: 76-77).

Despite the UNSC's role as the legitimiser of the use of force, the United States has acted without UN mandate on several occasions. However, as we will see, UNSC resolutions have often been central in US argumentation. Hence, the UNSC is an important part of the analytical category *Breach with international law.* Moreover, it is important to see if and how the United States refers to the UNSC in general in the justification of the use of force.

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[15] The veto powers are the United States, Britain, France, China and Russia.

2.3 A changing norm

Patterns of military intervention have changed over time. Today, states intervene for reasons and in ways that were unimaginable one hundred or two hundred years ago. Finnemore (2003) argues that many of the changed patterns of military intervention are results of new understandings about the purposes to which states can and should use force. According to Finnemore, the role of international organisations and law has been of great importance in this development. Why, asks Finnemore (2003:23) did the Bush administration spend several months pursuing UN authorisation for military action in Iraq? And why was it so important to present a multilateral coalition of allies to the world society? Ikenberry (2004: 108) argues that the decision by the Bush administration to go back to the Security Council to get support for its Iraq confrontations demonstrates that even a UN-reluctant administration understands the pros of the legitimate use of force.

Finnemore's argument is that to be acceptable and legitimate today, humanitarian intervention must be multilateral. States will only intervene in another state multilaterally, and only with authorisation from an international organisation. Unilateral action is not accepted today: "It was precisely the successful export of multilateral norms that made George W. Bush's unilateral assertions so controversial and politically costly" (Finnemore 2003: 135). Considering the recent history of US-led interventions, Finnemore's arguments are both interesting and debatable. Her conclusion makes a useful point of departure for the empirical analysis of this thesis.

Over time, interstate rules about when intervention is legitimate or necessary are developed and established. Finnemore (ibid: 5) attaches these rules closely to power and interest. Rules about intervention are strongly if not completely shaped by the actions of powerful states with the actual capacity to intervene. If the great powers of today by their intervention practice show an increasing willingness to intervene for humanitarian reasons, this is more likely to be an established norm than if this attitude only can be found among countries with scarce military resources. As chapter four and five will show, the United States has used the humanitarian argument in all the four interventions analysed in this thesis. Still, it seems as if this

argument to a large extent is used strategically and to support arguments based on security.

It will also be interesting to see whether the Bush Doctrine of pre-emption will have consequences for the status of the non-intervention norm[16]. According to Roberts (2004: 133), this doctrine appears to challenge the meaning of self-defence as outlined in Article 51 of the UN Charter.

The UN Charter made human rights and the protection of the individual key elements in international law and affairs. The responsibility for protecting human rights is shared between the states and the international society. Every state is subject to international supervision, and the international society has a legitimate interest of taking action when states violate human rights and international law (DUPI 1999: 47). Today, this focus on individual security is more obvious than ever. Chandler (2002: 120) points at a degrading of border sovereignty after the Cold War:

> Since the early 1990s, international relations have been transformed through the development of new norms and practices established with the intention of protecting human rights by extending the reach of "international justice". Justice and rights protection no longer stop at the borders of the nation-state.
>
> (Chandler 2002: 120)

In 2001, the International Commission on Intervention and State Sovereignty introduced the concept of a *responsibility to protect.* The report states that when a state fails to protect its own citizens, the sovereign right to non-intervention yields to the international responsibility to protect (Bannon 2006: 1161).

Nevertheless, the norms of state sovereignty and non-intervention have traditionally a strong position in international law (DUPI 1999: 48). The UN has on several occasions stated this explicitly, both in the UN Charter (Article 2 [4]), in the Declaration on the inadmissibility of intervention (UN General Assembly 1965), in the Declaration on Principles of International Law Concerning Friendly Relations

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[16] Pre-emption refers to a direct, immediate, specific threat that must be stopped at once. It is worth noticing the distinction between *preventive* and pre-emptive. Preventive wars refer to potential, future, and therefore speculative, threats. The Bush-administration prefers to talk about *pre-emptive* war or strike (Schlesinger 2005: 23). According to Schlesinger (ibid.), the distinction between pre-emptive and preventive is the "distinction between legality and illegality", referring to the latter as the illegal type.

and Cooperation among States (UN General Assembly 1970), and in the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States (UN General Assembly 1981).

Humanitarian intervention became a hot topic at the United Nations World Summit in September 2005. The Summit culminated with an agreement that the international community, acting through the UN, bears a responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity when their own governments fail to do so. The agreement announced a willingness to take collective action through the UNSC to give such protection if peaceful means prove insufficient. The motivating force behind the summit agreement was the UN's inaction in the face of severe atrocities, such as in Rwanda and Srebrenica (UN General Assembly 2005; Bannon 2006).

Bannon (ibid: 1158) sees the agreement as strengthening the development of a new international norm regarding humanitarian protection, hence being an important contribution to international law. However, she argues that the agreement strengthens the legal justification for unilateral and regional action if the UN fails to act: "In cases of UN inaction, would-be unilateral actors can point to an explicit failure to fulfill a duty".

According to Chandler (2002: 121), the Kosovo and Afghanistan conflicts are often reckoned to have demonstrated some of the most positive features of the new age of human rights protections. But Chandler also emphasise how these conflicts have indicated potential problems with these new trends. First, while the conflicts may have shown the victory of "international justice" over sovereignty, they have also brought the relationship between "international justice" and international law to the fore. Under which circumstances can military action be justified without Security Council authorisation – the fundamental barrier against the use of force in international law? Second, the two conflicts question the perceived end of sovereignty:

> (…) it may be that we are seeing a redistribution of sovereign power; or rather,
> the acceptance of sovereign inequality. The growing acceptance of a moral
> right of some states to unilaterally or collectively exercise military power to

> uphold "international justice" and human rights indicates that sovereignty, or the exercise of state power, is being transformed. While, for some states, sovereignty is being limited, for others, it is increasingly free from traditional international constraints.
>
> (Chandler 2002: 122)

This last feature was evident in the Western response to the 9/11 attacks, where it was assumed that the United States, together with Britain, had the right to remove Taliban from Afghanistan – hence violating Afghan sovereignty. This is interesting to see as an expression of US exceptionalism. By placing itself above international constraints, the United States gives itself a unique mandate to act whenever and wherever it finds it necessary. Shaw (quoted in Chandler 2002: 137) fear that without sovereign equality, some states would be free to declare their own particular interests as law, resulting in the end of certainty and consensus about international law.

2.4. Analysing the norm in use

The international principle of non-intervention may be changed by state practice. This depends on the attitude taken by the states when they act against current norms. According to the International Court of Justice, interventions that are legally justified by a claimed right to intervene, may lead to the development of new international norms if this attitude to intervention is shared by other states. On the contrary, interventions justified on moral or political grounds, or interventions meeting international opposition, confirm rather than undermine the non-intervention norm (DUPI 1999: 91).

As Finnemore (2003: 5) points out, rules about intervention are strongly, if not completely, shaped by the actions of powerful states with the actual capacity to intervene. Because of the United States' military hegemony, this state plays a central, if not the lead part, in this picture. Therefore, it is interesting and important to analyse the argumentation behind American use of military force.

Roberts (2004: 135) argues that the United States in the 21st century views the whole world as its *sphere of influence*: "If the United States can be threatened by terrorists or by what it defines as "rogue states" half a world away, then it seeks

some right to intervene half a world away". According to Roberts, this challenges the post-1945 normative framework limiting the resort to force. Some post-Cold War US-led uses of force have posed problems for the non-intervention norm, and with the Bush administration, the doctrine of pre-emption has added to the litany of such problems. Ash (2004: 109) notes that there is a fear of the dangerous precedent this doctrine could set: "Any state could strike at any other, claiming that it was thereby pre-empting a potential terrorist threat". It is not difficult to see what grave challenges such behaviour would pose for the non-intervention norm in its traditional form.

I will end this chapter by explaining the motivation behind the analytical categories established in chapter one: National security (a), international security (b), humanitarian concerns (c), breach with international law (d) and democratisation (e). The categorisation is motivated by central features of the intervention debate after the Cold War, as discussed in this chapter.

2.4.1 National security
As this chapter has shown, protection of national interests and borders has historically been the most compelling reason for inter-state use of force. In the post-Cold War era, inter-state wars are the exception rather than the rule. However, we have seen examples of the use of national security as an argument for using military force. US military interventions after the 9/11 attacks serve as examples here. Therefore, the argument of national security is an important factor to include in the analysis. The argument is relevant not least considering one of the exceptions from the norm of non-intervention: Self-defence, as stated in Article 51 (UN 1945). Not least is this interesting in light of the Bush administration's doctrine of pre-emptive strike. Roberts (2004: 133) asserts that the doctrine appears to challenge the meaning of self-defence as outlined in Article 51 of the UN Charter.

2.4.2 International security
"Threats against international peace and security" is the other of the two exceptions from the norm of non-intervention (UN 1945). The phrase is central in UN language, and has also been used by states in relation to international terrorist threats and weapons of mass destruction. Based on this, it is interesting to see how frequently

and in which way the argument of international security is used by the United States, not least considering its mighty position in the international community. Also, this category could be helpful to see if and how the United States refers to the United Nations Security Council. This is important because of the UNSC's position as the top legitimiser of the use of force in the international community.

2.4.3 Humanitarian concerns

As we have seen in this chapter, humanitarian aspects have become central in the intervention debate after the Cold War. The idea of the international community's responsibility to protect the individual when the state fails to do so, is seemingly gaining increasing support (See e.g. Bannon 2006; Finnemore 2003; DUPI 1999). In light of this essential role of humanitarian intervention in the debate over the international use of armed force, I think the category of humanitarian concerns is important to include in the analysis. To analyse the role of humanitarian arguments in US intervention discourse is not least interesting considering the above mentioned importance of great powers in the shaping of international norms.

2.4.4 Breach with international law

States often refer to international law and violations of this in their justifications of military intervention. Roberts (2004: 56) notes that "the impressive growth of international law in the UN era" has contributed to advancing grounds for justification of use of military force. If a state persistently violates international legal norms in fields such as arms control or humanitarian law, what should the response of other states be? Despite the international acceptance of the norm of non-intervention, sometimes states or international bodies may perceive a need to use force against a state that denies desisting law violations, "yet it may not always be possible to obtain Security Council authorization for it" (ibid.). This indicates a tendency of states using the argument of international law in lack of a direct legal mandate from the Security Council. For example, international law, represented by former UN resolutions, has frequently been used to justify US action in Iraq.

Taking this into consideration, I find that the argument of breach of international law is important to include in my categorisation of US arguments.

2.4.5 Democratisation

As Finnemore (2003) points out, during the last centuries there have been changes in the notions of domestic rule conducive to international order and stability. For example, during the Cold War, the United States and the USSR viewed respectively capitalist and communist states as threats to international stability. Today, this combat between communism and capitalism is history. Nevertheless, the spread of democratic and liberal values has always been, and still is, a central part of US foreign policy (e.g. Luck 1999; Kupchan 2003; Mead 2001). I therefore regard the argument of democratisation as an important factor to include in my analysis. As the next chapters will show, this focus on democratization is definitely evident in the Clinton and Bush administrations.

2.5 Conclusion

This chapter has discussed the development and current status of the norm of non-intervention, and hence provided important theoretical and empirical background for the analysis in chapters four and five. Based on this, I have established five analytical categories that will be used as tools in the analysis.

The norm of non-intervention has changed over time, and so have the reasons to intervene. While states for centuries intervened for power, wealth and the protection of borders, protection of the individual is today the main concern of the international community. However, state interests still counts, and the UNSC's ability to act is at the member state's mercy. This challenges both the international community's ability to serve its *responsibility to protect* and the norm of non-intervention as a guiding principle in international law regarding the use of force. Not least has US unilateralism challenged the norm of non-intervention by indicating that certain states have the power of and right to putting the norm aside if necessary.

CHAPTER THREE

Leadership with ambiguity

> *Torn between nostalgia for a pristine past and yearning for a perfect future, American thought has oscillated between isolationism and commitment.*
>
> – Henry Kissinger (1994: 18)

This chapter discusses the faceted US leadership in the 20th and 21st century. I will first shortly consider some broad lines in the American foreign policy tradition, basically leaning on Walter Russel Mead's book *Special Providence* (2001). I then move on to a discussion of one of the key explanations of the US reluctance to international organisation: US exceptionalism.

The chapter is important because, as we will see, US culture and ideology in general has shaped the United States' own view of their role in the world. This has affected the US attitude to international organisation, including the relevance of international law to the US. Hence, a clear image of how the United States place itself in the international community is key to understand US attitude to the norm of non-intervention.

The question of how the United States should engage the world is as old as the US Constitution. During the first century of the new nation, the foreign policy debate was mainly between advocates of American expansionism and those being worried that the United States would loose its uniqueness, its *exceptionalism,* if it followed an expansionist path. George Washington wanted the United States to avoid permanent alliances with other countries, and complete neutrality towards Europe.

Washington's position became the cornerstone in American foreign policy (Daalder and Lindsay 2003).

With the Spanish-American War and President Theodore Roosevelt's corollary of the Monroe Doctrine, internationalists and the imperialist cause got their first triumph over isolationists in the struggle to define US interest.[17] After a period of Wilsonian internationalism in the early 1900s, isolationist sentiments started to rise in the 1930s. But with Pearl Harbour, the young nation was forced into a new world war, from which the United States emerged even more powerful and dominant than ever (Stephanson 1995; Daalder and Lindsay 2003). After World War II, the United States received a unique position in the international community. The United States secured an unchallenged leadership in the West – a bloc of countries that included "the richest, most dynamic, and most intellectually advanced societies in the world (Mead 2001: 10). Since then, disengaging from the world has never been a realistic alternative for the United States. The question has rather been *how* the United States should engage the world (Daalder and Lindsay 2003). This *how* will be central in the analysis of differences and similarities between the Clinton and Bush administrations concerning the use of force.

The relationship with the United Nations is a central part of US leadership after World War II, and the at times tensed US relationship with the Security Council is of particular interest considering the Council's role as the key legitimiser of international use of force. The US-UN relationship will therefore be considered in this chapter. I will present historic lines in this ambiguous relationship from 1945 to the end of the Cold War. After this, we will move on to the post-Cold War period, where the main focus will be the use of force. This is important background material for the understanding of the American attitude to international organisation.

3.1 American foreign policy tradition

According to Walter Russell Mead (2001), a widespread perception among American policy-makers and experts is that foreign policy played only a marginal role in the

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[17] The Monroe Doctrine was proclaimed in 1823 by President James Monroe. The doctrine declared that Europe must not become entangled in American affairs, and that the whole Western Hemisphere was an American sphere of interest. The doctrine warned the European powers that the United States would go to war to uphold the inviolability of the Western Hemisphere (Kissinger 1994: 35).

United States before World War II. Mead, on the contrary, observes that foreign policy questions influenced American politics even long before World War I. Mead also finds that American foreign policy thinking has been relatively stable, from George Washington and up until George W. Bush. The leading statesmen before and during the Civil War were often more devoted to foreign policy questions than the leaders of the Cold War. Almost every administration from Washington to Wilson sent American troops abroad or faced war crises with a European great power[18].

Mead identifies four American ways of looking at foreign policy that have competed and coexisted through two centuries. *Hamiltonians,* named after the US politician Alexander Hamilton, is commercially oriented, and regard a strong relationship between business and the national government as the key to both domestic stability and effective action internationally. *Wilsonians,* after president Woodrow Wilson, think that the United States has both a moral obligation and national interest in spreading American values throughout the world, such as democracy, self-government and the rule of law. The idea is that the spread of these values will create a peaceful, law-abiding international community. Mead asserts that from the end of Cold War to the end of the Clinton administration, Wilsonianism battled with Hamiltonianism to be the dominant force in American foreign policy.

The third direction is *Jeffersonianism*, after the third US president, Thomas Jefferson. This direction represents scepticism towards what they see as risky engagement abroad. Jeffersonians believe that American foreign policy should focus on safeguarding US values at home. Instead of spreading democracy elsewhere, the US should lead the world by example. Finally, we have *Jacksonianism*, named after US president Andrew Jackson. Jacksonians hold the protection of the physical security and economic well being of the American people as the number one priority of US foreign policy. To reach this end, any means are permissible – as long as they don't violate certain moral feelings. As we shall see in the next chapters, this particular direction is useful in the understanding of US intervention policy after the

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[18] US troops were sent to e.g. Haiti, Cuba, Puerto Rico, Uruguay, Colombia, Argentina and Peru, and the United States faced severe crises with great European powers: Great Britain, Spain (The Spanish-American War in 1898) and France (Mead 2001: 24-26).

Cold War. The analysed argumentation indicates that in the protection of US national security, the United States doesn't see the norm of non-intervention as a sufficient hinder against the use of force. Leira (2003: 361) argues that the value of this school for the understanding of US foreign policy has become even more obvious after 9/11: "The Jacksonian features in the speeches of Bush and Rumsfeld are blatant to the extent that it borders the grotesque" [My translation].

The four directions clearly differ on their view on how United States should behave in the international system. Hamiltonianism and Wilsonianism embrace universal values and want the United States to build an international order and accommodate itself to the rest of the world to maintain that order. The supporters of the two other schools resist any such thought of US accommodation. They believe that the object of foreign policy should be to defend American values rather than to extend them abroad (Mead 2001: 175, 238). However, the four schools share the main characteristic of US foreign policy tradition: US exceptionalism. They all embrace the notion of a United States with a unique position in the world.

3.2 US exceptionalism – the belief in American uniqueness

Since the early settlers, the US has seen itself as a great experiment in personal liberty that has implications for the planet. Both mass and elite viewed the United States as a beacon of freedom to the world. Gradually, the sense of US exceptionalism has developed in the American society, and this belief in the exceptional freedom and goodness of the American people is at the heart of the dominant American political culture (Forsythe, 2000: 141-142).

In his book "Manifest Destiny" (1995), Anders Stephanson emphasises the American view of the United States as God's chosen nation, and how this has formed American foreign policy thinking. This is to a large extent the core of US exceptionalism. Stephanson argues that the American belief in a "manifest destiny", the United States' providential assigned role in the world, is of vital importance for how the United States understands itself in the world.

During the United State's first 130 years or so, the most common foreign policy debate was between the imperialists and the anti-expansionists. Then, with

Woodrow Wilson came the idea of liberal internationalism. Like all his predecessors, President Woodrow Wilson had an unshakable belief in American exceptionalism. What made Wilson different from former presidents was his view of the US "manifest destiny" as an incentive to lead and improve the world. To him, this special mission was precisely what defined "America" (Stephanson 1995: XII; Daalder and Lindsay 2003: 6). As the nation chosen by the finger of God, the United States was bound to make a good example for the world. This vision has led to two different ways of acting toward the rest of the world, according to Stephanson (ibid.): "The first was to unfold into an exemplary state *separate* from the corrupt and fallen world, letting others emulate it as best they can. The second, Wilson's position, was to push the world along by means of regenerative *intervention*".

As Luck (1999: 16-18) points out, the US has had remarkable success in exporting its values and culture. Wilson phrased that "America is great because of the ideas she has conceived", and for most of the last century, the US has made the spread of these ideas a world mission. Even isolationists in the interwar period spoke of an America that would be ready to defend its core interests and principles whenever and wherever it deemed necessary. According to Luck, we have witnessed a foreign policy that has been drawn with sweeping, at times messianic strokes – a policy suitable for what former president Bill Clinton has termed "the indispensable nation" (ibid.).

3.3 Exceptionalism and International Organisation

One central idea of American exceptionalism claims that the US is so different from other countries that it cannot – or will not – fit comfortably into the decision-making and norm-setting structures of global political bodies. Luck (1999) argues that US exceptionalism proved to be one of the most common obstacles to successful international cooperation in the 20th century. Luck (ibid: 16) finds that the unprecedented American power

> "(…) combined with deep strains of idealism and ideology, shaped by a
> singular history, and conditioned by a political system defined by the
> separation of powers and by partisan differences over foreign policy, American

relations with the League of Nations and the United Nations have proven
more persistently problematic than those of any other nation (…)".

From this exceptionalist perspective, international law and organisation have been expected to express, embody, and extend the American dream – not to challenge or modify it. The US constitution and its bill of rights have since the founding of the United States symbolised a divine inspiration to lead the world to greater respect for personal freedom. Thereby, US law was not to be trumped by any international law to the contrary. While some states have a constitution that gives international law clear primacy, the United States has not. The United States generally opposes the making of international law and organisation that might seriously restrain the independent or unilateral exercise of US power (Forsythe 2002: 975, 981). Even among internationalists you can find an attitude that views the US as the centre of the political and economic universe. Some so-called triumphalists have claimed that American hegemony is good for the world and that a true multipolar system would be less benevolent and less stable (Luck 1999: 16; Kagan 1998).

Ikenberry (2004) argues that after the Cold War, the rise of unipolarity has made the United States able to untie itself from the constraints of post-war obligations and responsibilities: "The US needs the world – partners, rules, alliances and institutions – less than other states do, and so it can recapture its sovereignty and freedom of action" (ibid: 85).

US exceptionalism has several possible implications for the American attitude towards the norm of non-intervention. Because of the US opposition to restraining international law, we can expect that the United States will not let an international norm to be in its way if a certain situation demands the use of force. A United States with Jacksonian features would allow the use of all available means in the protection of US interests. Alternatively, the Wilsonian view of the US "manifest destiny" as an incentive to lead and improve the world could lead to a United States acting as a world policeman, placing itself above international law and intervening whenever it feels it is necessary. Nevertheless, a United States following an exceptionalist line would not let international norms decide when to use force.

Clearly, the superiority of US power represents a challenge for a multilateral world order. Ideally, multilateral organisations would flourish in a multipolar world in which power, wealth and political values were more evenly distributed. When one member state is considerably more powerful than the rest, it is difficult to avoid a reflection of this power disparity in the organisation's decision-making processes. This dilemma has been a grave problem for the functionality of international institutions throughout the last century (Luck 1999: 24).

In the United Nations, the dilemma has become particularly obvious in the case of Iraq and in the dispute over US failure to fulfil its financial commitments to the UN. Nevertheless, despite harsh criticism from other member states, most world leaders want a strong US president and a united America, according to Luck (ibid: 26-27). Luck argues that few UN members would dispute that the United States *is* indispensable to the success of many international undertakings, given its unique position in the international system. Hence, we can find the same ambivalence towards the US among world leaders as we see in American foreign policy towards international organisations.

In the American public opinion, however, multilateral approaches are preferred over unilateral action. Most Americans actually want the US to engage the world through multilateral institutions. But because of a traditional public indifference to foreign policy, the battlefield has been left to those with special interests. This explains much of why the US-UN relationship has been so full of conflicts despite an American majority being in favour of the world organisation (Nye 2002: 133-134).

3.3.1 The US-UN relationship

The US-UN relationship has been ambiguous yet from the beginning. In 1995, then United States' UN ambassador Madeleine Albright claimed that:

> *From the day we signed the UN Charter, Americans – Republican and Democrat – have viewed the United Nations not as an end in itself, but as one instrument, among many, for advancing US goals.*

(quoted in The Stanley Foundation 1995: 5)

More than any other country, the US was responsible for the creation of the United Nations – the most prominent of all the organisations in the post-war world order. It is not very controversial to argue that US enthusiasm in the creation process was a key determinant for the broad support and success of the United Nation. Yet, as Cronin (2002: 115) points out, "(…) the US has alternately been both the UN's most enthusiastic advocate and its harshest critic".

Even before the paralysing Cold War conflicts, the US had trouble unifying its position as the dominant power with the responsibilities of global leadership. As a treaty-based, universal organisation based on liberal principles of international organisation and law, the UN would commit most states to accept a set of norms that were consistent with American values. By institutionalising these norms within a legally binding treaty, the UN would help to maintain the status quo and legitimise the American pre-eminent role in international affairs (Cronin 2001: 116).

During the UN's first years, the United States was a principal defender of the law of the Charter. The US insisted on the Charter's validity, and on its interpretation to strictly limit the tolerable uses of force (Henkin 1989: 52-53). The UN majority was behind the US, which was considered to be the leading nation both intellectually and politically. As a result of the colonial entry in the 1960s, US influence in the General Assembly declined sharply during the 1960s and the 1970s (Murphy 2004: 3-4).[19] After a brief period of dominance, the US soon found that it could not control the organisation it had been so influential in creating (Cronin 2001: 117).

3.2.2 Sharing the Council Cake

In the planning of the United Nations, the US was enthusiastic at the thought of a powerful Security Council. At Dumbarton Oaks and San Francisco, the US delegates strongly supported the Security Council veto provisions (Schlesinger 2003; Rawski and Miller 2004: 357). In practice, the Americans soon discovered that the other great powers could use the veto to thwart US initiatives as well. In the Security Council, the United States had to share its authority with the other great powers (Cronin 2002:

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[19] During the 1960s, the number of UN members accelerated dramatically as a result of the colonial liberation. The so-called third world countries suddenly constituted the UN majority, a majority strongly influenced by the Soviet Union (Murphy 2004: 3-4).

118). Consequently, the world organisation provided both opportunities and constraints for the United States in its pursuit of global hegemony – even before the onset of the Cold War. Over time, the US became increasingly frustrated at its inability to build a UN consensus around the American vision of world order. As a result, the US practically abandoned the UN road to leadership for three decades (Cronin 2002: 118).

During the Cold War, the bipolar stalemate practically paralysed the UN Security Council and thereby shattered the UN's work for peace and security in this period (Mingst and Karns 2000; Murphy 2004: 183). Schlesinger (2003: 284-285) notices that after the fall of the Berlin Wall, the veto had the "paradoxical effect of turning the Security Council into one of the few countervailing powers to the United States". Because of its unique role as the only global body to legitimise the use of armed force, the Council got a more central role in world affairs after 1989. The legitimacy of the Council forced the great powers to seek its approval before going to military action. Otherwise, they risked having to act outside of international law (ibid.). This normative "dilemma" has not least become obvious when we look at military intervention. As we shall see, the role of the Security Council has been of varying importance to the United States in the four cases considered here.

3.3.3 A new world – new possibilities

With the end of the Cold War came a revived belief in international cooperation (Murphy 2004: 2). A multilateral optimism spread and held promise of a well-functioning system of cooperation, and the Security Council got the chance to resurrect as an important and active institution. During the 1990s, the Council changed its approach to conflicts and conflict resolution, and the use of the veto power dropped considerably (Rawski and Miller 2004: 358-360; Malone 2003: 74). The leadership or strong support of the United States led to Council innovation in several areas, including international law governing the use of force, the establishment of international criminal tribunals, peacekeeping, and the use of economic sanctions. The US was the driving force behind the intervention in the

Persian Gulf in 1991, the intervention in Somalia in 1992 and in Haiti in 1994 (Rawski and Miller 2004: 358-360).

When Iraq invaded Kuwait in 1990, the Security Council faced its first challenge of this decade. The Council passed the test. With the US administration under George H. W. Bush in the forefront, the Council authorised the use of force by a US-led coalition for the first time since the Korean War (Murphy 2004: 4). Cronin (2002) argues that the US took the opportunity of the Gulf crisis to reassert American leadership by regaining its dominant role in the UN.

Resolution 678 on Iraq marked a high point of US-UNSC collaboration in this rather successful period. Nevertheless, the new optimism was soon dispelled by the UNSC's disappointing lack of ability to deal with the conflicts in Bosnia-Herzegovina, Somalia and Kosovo (Murphy 2004).

Despite the establishment of a liberal international order in the early 1990s, the tensions in the UN-US relationship remained. The core of these tensions was the dilemma of attempting to build a consensus around American leadership while simultaneously asserting American self-interest (Cronin 2001: 118). The cooperative stance soon gave way to American unilateralism and progressive marginalisation of the Council: "US aid to and support of Council initiatives in this period never came without a prize" (Rawski and Miller 2004: 362).

3.4 Conclusion

In this chapter, I have sketched out some relevant features of US leadership and foreign policy in the 20th and 21st centuries. What becomes particularly clear, is the essentiality of US exceptionalism to the research question of this thesis. This view of a superior America with a "manifest destiny" is a key in the understanding of US self-understanding and its behaviour on the international arena.

As we shall see in chapters four and five, US exceptionalism is a stabile, continuing feature of US foreign policy – independent of the US administration's political colour or the president's name. Exceptionalism seems to result in an US attitude saying that because of the United States' unique position, it should not let itself be restrained by international arrangements. Hence, exceptionalism will be a

prominent explanatory variable to US action in international politics. In both administrations considered in this thesis, exceptionalism is of great importance in the understanding of their attitude to the use of military force and the norm of non-intervention.

CHAPTER FOUR

The Clinton Administration and the Norm of Non-Intervention

We can't prevent every conflict or stop every outrage. But where our interests are at stake and we can make a difference, we should be, and we must be, peacemakers.
<div align="right">– President Bill Clinton, January 27, 2000.</div>

This chapter will look at the Clinton administration's intervention policy, and will concentrate on the argumentation behind the military actions in Iraq in the 1990s and in Kosovo in 1999.[20] These cases are of particular interest because of the disputed legitimacy of the use of force. In Iraq, the Clinton administration acted militarily both with and without UN mandate, and in Kosovo there was no Security Council authorisation of the use of force.

On many fields, the Bill Clinton administration to a large extent represented a continuation of the traditional Wilsonian approach of building a world order based on the rule of law. However, Clinton's opponents criticised him for failing to assert American primacy after the Cold War. Instead of recognising that the United States now had free reins, they argued, the Clinton administration ensnared the country in multilateral frameworks (Daalder and Lindsay 2003: 12).

Rhetorically, the Clinton administration was committed to liberal internationalism. It insisted on US leadership through multilateral institutions and wanted to shape international order by consensus. The United States was *the indispensable nation* because of its abilities of coalition-building and organising joint

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[20] Regarding Iraq, the focus will be on Operation Desert Fox in December 1998.

action (Kupchan 2002: 14). Yet, Kupchan (ibid.) argues that "the record belies the rhetoric". The Clinton administration was in principle committed to a multilateral brand of international governance, but frequently, it felt compelled to act alone.

Early in its White House period, the Clinton administration asserted that US interests could be advanced through the Security Council. Like his predecessor, George H. W. Bush, President Clinton saw that action through the UN allowed the US to share the cost of international intervention with other countries (Malone 2003: 87). However, it soon became clear that the administration would put the UNSC aside if it found this to be in US interest. In Kosovo, Kagan (2003: 52) notes, the Clinton administration learned the lesson that multilateral action, even with the best intentions, could not succeed without a significant element of unilateralism: "The Clinton administration had come into office talking about *assertive multilateralism*; it ended up talking about America as "the indispensable nation"".

In its *National Security Strategy for a New Century*, launched in 1997, the Clinton administration underlined that it would use armed force if this was necessary, and that military force and the credible possibility of its use are essential to defend American vital interests and security: "We will do whatever it takes to defend [these interests], including – when necessary – using our military might unilaterally and decisively (The White House 1997: 12)."[21]

As the Clinton record shows, this was not only rhetoric. President Clinton ordered the use of military force several times during his time in office, not only in Iraq and Kosovo, but also in Somalia, Haiti, Bosnia, Sudan and Afghanistan. Somalia was the only conflict in which US soldiers were killed, leading Clinton to immediately withdrawing US troops.[22]

This chapter starts by discussing some general features of the Clinton administration's intervention policy, particularly focused on the Clinton Doctrine.

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[21] As the administration's first strategy, *A National Security Strategy of Engagement and Enlargement* (The White House 1994), the *National Security Strategy for a New Century* was re-launched once a year . However, the basic principles were the same.

[22] In October 1993, 18 American soldiers were killed in Mogadishu. The killings led to a public outcry in the United States, and the Clinton administration immediately withdrew its troops. The incident led to the so-called "body-bag"-syndrome, which has created a barrier against US hard power intervention abroad. Consequently, any intervention had to be risk-free. This implied air power – and no land forces (Mingst and Karns 1995: 94-95; Matlary 2002: 216). The willingness to put *boots on the ground* has increased with the Bush administration's extensive war on terror.

Then follows an analysis of the argumentation behind the Clinton administration's operations in Iraq, with special focus on Operation Desert Fox, before I discuss Operation Allied Force in Kosovo. The argumentation will be arranged into the five categories set out in chapter one: National security (a), international security (b), humanitarian concerns (c), breach with international law (d) and democratisation (e). I will also shortly discuss the legality versus the legitimacy in both interventions.

Finally, I summarise the findings and give some concluding comments.

4.1 The Clinton Doctrine

Halberstam (2001) argues that Bill Clinton by instinct was interested in domestic policies, and that foreign policy remained distant to him. An examination of President Clinton's State of the Union speeches from 1993 to 2000 shows that foreign policy is left far from the same attention as domestic issues. The use of force against a foreign enemy is just indirectly considered, and Iraq and the regime of Saddam Hussein is, together with North Korea, the main consideration. For example:

> For the foreseeable future, the United States, in concert with regional allies, must remain able to deter credibly and defeat large-scale, cross-border aggression in two distant theatres in overlapping time frames. As long as countries like Iraq and North Korea remain capable of threatening vital US interests, this requirement is only prudent
>
> (The White House 1997: 16)

The focus on American interest as the main priority is explicit in the Clinton administration's security strategies: "Since there are always many demands for U.S. action, our national interests must be clear" (The White House 1997: 12). Three interest categories are listed. The first includes the vital interests of broad importance to the survival and safety of the United States. Secondly, there are situations where important interests are at stake without affecting US national survival, exemplified by the intervention in Haiti and the NATO operations in Bosnia. Interestingly, the third category involves humanitarian interests:

> In the event of natural or manmade disasters or gross violations of human
> rights, our nation may act because our values demand it. Moreover, in such
> cases, the force of our example bolsters support for our leadership in the
> world.
>
>   (ibid.)

As this chapter will show, this humanitarian argument was frequently used by the Clinton administration to legitimise military action in Kosovo in 1999. The humanitarian aspect of Clinton's foreign policy is definitely present, but the analysis indicates that the US motivation is rather strategic than idealistic or moralistic. Kupchan (2002: 13-14) argues that Clinton by the interventions in Bosnia and Kosovo created confusion about the circumstances under which America would use force. In these interventions, Clinton stressed the humanitarian rather than the strategic motivation, by many viewed as hence offering a new doctrine of intervention. Krauthammer (1999) sees the following quote as a summary of a *Clinton Doctrine*:

> I want us to live in a world where we get along with each other, with all of our
> differences, and where we don't have to worry about seeing scenes every night
> for the next 40 years of ethnic cleansing in some part of the world.
>
>   (Clinton 1999b: 13)

The words were uttered on March 23, the day before the bombing of Kosovo started, and have a clear humanitarian basis. The president's words are visionary, emphasising peace and harmony in a world of differences "where we don't have to worry" – implying "as we do now".

Klare (1999), on the other hand, finds the following quote from a speech on February 26, 1999, as the most explicit expression of the Clinton Doctrine:

> It's easy, for example, to say that we really have no interests in who lives in this
> or that valley in Bosnia, or who owns a strip of brushland in the Horn of
> Africa, or some piece of parched earth by the Jordan River. But the true
> measure of our interests lies not in how small or distant these places are, or in
> whether we have trouble pronouncing their names. The question we must ask

is, what are the consequences to our security of letting conflicts fester and spread? We cannot, indeed, we should not, do everything or be everywhere. But where our values and our interests are at stake, and where we can make a difference, we must be prepared to do so. And we must remember that the real challenge of foreign policy is to deal with problems before they harm our national interests.

(Clinton 1999e: 3)

This quote is from a speech held just a month before Operation Allied Force in Kosovo started. Here, Clinton's argument seems to be that no matter how far away a conflict is, the United States has to ask how this conflict can harm US interests and values. As we will see later in this chapter, this type of argumentation was frequently used by President Clinton to justify US action, not least why the intervention was important to US interest.

For Klare, the essence of the Clinton Doctrine is that the best way to maintain stability in the areas that truly matter to the United States, like Europe, is to fight instability in other areas before it can intensify and spread – no matter how insignificant these areas may seem. Klare interprets the bombing of Kosovo as part of this larger *strategic* doctrine. What I see in this quote, however, is a foreshadowing of a type of argument that is repeating itself in US language regarding the use of force: To justify a military operation abroad, US national interest and security have to accompany the humanitarian argument.

In particular, we should note the language resembling the Bush administration's pre-emptive strategy: "(…) the real challenge of foreign policy is to deal with problems *before*[23] they harm our national interests" (Clinton: ibid.).[24]

The problem of defining a Clinton Doctrine based on a humanitarian aspect is the lack of consistence. As Kupchan (2002: 14) underlines, the Balkans did not establish a precedent for American military intervention. The United States abstained from involvement in Rwanda, East Timor, Sudan, Sierra Leone and other sites of ethnic and religious conflict throughout the 1990s. Kupchan quote Secretary of State Madeleine Albright's attempt to reinterpret the so-called Clinton Doctrine: "Some

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[23] My emphasis.

[24] The Bush Doctrine of pre-emption was announced in 2002, and will be considered in the next chapter.

hope, others fear, that Kosovo will be a precedent for similar interventions around the globe. I would caution against any such sweeping conclusions"(ibid: 13).

A possible sum-up of the Clinton doctrine may be strategic intervention to combat instability – justified by humanitarian arguments. This is, for example, shown in the following argumentation regarding the Kosovo intervention, where Clinton is using the humanitarian argument strategically:

> I have a responsibility as President to deal with problems such as this before
> they do permanent harm to our national interest. America has a responsibility
> to stand with out allies when they are trying to save innocent lives (…).
>
> (Clinton 1999d: 5)

Moreover, I think the following quote from Clinton's State of the Union Address in 1995 can illustrate a possible Clinton Doctrine:

> Our security still depends on our continued world leadership for peace and
> freedom and democracy. We still can't be strong at home unless we're strong
> abroad.
>
> (Clinton 1995: 16)

This is a phrase that repeats itself in both Clinton's speeches (e.g. Clinton 1996; 1999b; 1999c) and the Clinton administration's National Security Strategies (The White House 1994; 1997).

4.2 Iraq – the intermezzo

Iraq has been a high priority in US foreign policy since the end of the Cold War – not least after the Gulf War in 1991 (e.g. Thune 2003; Kagan and Kristol 2005). Being continuously reminded of the Iraq intervention in 2003 and its consequences, it may be easy to forget that the United States has been involved militarily in Iraq since the Gulf War.

The Clinton administration led an active policy on the Iraq issue, and made a future regime change in Iraq central in this policy. Saddam Hussein was considered a

serious threat both to US and international security: "As long as Saddam Hussein remains in power, he will continue to threaten the well-being of his people, the peace of the region and the security of the world" (Clinton 1999a: 2). During the Clinton years, the US bombed Iraqi targets on several occasions, motivated by both humanitarian and security arguments.

On April 3, 1991, the Security Council adopted Resolution 687 on Iraq. The resolution decided that Iraq unconditionally must accept the destruction of all its chemical and biological weapons and its most far-reaching ballistic missiles. Iraq must also agree not to acquire or develop nuclear weapons or material usable for such weapons, and allow a commission of UN weapon inspectors to investigate Iraq's weapon capabilities (UNSC 1991b; Da Silva 2004: 206-207). Shortly after the de facto cease-fire to the Gulf War, there were reports of attacks by Iraqi forces against Iraq's Kurdish and Shiite populations. This caused nearly two million refugees to flee toward the Turkish and Iranian borders. On April 5 1991, the Security Council agreed on Resolution 688, which condemned the repression of the Iraqi civilian population. Also, the Council defined "the massive flow of refugees" as a threat to international peace and security in the region, and demanded Iraq to immediately end the repression of civilians. In addition, the Council insisted that Iraq allowed "immediate access by international humanitarian organisations" to those in need of assistance (Murphy 2004: 150-151; UNSC 1991b). The Council appealed to all member states and humanitarian organisations to contribute to the UN humanitarian relief efforts in Iraq.

The United States, Britain and France cited this resolution to justify the establishment by force of refugee camps in northern Iraq. These countries also used Resolution 688 to justify no-fly zones in northern Iraq to protect the Kurdish population, and in southern Iraq to protect the Shiites. The Secretary General, on the other hand, suggested the need for Iraq's consent or further Security Council action on the matter (Murphy ibid.).

It is worth noticing that Resolution 688 *does not* invoke Chapter VII of the Charter. On the contrary, it recalls Article 2 (7) and reaffirms "the commitment of all Member States to respect the sovereignty, territorial integrity and political independence of

Iraq and of all States in the region". [25] As Murphy (ibid.) points out, nothing in the resolution language implies an authorisation of the use of armed force to protect the civilian population of Iraq.

Still, throughout the 1990s and into the 2000s the United States (together with other states) employed the use of armed force in and over Iraqi territory. Air strikes and other military action were taken when Iraq violated the cease-fire resolution, trespassed into Kuwait, attacked civilians or otherwise demonstrated hostile behaviour. In the following, I will have a look at the argumentation used to justify the American use of force.

4.2.1. The argumentation

In a White House statement on Iraq, the Clinton administration states that its Iraq policy rests on three pillars:

> "(…) containment of Saddam Hussein to prevent him from rebuilding his
> weapons of mass destruction (WMD) programs or threatening his neighbours;
> humanitarian relief for the Iraqi people to minimize their suffering at the hands
> of Saddam Hussein; and supporting regime change to remove Saddam
> Hussein from power so that Iraq and its neighbours can live in peace.
>
> (The White House 1999: 1)

In this statement, we can observe all of the five argument categories used in this analysis. We see the national and international security arguments through the WMD-pillar. The "international law" argument may also be placed her. In pillar two and three, we see the humanitarian and regime change argument explicitly. As we will see, this "three pillars policy" is evident throughout all the material analysed in this sequence.

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[25] Article 2 (7) states that "(N)othing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII" (UN 1945).

a) National security

The national security argument is frequently used to justify Operation Desert Fox. On the first day of the operation, President Clinton declared that the air strikes' "purpose is to protect the national interest of the United States and, indeed the interest of people throughout the Middle East and around the world" (Clinton 1998c: 1). Even though the president justified the attacks by an international interest argument, US national interest had first priority. The next day, a White House statement underlined that "President Clinton acted in the national security interest of the United States" (White House 1998: 2). Here, we see a hierarchy of security arguments. First, the US will protect its own national interest. Second comes regional security, and last, international security.

    The president himself underlined that the use of military force is never desirable, but sometimes it is necessary to protect US interests:

> Once more, the United States has proven that, although we are never eager to
> use force, when we must act in America's vital interest, we will do so.
>
> (Clinton 1998c: 8)

This quote indicates a rather pragmatic US approach to the norm of non-intervention. The attitude seems to that the norm of non-intervention is a useful guide, but when the United States feel compelled to use force, it will not hesitate to break the norm.

b) International security

This argument had high priority in the Clinton administration's argumentation. The administration considered Iraq as a serious threat to both international and regional security and US interests:

> Our policy is directed not against the people of Iraq but against the aggressive
> behaviour of the government. Until that behaviour changes, our goal is

containing the threat Saddam Hussein poses to Iraq's neighbours, its people,

the free flow of Gulf oil and broader US interests in the Middle East.

(The White House 1997: 34)

The argument of Saddam Hussein being a threat to regional and international security is repeatedly put forward by the United States: "Saddam Hussein remains an impediment to the well-being of his people and a threat to the peace of his region and the security of the world" (Clinton 1998f). Here, we also see the humanitarian argument: Saddam Hussein is an obstacle to the well-being of his own people. However, as we shall see in the US language on the Iraq war of 2003 as well, the argument of international security is used to accompany and strengthen the argument of national security. Apparently, to convince the international community about the necessity of the attacks, the United States focuses strongly on international security.

c) Breach with international law

The lack of Iraqi willingness to cooperate with the UN Special Commission of weapons (UNSCOM) and the International Atomic Energy Bureau (IAEA) has been central in the conflict between Iraq and the international community. Iraq refused to guarantee the safety and free movement of the inspectors, and during the 1990s, intensified Iraqi interference resulted in the departure of the inspectors in 1998 (Da Silva 2004: 207; Murphy 2004: 152).

On December 16, 1998, the four days long Operation Desert Fox was launched by the United States and Britain as a reaction to Iraqi refusal to allow the inspectors to recommence their functions. The UNSC did not authorise it, and some Council members uttered various degrees of disapproval. Nor did the United States and Britain obtain the Security Council's authorisation for the operation, but merely referred to UNSC resolutions 1154 and 1205 as providing the legal basis for the attack. The resolutions had been passed under Chapter VII, but did not make explicit provision for the use of force (Gray 2002: 11; Lobel and Ratner 1999). The plan was to attack and destroy Iraq's nuclear, chemical, and biological programs, and the state's military capacity to threaten its neighbours. The purpose was, as stated above, "to

protect the national interest of the United States and, indeed, the interest of people throughout the Middle East and around the world" (The White House 1998).

The Council and the US administration warned Iraq several times that non-compliance with Council demands would be regarded as a "material breach" of its obligations and lead to serious consequences (E.g. Clinton 1998b: 2; Da Silva 2004: 208). According to the United States and Britain, the Iraqi acceptance of Resolution 687 and its obligations, a material breach of these obligations revived the authorisation to use force given by Resolution 678. France, Russia and China, however, contended that only the Council could take the decision to resort to force (Da Silva: ibid.).

In the White House statements on the air strikes, there is a clear focus on US leadership and decision-power in the Iraq issue – the Security Council is nearly overshadowed: "The United States gave Iraq the opportunity to avoid air strikes", "The president decided to give Saddam one last chance (…)" (The White House 1998). On December 16, 1998, President Clinton (1998c) stated that

> (i)f Saddam can cripple the weapons inspections system and get away with it,
> he would conclude that the international community, led by the United States,
> has simply lost its will".

Non-compliance with the UN weapons inspectors regime is central in the argumentation behind the use of force. Iraq's breach with Security Council resolutions is fundamental in US language on the matter, and is constantly repeated by the administration. For example, in February 1998, President Clinton, warned Saddam Hussein that he must "give the weapons inspectors full, free unfettered access to all suspected sites anywhere in Iraq" (1998e: 1). Clinton also underlined that "there will be serious consequences" if Iraq failed to comply with the UN, and that if Iraq did not comply,

> everyone would understand that then the United States and hopefully all of
> our allies would have the unilateral right to respond at a time, place and
> manner of our own choosing.
>
> (1998b: 3)

A White House Statement emphasises that President Clinton ordered Operation Desert Fox against Iraq for "its failure to comply with the United Nations Special Commission's (UNSCOM) weapons inspections (…)" (White House 1998: 1).

The president focused strongly on Saddam Hussein's non-compliance as a main argument for using force against Iraq, e.g.: "The international community gave Saddam one last chance to cooperation with the weapons inspectors. Saddam has failed to seize the chance" (Clinton 1998c: 5). The president stated that Saddam must not be permitted to "defy the will of the international community. Without a firm response, he would have been emboldened to do that again and again" (Clinton 1998d: 1).

Also, Clinton expressed that Operation Desert Fox had the intention of putting pressure on Iraq: "I hope Saddam will come into cooperation with the inspections system now and comply with the relevant UN Security Council resolutions" (1998c: 6). Thus, Operation Desert Fox had the function of demonstrating the consequences of non-compliance.

d) Humanitarian concerns

The US administration continually used humanitarian arguments about the operations in Iraq. Every attack aiming to destroy Iraqi military targets, was supported by arguments criticising Saddam Hussein for mistreating his own people and that the Iraqi people deserved a new, humane regime. In his first announcement concerning Operation Desert Fox on December 16, 1998, President Clinton underlined that Iraq needs a new government "that respects the rights of its people" (1998c: 7). Moreover, Clinton underlines that "this crisis also demonstrates, unfortunately, once again, that Saddam Hussein remains an impediment to the well-being of his people (…) (Clinton 1998f: 3).

Clinton also emphasised the danger of Saddam Hussein attacking his own people with weapons of mass destruction:

> He has used such weapons before against soldiers and civilians, including his own people. We have no doubt that it is left unchecked that he would do so again.
>
> (1998d: 1)

By using the expression "no doubt", Clinton here makes it clear that without international action, Saddam Hussein will use WMDs again. The message is that military means are necessary to save the Iraqi people from Saddam Hussein.

The material analysed here implies that the humanitarian aspect was not as outspoken and dominating as the security arguments and the international law arguments in Operation Desert Fox and US language on Iraq in general. The analysis suggests that the humanitarian arguments to a larger degree had the role of supporting and strengthening the other types of arguments, rather than being the top priority of US policy.

e) Democratisation

This argument is not very evident in the speeches and documents considering the Iraq question. However, regime change in Iraq was an outspoken goal in US foreign policy also under Clinton. In October 1998, the administration supported the Iraq Liberation Act, which stated that it should be US policy to support efforts to remove the regime of Saddam Hussein and promote democracy in Iraq. Regime change was also a recurrent issue in the argumentation for "the containing of Saddam Hussein's Iraq" (E.g. Clinton 1998a and 1998d; The White House 1999; Kagan and Kristol 2005: 24). In a speech on November 15 1998, President Clinton claimed that the best way to address the Iraqi threat was through "a government in Baghdad – a new government – that is committed to represent and respect its people, not repress them; that is committed to peace in the region" (Clinton 1998f: 3). A White House statement on Operation Desert Fox declared that the president "will work toward the day when

Iraq has a government worthy of its people" (White House 1998: 2). In his speech on the first day of Operation Desert Fox, President Clinton himself emphasised the importance of regime change in Iraq:

> The hard fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of his region, the security of the world. The best way to end that threat once and for all is with the new Iraqi government, a government ready to live in peace with its neighbours, a government that respects the rights of his people.
>
> (1998c: 7)

As we can see, the president does in fact use both the humanitarian argument and the international security argument here. Clinton emphasises regime change in Iraq as the best solution both to give the Iraqis a better life, and to strengthen regional and international security.

4.2.2 *Legality vs. legitimacy*

Da Silva (2004: 205, 211) argues that Operation Desert Fox complicated rather than eased the Iraq situation. The immediate outcome of the air strikes was Iraq's refusal to let UNSCOM and the IAEA return, and the decision to stop all cooperation with the UN except the oil-for-food program.

The UNSC resolutions used by the US to legitimise *Operation Desert Fox* against Iraq did not explicitly authorise the use of force. Murphy (2004: 153-154) questions whether it is ever justifiable to rely on an implicit Security Council authorisation of the use of force. Murphy argues that the approach adopted by the US and Britain "seems incompatible with a rule of law paradigm". The UN Charter is clear on barring the use of force to settle disputes, and hence, arguably, Security Council authorisation of the use of force must be explicit (Lobel and Ratner 1999; Murhpy 2004).

Thus, both the legality and the legitimacy of the Operation Desert Fox is questionable. What seems to be clear is that the United States acted against the will of the UNSC.

4.2.3 Summary

The Clinton administration's "three pillars policy" on Iraq, as described above, is evident throughout the argumentation analysed here. The security arguments are in front, but also the arguments of humanitarian concerns, breach of international law and democratisation are all frequently used. Yet, the material implies that the security arguments and the arguments of international law were the most prominent in the Clinton administration's intervention policy against Iraq.

4.3 Kosovo: US interest and the humanitarian argument

From 1998, the Security Council became involved in Kosovo. The humanitarian crises here would mark a severe defeat to the integrity of the Security Council. The international community first sought a diplomatic solution, but negotiations failed. In 1998, the UNSC adopted two resolutions under Chapter VII of the Charter (UNSC 1998a and b). However, it was clear that the Council would never authorise a military intervention in Kosovo. Both Russia and China threatened to veto any resolution authorizing the use of military force, leading NATO to take military action without seeking a Council mandate. On March 23, 1999, NATO attacked Kosovo in an air campaign that would last up until June 10 the same year. The operation was named Operation Allied Force. The right of self-defence was not applicable as none of the NATO member states were threatened by instability within Kosovo, and there was no Security Council mandate.[26] However, NATO member states interpreted the situation such that there were sufficient humanitarian grounds to act (Chandler 2002: 17, Matlary 2002: 209; Murphy 2004; 155). "NATO intervened in Kosovo to halt a humanitarian catastrophe and restore stability in a strategic region lying between Alliance member states" (NATO 2003).

In the following, the US arguments behind the NATO operation in Kosovo will be discussed.

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[26] See article 5 in The North Atlantic Treaty (NATO 1949).

4.3.1 The argumentation

President Clinton declared three objectives for the air strikes in Kosovo: First, to demonstrate the seriousness of NATO's opposition to aggression and its support for peace. Second, to deter President Milosovic from continuing and escalating attacks on civilians by imposing a price for those attacks. Third, if necessary, to damage Serbia's capacity to wage war by seriously diminishing its military capabilities (1999c: 1). Here, we particularly see two types of arguments: Security and humanitarian concerns. Also, I will place the NATO-argument in the security category, because NATO can be said to serve both US national security and international security. As the following sections will show, a combination of these two arguments dominated the US argumentation with regards to the Kosovo intervention.

a) National security

Obviously aware of the critical voices against US involvement in the Balkans, Clinton is eager to underline that the intervention is "important to America's national interest":

> Do our interests in Kosovo justify the dangers to our Armed Forces? I've thought long and hard about that question. I am convinced that the dangers of acting are far outweighed by the dangers of not acting – dangers to defenceless people and to our national interests.
>
> (Clinton 1999d: 4)

Clinton (1999b: 8) underlines that military action is "morally right and in the vital interest of the United States". He argues that he has "the responsibility to deal with problems" before they do permanent harm to US national interests, and emphasises the US responsibility to stand with its allies "when they are trying to save innocent lives and preserve peace, freedom and stability in Europe" (Clinton 1999d: 5).

Securing a free, safe and united Europe is emphasised as being a precondition to US prosperity and security, and Clinton draw the historic lines back to World War I and II to illustrate his point. It's necessary to secure Europe, "so that future

generations of Americans do not have to cross the Atlantic to fight another terrible war":

> There is a practical reason – if we don't do it now, we'll have to do it later, more people will die, and it will cost more money. And there is a long term, strategic reason for the United States – our children need a stable, free Europe.
>
> (Clinton 1999b: 4)

With the so-called body-bag syndrome in mind, it is also interesting to see Clinton's underlining of the fact that the US "prevailed in Kosovo without losing a single American in combat" (Clinton 2000: 13).

b) International security

As stated above, European security is emphasised in the security argumentation justifying the air strikes. The *international security* argument, so obvious in the Iraq case, is not very visible here. Anyway, the *regional security*, also in this category, is very evident in the analysed material. This argument is frequently used, for example in Clinton's address to the nation on March 24, 1999: "(…) key U.S. allies could be drawn into a wider conflict, a war we would be forced to confront later – only at far greater risk and greater cost" (Clinton 1999d: 5). On March 23, the first day of Operation Allied Force, President Clinton underlined the dangers of non-action to regional security: "If we don't do something, they [Serbia] have 40.000 troops there, and a bigger offensive could start any moment".

The president is particularly emphasising the importance of protecting regional security as prevention against future stability. Clinton argues that one of the main challenges to the vision of a "peaceful, secure, united, stable Europe" is "the challenge of ending instability in the Balkans so that these bitter ethnic problems in Europe are resolved by the force of argument, not the force of arms (...)" (Clinton 1999d: 5).

Through repeated arguments of this type, Clinton puts much effort into demonstrating that European instability is dangerous for US allies, implying that the

US itself runs a risk by not acting. This is discussed in the part on national security above.

c) Breach with international law

US ambassador Burleigh, in his March 24 statement to the Security Council, did not only focus on the need "to respond to Belgrade's brutal persecution of Kosovar Albanians", but also on the necessity to act against Serbia's violations of international law and refusal to resolve the issue peacefully. Burleigh, as other US officials occasionally did, cited the Federal Republic of Yugoslavia's violation of Resolutions 1199 and 1203, which invoked Chapter VII in the UN Charter, but did not explicitly authorize the use of force (UNSC 1998a; 1998b; Burleigh 1999a; 1999b). E.g.: "Security Council resolutions 1199 and 1203 recognized that the situation in Kosovo constitutes a threat to peace and security in the region and invoked Chapter VII of the Charter" (Burleigh 1999a:1)). However, Burleigh stated that "NATO's actions are completely justified" (1999b: 2).

President Clinton also justifies the bombing by pointing at Serbian unwillingness to accept a diplomatic solution to the conflict: "In short, if President Milosevic will not make peace, we will limit his ability to make war" (Clinton 1999d).[27] This has its parallel in the argumentation related to the Clinton administration's air strikes against Iraq, where limitation of Saddam Hussein's military capabilities was the central element. Another Iraq parallel here is Clinton's strong emphasis on Milosevic's lack of cooperation: "He is still denying his responsibility for the crisis, defying the international community, and destroying the lives of more people" (Clinton 1999b: 6). The language here clearly resembles US descriptions of Saddam Hussein, as discussed earlier in this chapter. Similar to Saddam Hussein, Milosevic is characterised by non-compliance with the international community and inhuman treatment of his own people.

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[27] After several weeks of diplomatic action in March 1999, the Kosovar delegation signed a draft agreement for peace. The Serbian delegation refused to accept the agreement (Heinbecker 2004: 541).

d) Humanitarian concerns

The NATO operation against Serbia/Former Republic of Yugoslavia over the Kosovo crises was widely greeted as the first international military intervention against a sovereign state for solely human rights purposes. The war was fought for values, not territory. For many advocates of human rights, the Kosovo war marked the beginning of the new era of human rights enforcement (Chandler 2002: 9, 15).

On March 24, US ambassador to the UN, Peter Burleigh, informed the Security Council of the bombings. The humanitarian element was deeply stressed, e.g.: "We believe that action by NATO is justified and necessary to stop the violence and prevent an even greater humanitarian disaster". The UN ambassador underlined that the Serbian actions in Kosovo could not be dismissed as an internal matter, and that it was imperative that the international community acted quickly (Burleigh 1999a). Two days later, responding to a resolution draft condemning the NATO operation, Burleigh defined the Serbian actions in Kosovo as "a humanitarian catastrophe" (1999b).

In the National security strategy of 1994, the Clinton administration pointed at the conflict in the former Yugoslavia, admitting that the "war does not pose an immediate threat to our security or warrant unilateral US involvement" (The White House 1994: 21). However, a stabile and democratic Europe, stopping genocide and securing NATO's role were by the government seen as compelling reasons for involvement in the Balkans. This attitude was also evident in relation to the military operation in Kosovo in 1999. The US involvement in Kosovo was not motivated by calculation of a narrow national interest, and certainly, the domestic opposition used this argument for what it was worth. The Clinton administration justified the intervention by moral interest in stopping genocide and ethnic cleansing, but both American politicians and realist theorists refused to see any national interest at stake in the Balkans (e.g. Kagan 2003: 50; e.g. Ellison and White 1999).

President Clinton's argumentation on Kosovo is clearly based on humanitarian concerns, and he underlines the importance of acting firmly and quickly to prevent greater catastrophe. "The lessons learned in Bosnia" is repeatedly emphasised, and the president points at the tragic results of a world community reacting too slowly:

"We learned that in the Balkans, inaction in the face of brutality simply invites more brutality" (Clinton 1999d: 3). The need of acting at this given moment is also stressed by the president: "If we don't do anything after all the to-and-fro that's been said here, it will be interpreted by Mr. Milosevic as a license to continue to kill" (Clinton 1999b: 7).

On the first day of Operation Allied Force, Clinton stated that the dangers of acting were clearly outweighed by the risk of failing to act:

> (…) the risks that many more innocent people will die or be driven from their homes by the tens of thousands; the risks that the conflict will involve and destabilize neighbouring nations.
>
> (1999c: 2)

The president here put national worries of military risk aside, focusing instead on humanitarian concerns and European security.[28] However, Clinton later the same day underlined that "the dangers of acting are far outweighed by the dangers of not acting – dangers to defenseless people and to our national interest" (1999d), hence pointing at the air strikes as important also for the United States alone.

e) Democratisation

Regime change is not a very outspoken goal of the operation in Kosovo. However, I observe that Clinton characterises the turmoil in the Balkans as one of three big obstacles to an "undivided, democratic, free Europe" (1999b: 4).[29] In his State of the Union Address of 1999, Clinton underlines the importance of giving "the people of Kosovo the self-government they deserve" (1999f: 12). This is not the usual regime change argument, but can be placed in this category because of its political meaning: The existing situation of Kosovo must change considering how it is ruled. Clinton is very harsh in his criticism against President Milosevic, pointing at his defiance of responsibility and the international community (1999b: 6). Yet, the argument of democratisation/regime change is not explicit in the Kosovo crisis.

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[28] Military risk is here first and foremost the fear of American soldiers being sent home in body-bags.

[29] The other two obstacles pointed at are the Russian economy and the Greece-Turkey conflict (Clinton 1999b: 4).

4.3.2 Legality vs. legitimacy

There has been a fierce debate over the legality and morality of US and NATO actions in Kosovo. Murphy (2004: 154) finds that NATO's (first and foremost; the US') use of force in Kosovo allegedly "strained the UN Charter's rule of law paradigm to the breaking point". Also, Rawski and Miller see the Kosovo operation as a severe blow to the Security Council:

> There could be no greater blow to the Council's political standing. NATO, and the United States in particular, publicly humiliated the Council, demonstrating that they could and would organize a "coalition of the willing" to engage in a large-scale, coordinated military action without Council approval.
>
> (Rawski and Miller 2004: 362)

According to Rawski and Miller, an even more humiliating fact was that the rhetoric used to justify the Kosovo bombings was the same language of humanitarian intervention earlier developed by the Council. This made the Security Council seem like an institution "incapable of living up to its own standards" (ibid).

Interestingly, in his speeches about the Kosovo operation, President Clinton avoids any mentioning of the Security Council; thus, he leapfrogs over the dilemma of acting without Council authorisation (E.g. Clinton 1999c; 1999d).

Murphy (ibid: 156-161) considers possible justifications of the intervention in Kosovo. Firstly, it is the two generally accepted exceptions of Article 2 (4) in the UN Charter, namely actions taken in individual or collective self-defence or actions authorised by the UNSC under Chapter VII of the Charter. There is little evidence that Serbia's military action within Kosovo against the Kosovo Liberation Army qualified as an "armed attack against a member of the United Nations" and as such made the intervention an act of collective self-defence.[30] Considering Security Council authorisation, some have argued that resolutions adopted by the UNSC constituted an authorisation of NATO's actions. None of the resolutions adopted before the bombing provided a mandate for the use force. Hence, this brings us back

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[30] Article 51 of the UN Charter emphasises the right of individual or collective self-defence against an armed attack (UN 1945).

to Murphy's discussion of implicit versus explicit authorisation of the use of force.[31] The Charter is clear as a bell at this point: Only the Security Council can give such authorisation, and considering the Charter's explicit prohibition of the use of force, it is problematic to argue in favour of implicit authorisation. Michael Glennon points out that "[i]n the past, the Security Council has left no doubt concerning its intent whether use of force was authorised. In Korea, the Gulf War, and Bosnia, it adopted resolutions that made clear that states were allowed to use force" (quoted in Murphy 2004: 157-158).

In any case, three days after the bombing began, China and Russia voted in favour of a draft resolution that would have condemned the NATO bombing as a violation of the UN Charter.[32] Considering the fact that UNSC authorisation of the use of force must have support by all five permanent members, this makes it even more problematic to claim that the UNSC implicitly authorised the use of armed force in Kosovo.[33] However, Heinbecker (2004: 542) argues that the defeat of the resolution draft was a major moral victory for the proponents of military action, because it left no doubt where the sympathies of the majority of the Council lay.

Further, Murphy points at the doctrine of humanitarian intervention as a possible justification of Operation Allied Force. Supporters of the doctrine argue that a proper interpretation of the language of Article 2 [4] of the UN Charter permits the use of force for humanitarian reasons.[34] In the case of Kosovo, Murphy questions whether the NATO bombing really qualified as an exercise of this doctrine.[35]

In the wake of the Kosovo debate, some have argued that international law should be revised so to explicitly recognise the doctrine of humanitarian intervention. Glennon (1999: 2) asserts that

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[31] As discussed under part 4.2.2 of this chapter.

[32] The resolution draft was not adopted, because only China, Russia and Namibia voted in favour. This non-action by the Security Council might be interpreted as an indirect authorisation of the bombing, but considering the fact that two of the veto powers voted in favour of a condemnation, this argumentation is deeply problematic (Murphy 2004: 157). The resolution draft provoked the Americans considerably, and UN ambassador Burleigh argued before the Council that NATO's actions were "completely justified": "(T)his resolution should be defeated. It can only encourage President Milosevic to continue or even intensify military repression of the civilian population of Kosovo" (Burleigh 1999b).

[33] The five permanent members of the UNSC is the United States, Britain, France, China and Russia.

[34] See chapter two for further discussion of humanitarian intervention.

[35] See Murphy (2004: 159-161) for a more comprehensive discussion of this question.

> […] events since the end of the Cold War starkly show that the anti-
> interventionist regime has fallen out of sync with modern notions of justice.
> The crisis in Kosovo illustrates this disjunction and America's new willingness
> to do what it thinks right – international law notwithstanding.

In 2000, the UN's Independent International Commission on Kosovo concluded that the intervention was "legitimate, but not legal" (quoted in Chandler 2002: 139).

4.3.3 Summary

Compared to Iraq, the national security interests in Kosovo were hard to find for many Americans. This is obvious in the Clinton administration's argumentation for the use of force. As we have seen, the humanitarian aspect is emphasised to a large extent, but the administration is eager to underline the security interests involved. As the examples put forward here have shown, the president never used the humanitarian argument without focusing on why the intervention was relevant and important for US national interest.

4.4 Conclusion

The Clinton administration's military operations in Iraq and Kosovo differ on many points – and so does the argumentation used to justify the interventions. Regarding Iraq, the main arguments were breach with international law and national and international security concerns. In Kosovo, the humanitarian argument dominated the administration's language. Still, the argument of national security had the function of convincing US politicians and public that this American engagement in Kosovo is necessary.

In the Clinton administration's National Security Strategy of 1994, national interest is emphasised as the most compelling reason for the use of force (The White House 1994: 5). To a large extent, this supports the findings of this analysis. National interest/security arguments dominate in both cases. Truly, in Kosovo, the humanitarian argument became extremely important. But despite this humanitarian aspect, the administration had to accompany this argument with an explanation of why military involvement in Kosovo was essential to US national security.

Moreover, the analysis of the Clinton administration suggests a pragmatic attitude to the norm of non-intervention. The norm is a useful guide, but when the United States feel compelled to use force, it will not hesitate to break it.

CHAPTER FIVE

The Bush Administration and the Norm of Non-Intervention

> *And, you know, I've never felt we needed a resolution; 1441 speaks very clearly.*
>
> – President George W. Bush,
> (February 7 2003 (2003b)

This chapter will examine the Bush administration's policy concerning the use of force after 9/11, and analyse the argumentation behind two US-led interventions: Afghanistan and Iraq. As the cases analysed in the previous chapter, these cases are interesting because of the disputed legitimacy of the use of force. In Afghanistan, the United States declared its right of self-defence. However, the definition of the enemy as a terrorist network challenged traditional, state-centric international law. In Iraq, the United States intervened without UN mandate and to wide international criticism.

During his election campaign, foreign policy was not first on George W. Bush's agenda, and he was criticised and ridiculed for being ignorant about the world. Some commentators even accused him for drifting towards isolationism (e.g. Vulliamy 2000; Evans 2000). In the second Gore-Bush debate during the presidential election campaign at Wake Forest University in 2000, Bush expressed deep concerns about US international engagement:

> (…) we can't be all things to all people in the world. I am worried about over-
> committing our military around the world. I want to be judicious in its use.
> I don't think nation-building missions are worthwhile.
>
> (Bush 2000, quoted on Issues 2000).[36]

Nor were foreign policy issues of much concern in the Bush administration's first months in office. In the summer of 2001, the president stated that he had "a certain feeling" that the US was too closely tied into multilateral alliances and international organisations. He also felt that the Clinton administration had intervened too indiscriminately in countries around the world, using soldiers for inappropriate humanitarian tasks and nation building (Ash: 2004: 104-105). What Ash (ibid.) defines as *assertive unilateralism* was further underlined when the Bush administration in its early stages walked away from several proposed or existing international agreements.

Pika and Maltese (2004: 165) argue that after 9/11, the Bush administration by word and by deed has asserted US primacy in the world through a redefinition of national strategy and its aggressive use of force – particularly in Iraq where all major powers except Britain opposed military action.

The argumentation analysed in the following sections will be organised by the same set of categories as in the previous chapter: National security (a), international security (b), humanitarian concerns (c), breach with international law, (d) and democratisation (e). The analysis starts with a discussion of some general observations of the Bush administration's foreign policy, with an overarching focus on the Bush Doctrine and the use of force. Further, the argumentation behind the interventions in Afghanistan and Iraq will be investigated. As in chapter four, I will also shortly discuss the legality versus the legitimacy in both interventions.

Finally, I summarise the findings and give some concluding remarks.

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[36] The president soon had to change his reluctance to use troops for nation-building. The case of Afghanistan forced the president and his administration to ease off on this point. It would be impossible to leave Afghanistan in a vacuum after the military operation. The Bush administration even declared that it would go further than the Clinton administration in its pursuit of nation-building in the cause of aiding the Afghan people (Woodward 2002: 192; Chandler 2002: 16-17).

5.1 The Bush Doctrine

Several researchers have claimed that the Bush administration has revolutionised US foreign policy (E.g. Daalder and Lindsay 2003; A. Schlesinger 2005; Melby 2004). Daalder and Lindsay (2003:2) assert that this has not been a revolution in America's goals abroad, but rather in how to achieve them. President Bush "relied on the unilateral exercise of American power rather than on international law and institutions to get his way". Instead of following the traditional track of deterrence and containment, the administration soon introduced the proactive doctrine of pre-emption.

In September 2002, the Bush administration unveiled its new national security strategy. Two points particularly attracted attention, not least among Europeans: The aspiration to put American military power "beyond challenge" and the endorsement of "pre-emptive actions" against threats from terrorists and rogue states: "We cannot let our enemies strike first" (The White House 2002: 19, 32; Ash 2004: 109). Even though the Clinton administration had opened up for pre-emption in the fight against terrorism (e.g. The White House 1997), it "took the combination of the 9/11 shock and this particular administration to make pre-emption a central plank of national security strategy" (Ash: ibid).

The strategy had already been foreshadowed in Bush's speech at West Point June 1, 2002 (Bush 2002c):

> We must take the battle to the enemy, disrupt his plans, and confront the worst
> threats before they emerge. In the world we have entered, the only path to
> safety is the path of action. And this nation will act.

The pre-emptive strategy is repeated in the Bush administration's new National Security Strategy, released on March 16, 2006:

> "To forestall or prevent [such] hostile acts by our adversaries, the United States
> will, if necessary, act pre-emptively in exercising our inherent right of self-
> defence".

> <div align="right">(The White House 2006: 18)</div>

The essence of this strategy is military: The US will strike a potential enemy, unilaterally if necessary, before the enemy has a chance to strike the US. With this new doctrine, war becomes a matter of presidential choice, not a matter of last resort: "Mr. Bush replaced a policy aimed at peace through the prevention of war by a policy aimed at peace through preventive war" (A. Schelsinger 2005: 21).[37]

   As we shall see, this rhetoric of pre-emption characterised US language to a large extent in both the Afghanistan and the Iraqi interventions. The primary US argument in both interventions was the defence against an imminent, or at least, potential, threat to US national security.

5.2 Launching the war against terrorism: Afghanistan

On September 11, 2001, the terror attacks against the United States sent shock waves through both the American and the international community. Already the same evening, President Bush promised his fellow citizens a massive effort to find those behind "these evil attacks", and underlined that "(…) We will make no distinction between the terrorists who committed these acts and those who harbor[38] them" (Bush 2001a).[39] This last quote deserves some attention. Considering the events in the following weeks, this non-distinction between terrorists and harbour states clearly was of great importance to the Bush administration. The 9/11-attacks were performed by unidentified terrorist, not state actors. This had implications for US retaliation. Article 51 in the UN Charter declares a member state's right of inherent self-defence, but what happens when the attacker can't be identified and defined by state borders? Such considerations are likely explanations of the explicit emphasis on the harbour states in the post-9/11 argumentation. Vice president Dick Cheney supposedly thought that fighting terrorism inevitably meant targeting harbour states. The states were "easier targets than the shadowy terrorists" (Woodward 2002: 48). This can be seen is an example of how the traditional, state-centric view still

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[37] See definition of these two concepts under footnote 16.

[38] Reportedly, it was President Bush himself who wanted the use of the word "harbour". Initially, Bush's chief speechwriter, Michael Gerson, had written that the United States would make no distinction between those who planned the acts and those who tolerated or encouraged the terrorists. But the president found this phrase too vague. Hence, the final statement became an "incredibly broad commitment to go after terrorists and those who sponsor and protect terrorists, rather than just a proposal for a targeted retaliatory strike" (Woodward 2002: 30).

[39] This was repeated in e.g. the US National Security of 2002 (The White House 2002: 5): "We will make no distinction between terrorists and those who knowingly harbor or provide aid to them".

dominates the political discourse, and how the new, less concrete actors challenge and complicates the way states meet threats. Interestingly, the UN Security Council did as early as 1998 insist firmly on state responsibility for stopping terrorist activities on their own territories (UN 1998c). However, this was not a license for international military action against so-called harbour states (Roberts 2004: 137).

The president's message to the world was loud and clear: "Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists" (Bush 2001c). The international reaction to the attacks was immediate and almost universally one of support for the United States. As early as September 12, the UNSC adopted Resolution 1368, which condemned the attacks, defined them as a threat to international peace and security and recognised the "inherent right of individual or collective self-defence (UNSC 2001a). Hence, this resolution pointed at both of the exceptions from the norm of non-intervention: Self-defence *and* threats against international peace and security. Two weeks later, on September 28, the Council passed Resolution 1373. This resolution again cited the right of self-defence, and specified steps to fight terrorism, including denying safe haven to terrorist (UNSC 2001b).

It is worth noticing that in neither of these resolutions, nor in the later resolutions on the matter, did the UNSC explicitly authorise the use of force. Nevertheless, the Council repeatedly referred to the inherent right of individual or collective self-defence both before and during the attack on Afghanistan. When the combat operations began, no effort was made to condemn the use of force. Hence, the Council lent a considerable amount of support to the legality of the military operation in Afghanistan under Article 51 of the UN Charter (Murphy 2004: 167).

Also, September 11 opened up for NATO's first invocation ever of Article 5 in the North Atlantic Treaty, which defines an attack on one member state as an attack on all the member states and provides for collective self-defence in such a situation. NATO's offer to help was politely recognized but not taken up by the United States. Afghanistan never became a NATO war (Ash 2004: 107; NATO 1949).

The United States soon verified evidence linking the 9/11 attacks to the terrorist group Al Qaeda, based in Afghanistan and led by Osama bin Laden. E.g.: "The

evidence we have gathered all point to a collection of loosely affiliated terrorist organizations known as al Qaeda" (Bush 2001c: 2). After the Taliban regime of Afghanistan refused to yield to US demands to turn over the leaders of Al Qaeda, the United States took action. On October 7, the United States and Britain attacked Taliban and Al Qaeda targets in Afghanistan. *Operation Enduring Freedom* was a fact (Murphy: ibid.; Bush 2001c; Bush 2001d).

5.2.1 The argumentation

On October 7, the United States' UN ambassador John Negroponte informed the Security Council about the US response to the terrorist attacks:

> In response to these attacks, and in accordance with the inherent right of individual and collective self-defence, United States armed forces have initiated actions designed to prevent and deter further attacks on the United States. These actions include measures against Al Qaeda terrorist training camps and military installations of the Taliban regime in Afghanistan.
>
> (Negroponte 2001)

This quote to a large extent sums up the main US argument behind attacking Afghanistan: To respond and to prevent. In the following, we will see that this kind of argumentation was frequently repeated in the process leading towards the intervention in Afghanistan.

a) National security

Arguments about US national security dominate the Bush administration's communication after the 9/11 attacks. The material analysed here leaves no doubt about the fact that protection of national security and demonstrating the consequences of attacking US national security were the main rationale behind the attack on Afghanistan.

On September 18, a week after the terror attacks on New York and Washington, Bush signed Senate Joint Resolution 23, which authorised the use of military force: "It is (…) necessary and appropriate that the United States exercises its right to

defend itself and protect United States citizens both at home and abroad" (Bush 2001b). Here, we see the declaration of the right of self-defence. To protect US national security, Bush underlines that the use of force is both "necessary and appropriate".

The president also emphasises how the terrorist attacks violated national security: "Our nation has been put on notice. We are not immune from attack. We will take defensive measures against terrorism to protect Americans" (Bush 2001c: 3). These quotes are important in the understanding of the United States' massive reaction after 9/11. The terror attacks were the first time in 140 years that the American civil population was physically stricken with actions of war. Before 9/11, most Americans had the perception of living in an invulnerable country. The terror attacks were a terrible violation of the Americans view of their own national security (e.g. Melby 2004: 93-94).

The president leaves no doubt about that those violating US national security would have to pay a high price:

> Those who plan, authorize, commit, or aid terrorist attacks against the United
> States and its interests – including those who harbor terrorists – threaten the
> national security of the United States.
>
> (Bush 2001b)

The same type of argumentation is used on the first day of Operation Enduring Freedom. President Bush (2001d) told the nation that the attacks were a part of the US campaign against terrorism, "designed to disrupt the use of Afghanistan as a terrorist base of operations and to attack the military capability of the Taliban regime". In these two quotes we again see the explicit non-distinction between terrorists and harbour states. This type of language is a main feature of the argumentation, indicating how important this message was to the administration – as discussed under 5.2: In the protection of US national security and the war against terrorism, terrorists and harbour states will be treated in the same way.

b) International security

This international security argument is also much used, not least to support the argument of national security. Attacking Afghanistan and the source of the 9/11 terrorism is a defence of freedom and security all over the world:

> (…) there can be no peace in a world of sudden terror. In the face of today's
>
> new threat, the only way to pursue peace is to pursue those who threaten it.
>
> (Bush 2001d)

The president emphasises that the purpose of the Afghanistan operation is not only to defend US "precious freedom", but also the freedom of people all over the world to "raise their children free from fear" (Bush 2001d). Hence, we see a justification of the attacks meant to appeal far across US borders: The US is not only fighting for Americans' security; it is fighting for the security of the whole world. Bush also transfers the national security argument to the argument of international security: "This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight" (Bush 2001c: 3). Here, we see that Bush raises the fight up to a more overarching level: This fight is about the survival of civilisation. The argument may be interpreted as a reference to the civilisation the United States is so eager to promote, namely the Western type, built on liberal values and democracy.

c) Humanitarian concerns

In his address to the nation on October 7, Bush underlined that the military operation against Taliban and Al Qaeda would be supported by humanitarian aid to the "oppressed people of Afghanistan": "As we strike military targets, we'll also drop food, medicine and supplies to the starving and suffering men and women and children of Afghanistan" (2001d: 1).

Allegedly, for President Bush humanitarian aid was fundamental to what he saw as the moral mission of the United States. However, for others in the administration, the humanitarian arguments were at best secondary. Secretary of Defence, Donald Rumsfeld, viewed the idea of *boots on the ground* to conduct humanitarian operations

in Afghanistan as a means to "mute some criticism of our operations" (Woodward 2002: 124).

The US response in Afghanistan resembles interventions in the 1970s, of which self-defence and regime change were immediate justifications – but with humanitarian benefits as important by-products.[40] According to Weiss (2004: 41-42), the US intervention in Afghanistan is a combination of the 1970s and the 1990s. The *casus belli* – the occasion for war - in this operation was an attack on American soil, but a humanitarian rationale accompanied defence of US territory.

d) Breach with international law

This argument is practically non-existing in the argumentation behind Operation Enduring Freedom. The closest we come in the material analysed here, is the US argumentation of Taliban's refusal to turn over the leaders of al-Qaeda to the United States. As early as September 20, President Bush delivered the following message to the Taliban: (...) the United States of America makes the following demands on the Taliban. Deliver to the United States authorities all the leaders of al-Qaeda who hide in your land. (Bush 2001c: 2). Included in this argumentation is the assertion that the Taliban regime is harbouring terrorists. For example:

> The attacks on 11 September 2001 and the ongoing threat to the United States
> and its nationals posed by the Al-Qaeda organization have been made possible
> by the decision of the Taliban regime to allow the parts of Afghanistan that it
> controls to be used by this organization as a base of operation. Despite every
> effort by the United States and the international community, the Taliban
> regime has refused to change its policy.
>
> (Negroponte 2001)

As we see, Negroponte by this argument gives a certain responsibility for the terrorist attacks to the Taliban regime. This can be seen as an indirect reference to UN resolution 1189, which insists on state responsibility for stopping terrorist activities

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[40] Weiss (2004: 41) points at the interventions undertaken by India in East Pakistan, Tanzania in Uganda and Vietnam in Kampuchea. All of these were "unilateral efforts geared to overthrow menacing and destabilizing regimes in contiguous countries", and all where justified as self-defense. The Security Council approved none of the interventions.

on their own territories (UNSC 1998c). Interestingly, Negroponte avoids referring to this resolution, hence not leaning on international law to strengthen US argumentation.

US exceptionalism is one possible explanation for the non-existence of international law in the US argumentation. The United States tends to place itself above international law and organisation and make decision outside international institutions. The Afghanistan intervention was a result of a declaration of self-defence, and truly, the UNSC defined the terror attacks as a threat to international peace and security and recognised the "inherent right of individual or collective self-defence (UNSC 2001a). However, the fact that the United States avoided referring to the existing UNSC resolution might express that the United States actually didn't see the need of such references. In light of Finnemore's argument of the need of multilateral intervention, as discussed in chapter three, this avoidance of multilateral references is interesting.

e) Democratisation

The democratisation argument was not very outspoken in US language regarding the intervention in Afghanistan. This is interesting, considering the fact that the Taliban regime was not democratic and therefore shared some common features Iraq, which for years had been criticised for its lack of democracy. One interpretation of this is, of course, the US need to underline the security rational for attacking Afghanistan. Seemingly, the United States didn't see the democratisation argument as a necessary justification – the grounds were strong enough all ready.

However, as was the case with the Clinton administration, the Bush administration's foreign policy reveals a strong focus on US leadership and the US special responsibility to make a better world. "Because of American leadership and resolve, the world is changing for the better" (Bush 2004: 3). A quote from US National Security Strategy of 2002 (The White House 2002: 1) clearly illustrates this attitude:

> The United States possesses unprecedented – and unequalled – strength and
> influence in the world. Sustained by faith in the principles of liberty, and the

value of a free society, this position comes with unparalleled responsibilities,

obligations, and opportunity. The great strength of this nation must be used to

promote a balance of power that favors freedom.

The spread of democracy, peace and liberal values is seen as an important part of this leadership. The promotion of democracy is emphasised as the "most effective long-term measure for conflict prevention and resolution" (The White House 2006:15). In the National Security Strategy of 2006, the concept of democracy is frequently repeated, as in the following quote:

To protect our Nation and our values, the United States seeks to extend

freedom across the globe by leading an international effort to end tyranny and

to promote effective democracy (ibid: 3).

Donald Rumsfeld argued that the military action in Afghanistan was in line with the interventions in Kuwait, Northern Iraq, Somalia, Bosnia and Kosovo "for the purpose of "denying hostile regimes the opportunity to oppress their own people and other people" (quoted in Chandler 2002: 1). Here, we see tracks of both the democratisation and the humanitarian arguments.

5.2.2 Legality vs. legitimacy

The Bush administration was initially dismissive of the UN and constraining international organisation in general. But with the events of September 11, Washington had to face that the UN was made relevant once again.

Nevertheless, there was little evidence that the international struggle against terrorism would bring a more multilateral attitude to the White House (Tucker and Hendrickson 2004). Even though the US welcomed Security Council resolutions condemning the 9/11-attacks, Washington worked to preclude any attempt to constrain its margin for military and political manoeuvre. Any UN language that might constrain its ability to strike back at terrorists or so called harbour states was contained (Malone 2003). "The mission should define the coalition, not the other way around" (Woodward 2002: 48).

In spite of the Bush Doctrine and the new *war on terror*, which could certainly need multilateral support, Washington did not embrace the UN unlimitedly. The Bush administration took on the same attitude as its preceding two administrations; uneasiness about the UN's enhanced role in the security field (Malone 2003). "For some, it was much to be preferred if the UN was not the forum of first resort when US interests dictated the need to deal with a breach of security" (ibid: 83).

Murphy (2004: 168) notes that "unlike their use of force in Iraq after the cease-fire, neither the United States nor the United Kingdom has claimed an explicit or implicit authorisation of their use of force in Afghanistan by the Security Council". They have based their justification of the attacks on the principle of self-defence, and hence leaning on Article 51 of the UN Charter. According to Murphy, the military operation in Afghanistan appears to be on solid, legal ground. Even though the intervention is a violation of the non-intervention norm, it invokes Article 51 and hence qualifies as an exception from Article 2 [4]. Chandler (2002: 138) does not share this position. He asserts that Article 51 is only available in response to the actions of states, and that the legal justification for the US-led attack on Afghanistan is unclear. He quotes the international lawyer Francis Boyle, who argues that "retaliation is never self-defence".

However, in the light of the Bush administration's words and actions after 9/11, there is much evidence that the US would have attacked Afghanistan – with or without international support.

5.2.3 Summary

The Bush administration was very clear in its message throughout the Afghanistan operation: Those attacking and threatening the United States will have to pay for it. Even though the argumentation was supported by, in particular, arguments of international security and humanitarian concerns, the national security arguments were the basis for military action. The US reaction on the 9/11 attacks illustrates that in case of an attack on US soil, self-defence and retaliatory action will put the norm of non-intervention aside.

5.3 Fighting Saddam – and European reluctance: Iraq

In his State of the Union address on January 29, 2002, President Bush launched the now well-known concept of the *axis of evil*, including Iraq, Iran and North Korea: "States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world" (Bush 2002a: 4). The world would soon see that the Bush administration was serious in its intentions to fight its outspoken enemies. Reportedly, on September 15, four days after the terror attacks, Deputy Secretary of State Paul Wolfowitz advocated attacking Iraq before Afghanistan – even though there was no evidence that Saddam was involved in the attacks and Osama bin Laden was known to be in Afghanistan. As we know, Afghanistan was hit first. However, on November 21 President Bush ordered military planners to develop concrete plans for an invasion of Iraq (Mearsheimer and Walt 2006: 16).

On March 17, 2003, a US-led "coalition of the willing" attacked Iraq. The attack was the culmination of a process containing of clashes of great powers, a divided Security Council and widespread international opposition. In the following, I will take a closer look at the Bush administration's justifications of the Iraq war.

5.3.1 The road towards war

In the aftermath of the Gulf War in 1991, several approaches and means was used to resolve the Iraqi question (see chapter four). However, the situation changed dramatically in early 2002, when the Bush administration explicitly put regime change in Iraq at the top of its foreign policy agenda. The matter had for long been an important element in US policy, but with September 11 came a different perception of how to deal with such threats as the proliferation of weapons of mass destruction (Da Silva 2004: 215).

The case of Iraq developed to be an utterly infected issue in the UN during late 2002 and early 2003. The Bush administration's intentions to intervene in Iraq became increasingly more open – and the international dispute on the matter equivalently more intense. On a press conference on February 7, President Bush got the question of what would happen if the Security Council didn't "go along" with the US. The

president's answer could not be misinterpreted: "I have said that if Saddam Hussein does not disarm, we will lead a coalition to disarm him. And I mean it" (Bush 2003b).

The intense and harsh debate on the matter culminated in March 2003, when the United States and Britain failed to secure Security Council support for a so-called second resolution on Iraq. Ultimately, the two allies decided to act on their own. Without Council approval and despite facing deep criticism from international lawyers and several UN members, US-led forces intervened militarily in Iraq March 17, 2003 (Roberts 2004: 139-140).

Military action was taken despite the reported facts from the UN and IAEA inspectors about more active Iraqi cooperation, progress in the disarmament process and that additional time was needed to complete it. Nevertheless, the US and Britain decided that using force was the only means to overcome the Iraqi situation. (Da Silva 2004: 217; Murphy 2004). Even though President Bush (2003c) emphasised that more than 35 countries were giving "crucial support" to Operation Iraqi Freedom, the international opposition was massive.

5.3.2 *The argumentation*

Before and during the Iraq intervention, the US continuously warned against the "brutal dictator" with ties to terrorism, and argued that Iraq had "something to hide" and was failing to comply with UNSC resolutions (e.g. Rice 2003; Bush 2003a; Bush 2003e; Powell 2003a, 2003b). In particular, we find three types of argumentation. First, we see the dictator argument, which can be seen in accordance with both the humanitarian and the democratisation categories. Second, there is the security argument, regarding both national and international security. Third, we have the argument of non-compliance with UN resolutions. As we will see in the following section, all these arguments was repeated prior to and during the Iraq war.

a) National security

In the international dispute before the Iraq war, the US was very explicit on its willingness to act even without UNSC authorisation. Bush left no doubt about that the US would do "what is necessary to ensure our nation's security" (ibid), and that

"the course of this nation does not depend on the decision of others" (Bush 2003e). When Britain's participation in the war looked politically unsure, Secretary of Defence Donald Rumsfeld said that America didn't even need the help of British forces to topple Saddam's regime (Ash 2004: 113).

In the preface of the US National Security Strategy from 2002 (The White House 2002), President Bush declares that "(…) we do not use our strength to press for unilateral advantage". However, this administration is, as was the Clinton administration, clear about the possibility of unilateral military action if this serves US interest:

> While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defence by acting pre-emptively against such terrorists (…).
>
> (The White House 2002: 6)

Also, President Bush underlines that the US will not be stopped by reluctance from other states in the war against terrorism: "(…) Some governments will be timid in the face of terror. And make no mistake about it: If they do not act, America will" (Bush 2002a).

US Secretary of state, Colin Powell, is also clear on this point in his speech to the UNSC on February 5, 2003:

> The United States will not and cannot run that risk (of Iraqi use of weapons of mass destructions) to the American people. Leaving Saddam Hussein in possession of weapons of mass destruction for a few more months or years is not an option, not in a post-September 11th world.
>
> (Powell 2003a: 18)

Here, we see how Powell uses 9/11 and the fear of terror as a rationale to act. He underlines that non-action is dangerous, and that the United States denies to "run that risk", implying that the United States will act – no matter what.

In his State of the Union Address on January 20, 2004, President Bush (2004: 4) drew attention to the international support behind the Iraq war:

> From the beginning, America has sought *international support* for our operations in Afghanistan and Iraq, and we have gained much support. There is a difference, however, between leading a coalition of many nations, and submitting to the objections of a few. America will never seek a permission slip to defend the security of our country.[41]

Recalling Finnemore's argument of the strong multilateral standards after the Cold War, as discussed in chapter two, Bush's focus on international support for a disputed intervention is interesting. Also, the National security strategy of 2002 (The White House 2002: 182) underlines that the US need support from its "allies and friends" to defeat terrorism. Nevertheless, as Bush points out, national security comes first. Thus, a reformulation of Finnemore's argument could be that international support is important and wanted – as long as it doesn't hinder national interests. Again, I will emphasis US exceptionalism. The United States apparently declares a right to decide when to follow multilateral norms and not, an attitude that has its origin in the US exceptionalist self-image.

b) International security

The argument of international security accompanied the national security argument in the Iraq intervention in 2003. Again we see an argumentation that focuses on US responsibility and willingness to act to, so to speak, save the world from the dangers of the Iraqi regime.

The Iraq intervention was based on Resolutions 1441, 678 and 687, and the aim was to "disarm Iraq, to free its people and defend the world from grave danger" (Bush 2003c). President Bush underlined that the US entered the conflict reluctantly, but:

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[41] My emphasis.

> (…) our purpose is sure. The people of the United States and our friends and
> allies will not live at the mercy of an outlaw regime that threatens the peace
> with weapons of mass murder".
>
>   (ibid.)

A similar argument is found in Bush's speech to the UN on September 12, 2002: "Saddam Hussein's regime is a grave and gathering danger. (…) To assume this regime's good faith is to bet the lives of millions and the peace of the world in a reckless gamble" (Bush 2002b: 3).

As mentioned above, the argumentation here resembles the one used to justify the intervention in Afghanistan: By intervening Iraq, the US does the world a favour.

Secretary of State Colin Powell also focused on international security. E.g.: "The gravity of this moment is matched by the gravity of the threat that Iraq's weapons of mass destruction pose to the world" (Powell 2003a: 7). In the same speech, Powell points at the danger of not acting against Iraq: "(…) unless we act, we are confronting an even more frightening future" (ibid: 17). Powell's rhetoric has features of threatening propaganda, implying that non-action will have fatal consequences for the whole world.

c) Humanitarian concerns

Chandler (2002: 1) asserts that the US stressed the ethical and humanitarian nature of the military response to the 9/11 attacks – not the US national interests. This is not fully supported by the material analysed here, but undoubtedly, the use of humanitarian arguments is widespread.

In his speech to the UN General Assembly on September 12, 2002, Bush emphasises the humanitarian situation in Iraq by referring to former UN resolutions – hence combining the humanitarian argument with the argument of international law. E.g.:

> In 1991, Security Council Resolution 688 demanded that the Iraqi regime cease
> at once the repression of its own people, including the systematic repression of

> minorities – which the Council said, threatened international peace and
> security in the region. This demand goes ignored.
>
> (Bush 2002b: 2)

As we see, Bush actually uses three types of arguments here: The humanitarian argument, the international law argument and the security argument.

In the same speech, Bush accuses Saddam Hussein for bearing "full guilt for the hunger and misery of innocent Iraqi citizens" and warns that "If we fail to act in the face of danger, the people of Iraq will continue to live in brutal submission" (ibid.).

Colin Powell emphasises the humanitarian issue in his speeches to the UN before the intervention. He focuses on Saddam Hussein's human rights violations, arguing that "Saddam Hussein' (…) inhumanity has no limits" (Powell 2003a: 12). By using such strong rhetoric, Powell tries to describe Saddam Hussein as an inhuman dictator who must be stopped.

d) Breach with international law

Before and during the Iraq war, the Bush administration constantly referred to former UN resolutions. In the previously quoted UN speech, the president referred to Iraq's breach with UN resolutions from the 90s throughout his speech, e.g.:

> In 1991, the UN Security Council, through Resolutions 686 and 687, demanded
> that Iraq return all prisoners from Kuwait and other lands. Iraq's regime
> agreed. It broke its promises.
>
> (Bush 2002b: 2)

This type of argumentation is the main characteristic in the administrations' attempt to justify an attack against Iraq: Because the Iraq regime can not be trusted, the international community has to act to stop it.

We also see argumentation that indicates what Lobel and Ratner (1999: 154) see as a US tendency of enforcing UNSC resolutions by force – with or without Council authorisation: "Had we failed to act, Security Council resolutions on Iraq would have been revealed as empty threats, weakening the United Nations an encouraging

defiance by dictators around the world" (Bush 2004: 3). Once more, the link to US exceptionalism is apparent. Bush's argument seems to be that the UN and the international community must be grateful to the United States' actions in Iraq. This is paradoxical: The president asserts that the United States by intervening Iraq – without UNSC mandate – secured the UN's future relevance.

In the same speech, Bush stated what could be interpreted as a message to those who had criticised the Iraq war for being a violation of international law:

> After the chaos and carnage of September the 11th, it is not enough to serve our
> enemies with legal papers. The terrorists and their supporters declared war on
> the United States, and war is what they got
>
> (Bush 2004:3)

On September 12, 2002, in an address to the UN General Assembly, President George W. Bush (2002b) warned Iraq that "other means" would be used unless Iraq accepted to be peacefully disarmed. The US threat resulted in Iraq's acceptance of the immediate an unconditional return of UN and IAEA inspectors (Da Silva 2004: 214). In the same speech, the US president called upon the UN to prove its relevance:

> The conduct of the Iraqi regime is a threat to the authority of the United
> Nations, and a threat to peace. Iraq has answered a decade of U.N. demands
> with a decade of defiance. All the world now faces a test, and the United
> Nations a difficult and defining moment. Are Security Council resolutions to
> be honored and enforced, or cast aside without consequence? Will the United
> Nations serve the purpose of its founding, or will it be irrelevant?
>
> (Bush 2002b)

The quote is interesting because Bush focuses so strongly on UN relevance and authority. According to the president's argumentation, the UN has an important role in the international community – also from the US point of view. However, Iraq will be a test proving the organisations relevance. Bush is here appealing to the General Assembly's sense of responsibility: If you don't act, the UN will lose face.

This type of argumentation would be repeated several times during the next months (e.g. Bush 2003a; Bush 2003b). As Ash (2004: 11) notices, for Bush "it was not for the US to prove its case to the UN; it was for the UN to prove its relevance in a global war against evil". Indeed, in the September 12 speech to the UN General Assembly Bush (2002b) was crystal clear about US intentions in the Iraqi case:

> We will work with the U.N. Security Council for the necessary resolutions. But the purposes of the United States should not be doubted. The Security Council resolutions will be enforced – the just demands of peace and security will be met – or action will be unavoidable.

A main question in the debate was about so-called "continuing" or "existing" Council authorization of the use of force against Iraq.[42] In November 1990, the Council had authorized the use of forcible means. In 2003, the US claimed that this authority could be used again, but several of the other veto powers refused to accept this deduction and demanded a new resolution (Roberts 2004). The Bush administration saw the previous resolutions on Iraq as sufficient. On a press conference on February 7, 2003, President Bush (2003b) stated that he "never felt we needed a resolution; 1441 speaks very clearly. It talks about serious consequences if he doesn't disarm".

Secretary of State Powell's main arguments were also to a very large extent based upon Iraq's "material breach of its obligations", meaning UN resolutions (e.g. Powell 2003a: 1).

Despite several UN resolutions; the Security Council itself never authorised the use of force against Iraq. Interestingly, after the war President Bush (2004) actually referred to the Iraq intervention as nearly being an assignment from the UN: "(…) Combat forces of the United States, Great Britain, Australia, Poland and other countries enforced the *demands of the United Nations*, ended the rule of Saddam Hussein, and the people of Iraq are free". [43]

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[42] This resembles the type of argumentation used by the Clinton administration when bombing Iraq in the 1990s. See chapter four.

[43] My emphasis.

e) Democratisation

Regime change in Iraq has been a central goal in US foreign policy since the early 1990s. The Clinton administration fully supported this, and the George W. Bush administration early put Iraq on top of its agenda (E.g. Thune 2003; Kagan and Kristol 2005).

In the intervention of 2003, regime change seemed to be the last of many options in the US argumentation. The argument is used together with humanitarian arguments, stressing that a regime change is important to stop the suffering of the Iraqi people.

The democratisation argument is not very dominant in the material analysed here, but is at times accompanying the more explicit arguments mentioned in the sections above. One example is the following quote from a presidential speech on February 6, 2003:

> All the world can rise to this moment. The community of free nations can show that it is strong and confident and determined to keep the peace. The United Nations can renew its purpose and be a source of stability and security dangers. *And we can give the Iraqi people their chance to live in freedom and choose their own government.*[44]

> (Bush 2003a: 2)

Also, two days after the intervention started, President Bush underlined that the US "have no ambition in Iraq, except to remove a threat and restore control of that country to its own people" (Bush 2003c: 1). This could clearly be interpreted as an argument of democratisation, focusing on "giving back Iraq to its people".

5.3.3 Legality vs. legitimacy

The intervention of Iraq raises several questions. First, the question of implicit authorisation of the use of force turns up again, as discussed in chapter four. As Murphy (2004: 153-154) points out, it is questionable to interpret UNSC resolutions as implicitly authorising the use of force.

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[44] My emphasis.

Second, Da Silva (2004: 217) asks if the intervention respected the *principle of proportionality*, because it is debatable that the need to secure Iraq's compliance with its disarmament obligations "requires the invasion and occupation of this country by the United States without any precise mandate from the international community".[45] Da Silva argues that the fight against weapons of mass destruction became only one of the many reasons for war. This is supported by an admission by Paul Wolfowitz, the Bush administration's former Deputy Defence Secretary. In an interview, Wolfowitz asserts that the Bush administration focused on alleged weapons of mass destruction because it was politically convenient and the only reason everyone could agree on (Usborne 2003).

Thomas G. Weiss (2004: 41-42, 49) notices that since the catastrophic events on September 11, the distinction between the moral and the self-interested has become less pronounced, "(…) or, perhaps better stated, the threat of terrorism has added salience to issues that transcend preciously humanitarian dimensions". Weiss argues that the Iraq war had nothing to do with humanitarian action; this was a justification that eventually emerged after others fell flat.

5.3.4 Summary

The US argumentation before and during the intervention of Iraq in 2003 was clearly dominated by arguments of national security. This was the prominent argument, but arguments of the other categories were also frequently used to support the argument of national security. In fact, my findings suggest that this intervention stands out from the other three analysed here, because all five argument categories were frequently used. Nevertheless, as seemed to be the case with all the other three interventions analysed here, the arguments of international security, humanitarian concerns, breach of international law and democratisation all appear to have the function of supporting the argument of national security.

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[45] The *principle of proportionality* says that a state should not take any action that exceeds that which is necessary to achieve the objective (Da Silva 2004:217).

5.4 Conclusion

There's no doubt that the terror attacks on September 11 2001 forced the Bush administration to take dramatic decisions. The interventions in Afghanistan and Iraq must be seen as steps in the Bush administration's new war on terror. The explicit rationale is different in the two interventions. Regarding Afghanistan, the United States declared its inherent right of self-defence, and the argumentation was nearly exclusively based on arguments of national and international security. The argumentation behind the Iraq intervention was more complex. Here, all five argument categories were frequently used. However, the argument of national security seems to dominate the argumentation in this case as well. Interestingly, the function of the other four argument categories is apparently to strengthen the argument of national security. My analysis suggests that the Bush administration's protection of national security has clear exceptionalist features. The US argumentation indicates an attitude saying the United States will not let international arrangements, such as the norm of non-intervention, be in its way when national security is threatened.

CHAPTER SIX

Conclusions:

Same content – new wrapping

I think if the American people don't know anything else about me, they know that I don't like to use military force, and I do everything I can to avoid it. But if we have to do it, then that's part of the job, and I will do it.

– Bill Clinton 1999b:6

The path we have chosen is consistent with the great tradition of American foreign policy. Like the policies of Harry Truman and Ronald Reagan, our approach is idealistic about our national goals, and realistic about the means to achieve them

- George W. Bush, in The White House 2006: preface.

This thesis has analysed US arguments used to justify violations of the norm of non-intervention. I have studied the position of this norm in the two administrations in office after the Cold War by analysing their arguments in four military interventions.

As argued in chapter one, it is often stated that the differences between the presidencies of George W. Bush and Bill Clinton are substantial. Several authors and political thinkers argue that Bush with his doctrine of pre-emptive war has revolutionised American foreign policy (e.g. Daalder and Lindsay 2003; A. Schlesinger 2005; Melby 2004). I assert that the empirical evidence presented in the previous two chapters tells a different story – at least regarding the use of military force. This chapter will summarize the empirical findings, and line up the similarities – and differences – of the two administration's intervention policy.

6.1 Foreign policy

A review of all State of the Union speeches by Clinton and Bush has resulted in several interesting observations. One is that foreign policy clearly occupies a larger part in Bush's speeches than Clinton's. This is worth noticing, considering the fact that Bush during his campaign for office in 2000 paid very little attention to foreign policy. Of course, the war against terrorism is an explanation here, and we can definitely conclude that Bush has been forced to focus more on international matters than he might have intended before taking office.

Through the Bush Doctrine, the concept of pre-emptive strike has become a well-known part of American security strategy. However, the idea is not new. In US National Security Strategy of 1997, the Clinton administration explicitly opens up for the possibility of pre-emption. In the chapter on terrorism, the strategy states: "U.S. counter-terrorism approaches are meant to prevent, disrupt and defeat terrorist operations before they occur" and "(…) as long as terrorists continue to target American citizens and interests, we reserve the right to strike at their bases and attack assets valued by those who support them" (The White House 1997: 13). We also see a similar language in the US arguments on military action in Iraq and Kosovo and in e.g. the National security strategy of 1994: "US forces must be prepared to deter, prevent and defend against the use of weapons of mass destruction" (The White House 1994: 11).

Here, I would like to shortly consider Zhiyuan Cui's (2004: 242-244) discussion on how Chinese intellectuals view the so-called Bush Doctrine. Interestingly, Cui says, while many European intellectuals tend to perceive the Bush Doctrine as a break with Clinton's foreign policy, the Chinese emphasise the continuity of the Doctrine with Clintons' foreign policy. Cui quotes Kaplan and Kristol, who stress that Clinton resorted to force without UN approval on several occasions. They emphasise a quote by Clinton's UN ambassador Richard Holbrooke: "Act without the Security Council, or don't act at all" (ibid.).

This thesis has not been a comprehensive study of US foreign policy, but rather been limited to the use of force. To draw conclusions about the similarities and differences between the two administrations' general foreign policy is thus

impossible. However, the analysis has resulted in interesting findings about their intervention policy. The material analysed here suggests that regarding the arguments for the use of force, the two administrations seem to differ more on form than on content. The administrations rank the argument types slightly different, but apparently, they share the view that nothing is more important than national security. I will return to the ranking of the arguments under 6.4.

6.2 Licensed to democratise

A phenomenon that clearly plays a crucial role in the foreign policy of both administrations is the spread of democracy and the so-called American values of liberalism. This resembles Woodrow Wilson's idea of a "manifest destiny" to lead and improve the world, as discussed in chapter three. Seemingly, the spread of democracy is gaining ground to such an extent that it may challenge the principle of sovereignty. The US focus on regime change as an explicit goal in the Iraq intervention of 2003 can be regarded as an example of such a trend. As we have seen, regime change has been central in the argumentation of US intervention policy in the cases analysed here, particularly in Iraq and Afghanistan.

Regime change and democratisation is not new to American foreign policy. The United States has in several occasions supported oppositional forces in attempts to overthrow unpopular regimes. Daalder and Lindsay (2003: 14) assert that the Bush administration stands out from former administrations with its willingness to use military forces to topple other governments – even in the absence of a direct attack on the United States. However, as shown in chapter five, the Clinton administration also put regime change and democratisation high on its foreign policy agenda.

In his State of the Union Address in 1994, Bill Clinton (1994: 11) sums it all up in a few lines: "Ultimately, the best strategy to ensure our security and to build a durable peace is to support the advance of democracy elsewhere. Democracies don't attack each other" – the last line obviously referring to the concept of *democratic peace*.[46] In retrospective, we might see this as a summary of US intervention policy after the Cold War.

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[46] For a discussion of this concept, see e.g. Bruce Russett (1990): *Controlling the Sword: The Democratic Governance of National Security* and Immanuel Kant (1957): *Perpetual peace.*

Democratisation is a basic theme in the national security strategies of both administrations. In both the National security strategy from 1994 and from 1997, the Clinton administration (The White House 1994 and 1997) expresses the promotion of democracy and human rights abroad as one of three core objectives of the national security strategy. In the equivalent documents of the Bush administration (The White House 2002 and 2006), there is almost an inflation when it comes to the use of the word "democracy". Clearly, the administration has made the spread of democracy, together with the war on terror, its first priority in its foreign policy. E.g.:

> To protect our Nation and honour our values, the United States seeks to extend freedom across the globe by leading an international effort to end tyranny and to promote effective democracy.
>
> (The White House 2006: 8)

Again, we see Wilsonian features in the argumentation. Wilson's idea was that the United States should join World War I because "the world must be made safe for democracy" (Daalder and Lindsay 2003: 6). This is very much the same type of language visible in the both administration's documents and speeches.

Iraq is a repeated issue in this picture of democratisation. The Bush administration put regime change in Iraq on the top of its foreign policy agenda, but as we have seen in chapter four, the Clinton administration also explicitly emphasised this as an important goal. [47]

In an extensive defence of the Iraq war, Kagan and Kristol (2005: 18-19) argue that liberating the Iraqi people from a brutal dictatorship was by itself a sufficient reason to remove Saddam. The moral and humanitarian purpose provided a compelling reason for a war against Iraq, and "should certainly have been compelling to those (like us) who supported the war on Slobodan Milosevic (…)" (ibid.). They see the Bush administration's Iraq policy as a continuation of the Clinton administration's line on the field – a line leading towards regime change in Iraq:

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[47] See discussion under 4.2.1 about the democratisation argument.

> The Bush administration's approach to Iraq was fundamentally keeping in
> with that of the Clinton administration, except that after September 11, inaction
> seemed even less capable.
>
> (ibid: 26)

The Bush administration was, even more than the Clinton administration, convinced that to topple Saddam was the only solution of the Iraq issue. The temporary support for the process following Resolution 1441 was a concession to international and domestic pressure. In the Bush administration, no senior official believed in Iraqi compliance with the resolution. The administration's hope, however, was that once Saddam's non-compliance became clear, a unanimous UNSC would give green light for a war against Iraq (ibid: 27). As we know, this green light never came. Yet, the Bush administration acted – as did the Clinton administration in the 1990s.

Lobel and Ratner (1999: 154) claim that the US position "is that it will enforce Security Council resolutions by force, whether or not the Council sees fit to do so". This observation is supported by the empirical analysis in this thesis, and as we have seen, the position can be found in both the Clinton and Bush administrations[48].

6.3 The exceptional nation

A striking feature of the empirical material analysed here, is both administrations' strong focus on the United States' powerful position in the international community and the United States' right and duty to act as the world's leading nation. International leadership is seen as compelling for securing the US strong position. The following example is from the Clinton administration's National Security Strategy of 1997: "To be secure and prosperous, America must continue to lead" (The White House 1997: 37). The administration focused strongly on American leadership, and the importance of protecting US interests and values. E.g.: "(W)here our interests and our values are at stake, and where we can make a difference, America must lead. We must not be isolationist" (Clinton 1996: 11).

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[48] See e.g. discussion of the Clinton administration in Iraq, and likewise, the Bush administration and the Iraq war in 2003.

The aim of being the "world's leading force for peace" repeats itself in the administration's language (e.g. The White House 1997: 37; Clinton 1996):

> We must not be the world's policeman. But we can and should be the world's very best peacemaker. By keeping our military strong, by using diplomacy where we can and force where we must, by working with others to share the risk and the cost of our efforts, America is making a difference for people here and around the world.
>
> (Clinton 1996: 11)

We find the same attitude in the Bush administration: "History has called America and our allies to action, and it is both our responsibility and our privilege to fight freedom's fight" (Bush 2002a). Even though Bush includes the United States' allies, it is possible to interpret this quote as a clear expression of exceptionalism. The United States has a special mission in the world, and has a responsibility to fulfil it.

A similar attitude is visible in President Bush's preface to the National Security Strategy of 2006:

> Effective multilateral efforts are essential to solve these problems. Yet history has shown that only when we do our part, will others do theirs. America must continue to lead.
>
> (Bush, in The White House 2006: preface)

Here, Bush's message is hard to misunderstand: Yes, multilateralism is good, but US leadership is essential to solving problems. Hence, Bush sums up what I see as one of the most prominent characteristics of the United States' exceptionalist self-image: When action is needed, the United States will not let itself be stopped by multilateral arrangements. As chapters four and five have indicated, this has also implications for the US attitude to the norm of non-intervention. Is the United States convinced of the necessity of using military force, it will violate the norm of non-intervention even without an international mandate given by the UNSC.

6.4 A hierarchy of arguments

Finally, I have attempted to organise a hierarchy of values/arguments of the two administrations, considering military intervention. The ranking is based on the analysis in the previous chapters.

The Clinton administration:

1) National security

2) International security

3) Humanitarian concerns

4) International law

5) Democratisation

The Bush administration:

1) National Security

2) International Security

3) Democratisation

4) Humanitarian Concerns

5) International Law

My analysis indicates that national security/interest is the first and foremost argument for military intervention in both administrations. This has not changed considerably from Clinton to Bush. If the national security of the United States is threatened or violated, there has to be very compelling reasons to stop US action.

The argument of international security is often used to support arguments of national security. Interestingly, this argument hence seems to have the function of showing the international community that action is necessary – not only to protect US interests, but to protect international security. The argument is particularly evident in the Iraq cases analysed here.

The administrations differ more on the last three categories: Democratisation, humanitarian concerns and international law. While democracy and regime change is a central part of the Bush administration's language, humanitarian concerns are

not paid much attention. In the Clinton administration, on the contrary, the humanitarian argument is frequently used, while the argument of democratisation is not that evident and plays a more implicit part, often in arguments about US responsibility to spread American values.

One finding that have surprised me in this study, were my observations of the use of international law arguments. I had expected larger variations between the administrations in this category. In the interventions in Kosovo and Afghanistan, the argument of international law was practically absent. In Iraq, on the other hand, both administrations used this argument extensively.

I have already considered the two presidents' doctrines. The easy way is to say that while the Bush Doctrine is one of pre-emptive war, the Clinton Doctrine is one of humanitarian intervention. However, as discussed in chapter four, the Clinton administration was quite selective in its humanitarian concerns and international action for human rights. A more correct definition of a Clinton doctrine might be *humanitarian intervention for strategic reasons.*

6.5 Conclusion

The findings of this thesis suggest that the two administrations differ more in rhetoric than in substance regarding the use of military force. The arguments are presented differently, but the content is to a large extent the same.

In the cases analysed here, US national security was used as the first and foremost reason for US intervention. Arguments focusing on other factors, such as international security and humanitarian concerns, are to a large extent used to accompany the argument of national security. The American message to the world is often that the rationale behind an intervention goes far beyond the protection of US interest: By protecting ourselves, we are protecting you.

In the popular and simplified categorisation of Clinton and Bush as, respectively, a multilateralist and a unilateralist president, the historical context is apparently shown too little attention. The policy of the Bush administration has been highly influenced by the events of 9/11. It is, if not impossible, at least very difficult, to say how the Clinton administration would have reacted to the terror attacks in

September 2001. Any such assumption would be hypothetically and speculative. However, to label the foreign policy, at least on the use of force, of the Bush administration as being revolutionary, is jumping to conclusions too easily. The Clinton administration's record on this field does not tell a story of complete multilateralism. In fact, this administration showed an outspoken willingness to act unilaterally "when we must" (The White House 1997:5).

What seems to be more important to US intervention policy than person and political party, is the long American tradition of exceptionalism, which seems to affect both presidents strongly. US exceptionalism seems to result in a United States placing itself above international arrangements and norms, claiming a right to act unilaterally. The findings of this thesis indicate that as long as US conviction, resources and will of action are present, intervention will eventually happen. Yes, both administrations have consulted, or at least informed, the Security Council and the international community before they acted. But, at the end of the road, both the Clinton and the Bush administration have demonstrated what I see as a very evident feature of hegemonic power in a unipolar world: If national security or American values are threatened, and the world does nothing to prevent it, the United States will act.

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