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America and the Arab World through the prism of the United Nations- A Study of Libya and Sudan in the Post Cold War Era (1990-2006)

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ABSTRACT

There exists a number of important key issues surrounding the drafting of the United Nations (UN) Charter and affecting relations between the United States (US) and the UN - not least of which have been the standards of the UN Charter and the extent to which the US has influenced international decision-making and exploited the UN Security Council in attempts to promote US foreign policy interests and achieve its own political agenda. I query the variables affecting the UN Security Council's powers under the auspices of maintaining the international balance of power and raise questions surrounding how the US was able to expand its own foreign policy agenda, specifically toward Arab nations, under the umbrella of the UN. In addition, I examine how the US made efforts to push other UN members in directions that they might not have wanted to follow in specific cases in the Arab World, including those of the Palestinian-Israeli conflict, Iraq, Somalia, Libya and Sudan. The research illustrates a significant transformation in the tasks dealt with by the UN Security Council and its performance in the Arab World through the two case studies of Libya and Sudan. Primary data was collected through interviews with four administrators involved in Libyan and Sudanese foreign policy and the UN during the post-Cold War era (1990-2006). The findings reveal a positive correlation between the ability of the US to predominate over decision-making within the UN Security Council and to successfully influence its policies in order to achieve the collective legitimisation of its own actions and political agenda.

DECLARATION

I hereby declare that no portion of the work that appears in this study has been used in support of an application of another degree in qualification to this or any other university or institution of learning.

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DEDICATION

Dedicated to my Mother's soul which left me with the scholarship to begin this study.

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LIST OF ABBREVIATIONS

Anti-Ballistic Missile (ABM) Treaty

Administrative Committee on Coordination (ACC)

Agency for International Development (AID)

American-Israel Public Affairs Committee (AIPAC)

Al Qaeda in the Islamic Maghreb (AQIM)

The African Union (AU)

British Petroleum (BP)

The Congressional Research Service (CRS)

Comprehensive Test Ban Treaty (CTBT)

Counter Terrorism Committee (CTC)

Chemical Weapons Convention (CWC)

Director of the Central Intelligence (DCI)

Department of Defense (DoD)

Darfur Peace Accord (DPA)

Front Islamique du Salut (FIS)

General Accounting Office (GAO)

International Atomic Energy Agency (IAEA)

International Criminal Court (ICC)

International Churches Councils (ICC)

International Court of Justice (ICJ)

International Development Association (IDA)

Inter-Governmental Authority on Development (IGAD)

Islamic Rally Movement (IRM)

Libyan Islamic Fighting Group (LIFG)

Millennium Challenge Account (MCA)

North American Free Trade Agreement (NAFTA)

National Association of Securities Dealers Automated Quotations (NASDAQ)

National Front for the Salvation of Libya (NFSL)

Non-governmental Organizations (NGOs)

Nuclear Non-Proliferation Treaty (NPT)

National Security Council (NSC)

National Security Decision Directives (NSDD)

Organization of African Unity (OAU)

Organization for Economic Co-operation and Development (OECD)

Office of Foreign Assets Control (OFAC)

Oil-for-Food Programme (OFF)

Organization of Petroleum Exporting Countries (OPEC)

Popular Front for the Liberation of Palestine-General Command (PFLP-GC)

Palestinian Liberation Organization (PLO)

Peace and Security Council (PSC)

Revolutionary Command Council for National Salvation (RCC)

South Florida Reception Center (SFRC)

Sudanese Liberation Army (SLA)

Transitional Military Council (TMC)

United Nations (UN)

US Agency for International Development (USAID)

Weapons of Mass Destruction (WMD)

World Trade Organization (WTO)

INTRODUCTION

This chapter begins by discussing the breadth and variety of materials available in the disciplines of International Relations and developmental studies relevant to developing a theoretical framework and the appropriate models for contextualizing this research. It will then proceed to provide an overview of the practical realities of the UN as an international organization; the shift in the UN Security Council procedures and working methods; and a detailed evaluation of the US direct involvement in military conflicts and UN interventions.

The central part of this chapter will discuss the research problem; conceptual framework, theories, and models; research topic; the significance and contribution of the study to current research; research hypotheses; data sources; the structure of the study; and research methodology.

The final part of this chapter briefly reviews the development of the UN; gives an historical overview of the US-UN relationship; reflects on US change from a regional power to a global hegemony; US hegemony and presents the chapter conclusion.

Providing a theoretical framework that considers key theories of International Relations and models of development studies literature will enable a deeper appreciation for the inherent problems and weaknesses that developed in the UN, the International Monetary Fund (IMF), and the World Bank during the post-Cold War period (1990–2006). Understanding these particular complications will set the foundation for further analysing how the US was historically able to exert pressure on these international organizations in order to pursue its own foreign policy objectives. The patterns and processes of US foreign policy in the Middle East- Arab region will

be of particular interest to this study. This study will focus on the countries generally included in this region from Morocco in the West of Africa to as far east as Iraq in the northern-most part of the region. For the purposes of this study, Sudan will also be included in the MENA category not only for its geographical similarities, but for political and cultural purposes as well.

There is a vast array of materials available concerning general US-UN relations and US foreign policy during the Cold War and post-Cold War eras. Additionally, volumes have been written on the US' relationship with the World Bank and IMF. I have narrowed the scope of resources for this study to those of particular relevance to measures implemented prior to 2006 regarding US foreign policy in the Arab region.

The relationships between the US, UN, and their associated agencies have provided much fertile ground upon which to build the theoretical framework for this thesis. This aspect will be further contextualized by existing scholarship not only with a developmental focus but also from international relations and strategic foreign policy formulation perspectives. These categories of study discuss the development of US foreign policy from various International Relations theoretical and historical perspectives, most notably the realist, liberalist, neorealist and neoliberal models.

This literature will provide supporting evidence with which to answer this study's pivotal research question - how was the US able to pursue its interests in the Arab region under the umbrella of the UN? Of particular interest to the study will be the literature discussing the changing nature of the US government in the post-Cold War era, and exploring how domestic policies play a major role in the development of US foreign policy, including the influence of different policy experts in the executive branch, lobbies, think tanks and various interest groups.

Chapter Four includes an analysis and discussion of the US role in three background historical perspective models: Iraq's invasion of Kuwait in 1990; the ongoing Israeli-Palestinian conflict in the post-Cold War period; and the US intervention in Somalia based on humanitarian grounds. These models all provide examples of the gradually increasing influence the US has exerted on the UN following the end of the Cold War; the consequent decline in US-UN relations as the US used UN approval as justification when necessary in order to intensify its unilateral measures. This chapter also establishes some of the background for the extended case studies on Libya and the Lockerbie incident in Chapter Five and on Sudan and the ongoing Darfur crisis in Chapter Six.

0.1. RESEARCH PROBLEM

The research problem is divided into five inter-related areas of concern: 1) the role of the US in the development of an imperfect UN Charter; 2) the conflict of interests between US obligations to the UN, and its influence in both the World Bank and IMF that has allowed it to push forward its foreign policy objectives in the Arab world; 3) the influence of domestic politics, Congress and lobbyists on the development of US foreign policy and their influence on the US foreign policy making towards the Middle East; and 4) the US use of the UN Security Council in its efforts to advance its own particular foreign policy interests in the Arab region.

The UN Security Council enjoys vast powers under Chapter VII of the UN Charter which aims to uphold international peace and security by settling conflicts through peaceful means. However, looking more specifically at the specific dynamics of US-UN relations and the lead–up to the chosen case studies of Sudan and Libya, I will examine the role and impact of US power and influence that resulted in partiality on the part of the UN Security Council in its handling of both Libya, following the Lockerbie incident (1988), and Sudan, during the on-going Darfur

crisis (2003-2006). I will also explore the possibility that the broad characterisation of both Libya and Sudan as threats to international peace and security influenced the UN Security Council to implement sanctions regimes led by the US and its allies under the general aegis of the UN Charter.

0.2. CONCEPTUAL FRAMEWORK AND MODELS OF INTERNATIONAL RELATIONS

0.2.1 POST-1989: A CHANGING WORLD

Following the end of the Cold War, the US re-emerged as the sole superpower in the international community. Shaolei (2005) and Nye (2003) both explain that on an international level, the US was likely to remain the only superpower for years. Paul (2005a) notes that the US increasingly sought to assert its dominant position internationally by expanding both its economic and political power. The US began to engage in increasingly unilateralist military polices, both with and without the consent of the UN Security Council. The US progressively acted without the Council's blessing, choosing to act beyond the limits of the UN Charter (Allain, 2004). Perhaps most notably, the Clinton administration reserved the right to reconsider airstrikes, not so much in support of UN needs, but rather solely in support of US "national interest".

However, some argue that with the disintegration of the Soviet Union between 1989 and 1991, a key obstacle had been removed in the pursuit of the US to achieve the status of the sole global hegemonic power (Layne, 2001). The collapse of the Soviet Union left the US the "unchallenged head of a coherent global system" (Hunt, 2007: 314). As Clark argues that while the political landscape at the beginning of the Bush Jr. administration may appear to be very different to that of Bush Sr., there still remain very many similarities (Clark 2001). Furthermore, in terms of

ambitions, interests, and alliances, Layne argues that the US still adheres to the "same grand strategy that it pursued from 1945 until 1991, the strategy of preponderance" (Layne, 1998: 8). Accordingly, this strategy remained unbroken throughout the post-Cold War period despite the individual differences in policy adopted by each administration (Mastanduno, 1997).

Following the disintegration of Soviet Union, the distribution of power in the post-Cold War world was seen as proof of the inherent superiority of free market liberal democracy. Many members of the Bush Sr. administration were wholeheartedly optimistic about the possibility of a New American Century for the twenty-first century. Eckersley (2008) adds that the US had chosen to take full advantage of its greater range of exit options than were available to any other state in order to avoid entanglement in increasingly demanding and ever-growing international processes of conducting multilateral actions, via coalitions of the willing.

Following the conclusion of the Cold War, the US emerged as the sole superpower in a new unipolar system, and, as such, it was intent on expanding its political and economic reach into former Soviet states and communist bloc (Rowley and Weldes, 2008). This new balance of power following the Cold War was promoted in an idealized fashion by President George H. W. Bush and was formed by "the synthesis of new global political and economic conditions" (Murphy, 1997: 111). The concept of a "new world order" was President Bush Sr.'s major contribution to the post-Cold War era, who outlined the idea to Congress following the 1990 invasion of Kuwait by the regime of Saddam Hussein (Dumbrell, 2008a). Whereas Patman (2008) saw the decisive military victory of the US-led coalition in the Iraq-Kuwait War (1990) during which the US led a coalition which successfully repelled Iraq's invasion of Kuwait, seemed to affirm the reality of this new order. However, it did not last long as the US was unable "to act effectively outside of its own national interests, as was demonstrated in Somalia shortly

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after the Persian Gulf War." The UN's handling of the 1994 Rwandan genocide also signalled the end of this post-Cold War project (Ostergard, 2006: 43).

President George H. W. Bush Sr. attempted to develop a new, post-containment basis for American internationalism which stressed American global responsibilities and opportunities. While this project ultimately failed, the Clinton administration's approach to defining the US' international role was guided by a "vision of democratic enlargement" that would encourage "domestic support" for globalisation (Dumbrell, 2005: 7).

The post-Cold War era saw a geopolitical shift in the new international system. Although many UN-associated agencies have remained useful to the US over time, Lucas (2005) notes that if they prohibited the US from pursuing certain unilateral actions then the US would sometimes find ways to work around them. In the case of the US invasion of Iraq (2003), the UN did not cooperate fully and was thus seen by US officials as having failed in terms of fulfilling US foreign policy goals. Lucas (2005) argues that the post-Cold War era faces a US government with a more unilateral approach to foreign policy than in any previous period. Masoud (2008) argues that there have been drastic changes in a world system driven by changes in power relationships and the emergence of the US as the sole world superpower.

0.2.2 THE WEAKNESS OF THE UN

Overall, the US remains one of the UN's harshest and most vocal critics. As Abelson (1995) points out, the US has often expressed its dissatisfaction with the mechanisms of the UN. The US has also taken concrete action against the UN by reducing its financial contributions on several occasions. Sarsar (2004) gives an example of the Carter administration withdrawing from the International Labor Organization (ILO) (which the US later rejoined in 1980). Thakur (2006)

gives another example when the Reagan administration withdrew US membership from the United Nations Educational Scientific and Cultural Organization (UNESCO) in 1984 which the US did not rejoin until 2003.

It is certainly not new that the US has complained about the UN's functioning and philosophy. Anstey (2005) argues that the UN was not only in crisis in the post-Cold War Era, but that it had been since its inception. The UN's situation became critical in the 1990s, when a policy of zero growth was imposed on its regular operating budget. This state of affairs reached its most desperate point in 1995 when the US paid only 48% of its regular budget dues and 40% of its expected peacekeeping contribution. "During the Cold War, both Democratic and Republican administrations saw aid as an absolutely critical part of US strategy in the struggle against Communism. Since the end of that conflict, spending on aid has declined precipitously, and even 9/11 has led to no really significant improvement, even in most of the Muslim world" (Lieven, 2012: 399). This study explores the possibility that the US has leveraged its substantial financial resources and comparably large share of contributions in the overall budget of the UN to hinder its operations at strategic times in order to induce support for US policy.

The non-payment of contributions, unilateral withdrawal of contributing states from certain UN associated agencies and the apparent double standard regarding the payment of dues for permanent members of the UN Security Council are all factors that have led to the gradual decline in the credibility of the UN (Finkelstein, 2006). Its agenda has become increasingly affected by the partial payment or non-payment of members' dues and on the conditional payment of US assessed dues. The continued UN members' policy of withholding and non-payment of dues has had serious legal consequences for the way the UN functions.

Many of the weaknesses and limitations of the UN are found in the way it functions. However, in practice, its enforcement abilities can be relatively limited insofar as it only has the power to make recommendations. Holls (2007) compares this role to that of a paid consultant working for a corporation. The UN is potentially a strong system (Ettalhi, personal interview, 12 September 2012) insofar as the UN system of organizations covers a wide variety of organizational units (centres, agencies, organizations, commissions, programmes, etc.) with different institutional and functional structures. The principal organs and subsidiary bodies of the UN Secretariat are included under the regular budget of the UN, as authorized by the General Assembly. Other agencies of the UN system, however, have their own regular budgets or are financed solely from voluntary contributions.

The reform project in the UN decision-making process, refereed by former Secretary General Boutros Ghali revealed its inherent weaknesses and remains a continuous UN debate. UN weaknesses were demonstrated in a number of peacekeeping operation setbacks in the early 1990s. The problems stemmed from differing responses by the UN Security Council, leading to accusations of double standards. Halliday observes that there is a set of "double standards" when it comes to applying policy towards the Middle East in particular. Certain member states that are perceived as friendly may reject resolutions without any consequences while other states doing the same can be subject to punishment by the UN "through neglect, sanctions, and often warfare" (Halliday 2005: 139).

The perception of double standards for permanent members of the UN Security Council has led many to question the UN Security Council's motives and actions. As the Council became less transparent, a perception of domination of the UN Security Council by several key states including France and the US eventually developed (Jodoin, 2005). From as early as the Iraq-

Kuwait War of 1990-1, it was clear that the objective of a smoothly functioning Council was not being fulfilled (*Ibid.;* Lyman, 2000). The UN Security Council came under fire as being ineffective and biased, leading to further Council inaction and increased US unilateral action.

While the UN Security Council can authorize the deployment of troops, the UN does not equip or provide them, nor can member states be forced to supply troops if they choose not to do so (Bjola, 2005). A dilemma existed whereby on the one hand the UN itself had no international police, military force, or equipment to enforce the resolutions passed by its Security Council (Thakur, 2006). On the other hand, the US remained reluctant for the UN to have standing forces of its own that could be called upon to enforce the decisions made by the UN Security Council. In effect, this made the success of authorised missions entirely contingent upon troop contributions from member states—particularly those from the US as the largest militarily equipped member.

0.2.3 THE UN AND THE ARAB AND MUSLIM WORLD

The end of the Cold War marked a significant transition in international relations. Firstly, following the breakup of the USSR, many new Muslim countries emerged as independent, legally sovereign entities (such as Tajikistan, Uzbekistan, Kyrgyzstan, Azerbaijan and Kazakhstan). Secondly, developing countries became increasingly dependent on American funding and approval in order to acquire their resources to rule, since they were less able to exploit great power competition. This led to a significant increase in the influence of the IMF and the World Bank, as well as substantial new leverage for the US over client states. US dominance in regional subsystems was further cemented by the war in Iraq-Kuwait 1990-1 (Makki, personal interview, 2 June 2007).

Ehteshami (1997) listed some of the obstacles standing in the way of introducing new Middle East security structures. Arab and Muslim countries represent more than two thirds of those in the Middle East. However, to this day many Arab nations are still fraught with both political and economic problems. Moreover, although this region is a highly militarized part of the world and there is still a relative absence of a distinctly Arab political dialogue. As there is not one common issue, it seems as if there is little chance of establishing a semblance of religious or political unanimity or consensus among the region. This situation largely revolves around tensions among Arab countries regarding the region's significant oil resources, which are viewed as having the potential to create opportunities for intervention in Middle East—the clearest example being the US intervention during the Iraq-Kuwait War in 1990-1.

Within the UN General Assembly, an important group of power had developed in the form of alignments among the UN's member states from the Arab and Muslim world. This group is known as the Islamic Conference (Smith, 2006). Outside of the UN, the Islamic Conference sponsored meetings of Muslim countries on important issues of concern to them. Once a consensus was reached, these issues were often then presented for further discussion within the confines of the General Assembly (Baehr and Gordenker 2005). Arguably, these member states are for the most part unlikely to support any unilateral use of force by the US even if it is in response to a genuine threat to either the US itself or to overall global security. Chapman and Reiter (2004) note that for many of these states, whether it was justified or not, the US was seen as the greatest threat to world security, a notion that is also reflected by Paul (2005a).

Another possible arrangement of the distribution of power is discussed by Mingst and Karns (2000) who theorise that increases in UN Security Council non-permanent membership could make it more difficult for any single member state to manipulate the UN. While the current

procedures of the UN Security Council have created an environment that enables a single member state such as the US to exercise a disproportionate amount of influence, the UN Security Council has also contributed to its own decline of authority through its inability to provide the military resources needed to monitor and enforce any resolutions it makes. As Shorr (2004) argues, the UN should serve the interests of all its members, not just those of a single state such as the US. While these groups were effective and important to those UN members from the Muslim and Arab world, it can be concluded that they were not influential over the UN as a whole. They were unable to use their coalitions to change the balance of power within the UN Security Council. Islamic interest groups did manage to have some sway through the UN General Assembly as Arab and Muslim UN member states proposed issues that were in turn discussed outside of the UN into the UN General Assembly, and some of which were later adopted. Perhaps the most extreme example of this movement was when the Resolution 3379 was passed by the UN General Assembly in 1975. This resolution effectively declared that: "Zionism is a form of racism and racial discrimination" (Curtis, 2012: 345).

0.3 THE MAIN THEORETICAL FRAMEWORK ACCOUNTING FOR AMERICAN FOREIGN POLICY

This section offers a discussion of general theoretical approaches to the study of International Relations and to US foreign policy in particular. The theories central to this study's theoretical framework include: Realism, Neorealism, Neoliberalism and Liberalism. This section will briefly introduce each of the theories while the following sections will deal with each one individually and in-depth.

The first of these approaches, Realism, is based on the assumption that states are "unitary actors" motivated purely by self-interest and survival. Waltz proposes that Realism can explain

similarities in state behaviour "despite their internal differences" and that states are largely influenced by external, international factors rather than domestic ones (Waltz, 1996: 54). Therefore, the theory of Realism is necessary to understand US foreign policy towards the Arab world, as it stresses the instability of the international system with states constantly attempting to maximize their own power as they are in constant competition with each other. Realism often needs to be deployed in order to assess what has driven this changing policy agenda (Tirman, 2009). International Relations theory lends some of the framework through which to understand the politics of the Middle East, both as an object of great power affections and in terms of the regionally internal machinations of states and actors.

Neorealism, while it was initially based on Realism, does significantly depart from its predecessor by proposing a distinction between "factors internal to international political systems from those that are external" (Waltz, 2003: 29). It is also slightly less state-centric than Realism and is an important theory for understanding the new global balance of power that emerged during the post-Cold War era.

The third theory, Neoliberalism, is the least state-centric of the theories as it is primarily concerned with institutions as the "means by which to discipline the anarchical system" initially set forth by Realist theorists. It also accounts for the possibility of cooperation, downgrading the Realist concept of self-interest, arguing that states may also act out of mutual self-interest and survival through promoting shared values and norms as well as regime formation (Mastanduno, 1991). This represents a shift from relative gains to absolute gains (Brown, 2001). Neoliberalism is an important theory for understanding the dynamics of intergovernmental institutions such as the UN as it not only accounts for, but gives a great deal of consideration to such kinds of actors.

The final theory, Liberalism is essentially a domestic theory that has been transposed on the international plane. Liberals share a common framework or area of agreement with fellow liberals and where they vary is essentially according to whether either property or welfare should guide international preferences (Dole, 2008). Moreover, Liberalism is also required in order to fully understand the US' aspirations to achieve a hegemonic status. Liberals also contend that the survival of a state is not only maintained by military power but also by economic resources and economic power. Maximising a state's military power cannot be achieved without economic strength. This assumption is also shared by the majority of realists. Additionally, the increasing economic interdependence of states would effectively deter potential conflict as it would be in states' best financial interests to cooperate with one another (Walt, 1998). Liberalism does perhaps overoptimistically predicts that the spread of capitalism will inevitably bring about democracy, and has become the "driving ideology of US foreign policy" (Dumbrell, 1990: 4). As a theory of International Relations, liberalism focuses on the rules and norms that have developed between states. According to Robinson (2008), the key component of liberal theory is the democratic peace thesis. The democratic peace thesis maintains that liberal democracies are war-averse, because as liberalism assumes, people generally prefer peace to war.

It must be emphasized that any one of these theoretical models alone cannot suffice to explain the foreign policy actions of the United States. Instead, each of these can be seen as contributing a unique facet with which to analyse foreign policy in order to achieve a greater understanding of the triangular relationship between the US, Arab world and UN. Each theory also helps account not only for the motivations of different US presidential administrations which often change throughout the post-Cold War period, but also for analysing the relationship between the US and UN. This dissertation does not subscribe to a single monolithic theory, but attempts to synthesize

four of the major theories of International Relations to achieve what might be considered a more complete understanding of US foreign policy, acknowledging the fundamental concepts of Realism while also adopting the contributions of Neorealism, Neoliberalism and Liberalism.

0.3.1 THE REALIST MODEL

Of all the theories of International Relations, Realism places the greatest emphasis on states as the sole actors on the global political stage. It also defines power primarily in terms of military power (Jodoin, 2005). Although the realist approach to international relations has given way to Liberalism to a certain extent, it still remains the dominant framework for understanding international relations and shapes the thinking of almost all foreign policy officials in the US and much of the rest of the world. Although this school of thought is growing increasingly fractured, there still remain some universally accepted elements. Like Realists, Constructivists accept that the world of international relations is generally anarchic, but their view differs from that of realists in that it is so because national leaders throughout history have believed it to be violent and competitive and have acted accordingly. In the words of Wendt, international Realism is thus a "self-fulfilling prophecy" (Wendt, 1992). The theory most commonly applied to the analysis of foreign policy is Realism. Realists regard the state as a principle, unitary and rational actor in foreign policy and international relations, whose aims are to achieve as many of their national interests and objectives as possible on the basis of an emphasis on global security (Morgenthau, 1993). Following the inter-war period, Realism became the canon for academic writing. Furthermore, during the Cold War, it seemed obvious that states and military force were at the heart of the international system (Hill, 2003). Zakaria (1992) assumes that the international system provides incentives only for moderate, reasonable behaviour. Immoderate, unreasonable

behaviour contradicts "true" systemic incentives and must be caused at some other level of analysis.

Any foreign policy analyst who wishes to make use of International Relations theory must first understand Realism as it adopts the view that the foreign policy decisions of states are inherently rational or strategically based on the response of international pressures rather than domestic influences. This provides for the "primacy of foreign policy" in that realists consider the conduct of international relations as being distinct from domestic policy making (Zakaria, 1992). Until Waltz's balance-of-power theory, realists have argued that systemic pressures determine states' foreign policy behaviour. However, while realists do not completely "deny that domestic politics influences foreign policy", they do place the most significance on international competition as a driver for foreign policy as opposed to "ideological preferences or internal political pressures" (Zakaria, 1992: 180). Additionally, Realism perceives US strategic national interests as part of the natural order of things, even if in retrospect they may not seem to have benefitted the American population as a whole (Lieven, 2008).

Realism and its progeny, including Defensive, Offensive and Neoclassical Realism have been the most dominant theories serving as the searchlight of US policy in the Arab world. As Realism has traditionally seen global politics as a raw competition for power and resources, it has gradually shifted over time to account for changes on the global scene and to evolve intellectually. Most notably, the end of the Cold War brought about new challenges to the realist paradigm, especially with the rise of global civil society and developments in communications technologies such as the Internet and news media. The main modifications of this model over time is its gradual acceptance that forces other than self-interest such as economics, values and culture can also, in fact, shape the way the world works (Tiram, 2009).

0.3.2 THE NEOREALIST MODEL

Neorealism is known by many names: Modern Realism, and New Realism, among many scholars such as Waltz, K.; Keohane, R; Krasner, S.; Gilpin, R.; Tucker, R.; Modelski, G.; Kindleberger, C. and others. For the sake of this study, I will include all of these subcategories under the heading of 'Neorealism'. Neorealist theory retains some of the 'state centric' or 'statist' tenets initially set forth by Realism, proposing a 'state-as-actor' model of the world. Thus, for purposes of theory, the state is considered as a natural unit with clearly delineated boundaries, legitimacy and self-interest that is unaffected by "transnational…interests" (Ashley, 1984).

In some cases, individual Neorealists could agree that to allow the theoretical commitment to the state-as-actor construct involves a distortion of sorts. Waltz, for example, states that he "can freely admit that states are in fact not unitary, purposive actors" (Waltz, 1979: 91)**.** Gilpin writes that, "strictly speaking, states, as such, have no interests, or what economists call 'utility functions,' nor do bureaucracies, interest groups, or so-called transnational actors, for that matter". He extends this to say that the state may be considered as a combination of partnerships with interests that stem from "the powers and bargaining" of the smaller partnerships from which society as a whole is comprised (Gilpin, 1981). It can also be understood from this that the conditions of 'complex interdependence', including the realities of transnational and transgovernmental relations, fall well short of the Realist assumption that states are 'coherent units' with clearly delineated boundaries separating them from their external framework (Keohane and Nye, 1977).

In the immediate aftermath of the Cold War, both Neorealist and Neoliberal theory influenced Structuralist approaches to International Relations and foreign policy in that it played down the

importance of the state as an actor within the international system (White, 2003). However, the idea of separating International Relations from the individual foreign policies that contribute to them s has been refuted by certain scholars as unrealistic. For example, Fearon's (1998) position converges with the overall thesis of my research in that International Relations result from and are informed by foreign policies, which in turn result from domestic political systems. The state is therefore very important in examining foreign policy, and if domestic structures and actors are also to be considered, the individual theories hitherto discussed will not suffice on their own.

According to Waltz (1996), US foreign policy is shaped by a combination of both domestic and international factors. Therefore, it is impossible to construct a monolithic theory of foreign policy. Warner (1996), on the other hand, argues that US foreign policy is shaped exclusively by domestic factors and adds that it is defined primarily by *ad hoc* management in response to domestic political and economic concerns. He proposes that rather than being concerned with global issues, the US is somewhere in a grey zone wherein it defends certain domestic interests while simultaneously proclaiming itself to be the dominant hegemon in the world.

According to another highly influential neorealist scholar, Mearsheimer, the conclusion of the Cold War would ultimately lead to more war throughout Europe. As such, "the West has an interest in maintaining the Cold War order, and hence has an interest in maintaining the Cold War confrontation" (Mearsheimer, 1990: 52). Meaning, of course, that Western powers should support "the continued existence of a powerful Soviet Union with substantial military forces in Eastern Europe" (*Ibid.*: 52).

Following Neorealism, the schools of defensive and offensive Realism gained prominence alongside Neoclassical realism which can be classified as a "realist theory for…foreign policy

analysis" (Wohlforth, 2008: 46). Both defensive and offensive Realism share a number of similarities. Schmidt (2012) argues that systemic factors play a significant role in shaping the foreign policy features of the US in four primary ways. Firstly, both defensive and offensive Realists place the power of states above that of any other authority, meaning that there is no higher centralized form of governance. Secondly, the sovereigns of states are the most important actors in the international system. A third assumption is that states act on the basis of self-help and to advance their own self-interests. Fourth, power is the main currency of international politics. Thus, after the Second World War, as the power of the US increased in comparison with that of other states, so did its interests. Some argue that this trend of expanding American power and interests continues in the post-Cold War era.

0.3.3 THE NEOLIBERALIST MODEL

Neoliberalism presents a "structural, systemic and top-down view" of international relations insofar as it recognises states as the prime actors in the international system which, unlike other top-down theories, it perceives as "essentially anarchic". Having emerged as a direct challenge to Neorealism, Neoliberalism contests that autonomous, rational states and institutions are capable of maintaining international cooperation while each pursuing their own interests (Carlsnaes, 1992). Neoliberalism thus adopts a structural approach to foreign policy analysis at the sub-systemic level, with a focus on the causal relationship between states and their agencies, as well as the ways in which the latter conforms to the demands of the former. Neoliberals therefore believe that individual policymakers can be studied in order to assess how they operate within the state or agency, and the structural confines they face in doing so. They also emphasise the positive role played by public opinion in driving the actions of state officials and forming effective policy (Carlsnaes, 1992).

This departs from, Neorealists who suggest that what leads states to pursue power is the nature of the system the international environment as opposed to human nature. Therefore, neo-realists assume that power is the currency and the central concept of international politics. As a result, the Neo-realists assume that the overall capabilities of states, military, economic and technological, define its political power in world politics (Walt, 1998). According to Waltz (2000) who is considered a structural or neo-realist, states are not aggressive by nature, but it is nonetheless necessary for maintaining a state's security to view other states as potential threats. Or in other words, it is only because of the nature of the essentially anarchic or dangerous international system that states are forced to view their place in the world as dependent on how they perceive the power of other states in relation to their own. This approach, however, fails to take the presence of different actors *within* states into account, thereby excluding the possibility of dissimilar opinions on international events, who will therefore lead to varying foreign policy decision-making processes and means of implementation (Brown, and Ainley, 2009).

Neoliberalism is based on an interpretation of the "state of nature" different from that of realists. This interpretation acknowledges the possibility for cooperation within an anarchic international system. (Woolfson, 2012) Beginning in the 1970s, leading liberalists Robert Keohane and Joseph Nye "re-engaged with liberalism as a response to realism". (Keohane & Nye, 1984) Their work shared an understanding of state behaviour which departed significantly from previous Westphalian notions.

According to neoliberals, states are driven by self-interest and survival needs; they also act rationally according to these needs. However, according to this rationale, survival denotes the efforts of states to maximise their own power. This effectively places more of the explanation for state behaviour on domestic institutions rather than structural conditions themselves. Moreover,

neoliberals include the possibility of states "forego[ing] competition in favour of greater gain" as part of actor rationality (Woolfson, 2012). However, this can only be possible if states can assuage any fears about other states working around or ignoring international agreements

0.3.4 THE LIBERALIST MODEL

Liberalism is essentially a domestic theory that has been transposed on the international plane and is necessary in order to fully understand the US' aspirations to achieve a hegemonic status. Liberals share a common framework or area of agreement with fellow liberals and where they vary is essentially according to whether either property or welfare should guide international preferences (Dole, 2008). Liberals also contend that the survival of a state is not only maintained by military power but also by economic resources and economic power. In addition, Maximising a state's military power cannot be achieved without economic strength. This assumption is also shared by the majority of realists. Additionally, the increasing economic interdependence of states would effectively deter potential conflict as it would be in states' best financial interests to cooperate with one another in order to maintain healthy economic relations (Walt, 1998).

The concept of liberal multilateralism has been prevalent following the Cold War. It was also essential in shaping American foreign policy insofar as the administrations of Presidents George Bush Sr. and Bill Clinton drew "on ideas and commitments from the post-Second War era". Liberal theory contends that the best way to ensure international peace and prosperity is by endorsing governments "organized around democracy, open markets, multilateral institutions, and binding security ties" (Ikenberry, 2001: 27). Liberal theorists agree with realists that states exist under anarchy, but they disagree about the nature of anarchy (Doyle, 2008).

Liberalism does perhaps overoptimistically predict that the spread of capitalism will inevitably bring about democracy, thereby becoming the "driving ideology of US foreign policy"

(Dumbrell, 1990: 4). According to Robinson (2008), the key component of liberal theory is the democratic peace thesis. The democratic peace thesis maintains that liberal democracies are war-averse, because as Liberalism assumes, people generally prefer peace to war.

The main point of Liberalism dictates the US foreign policy should replicate the liberal democratic project which representative the American culture (Schmidt, 2008a). Liberals argue that democracy promotion is one of the national interests of US foreign policy in order to spread liberal values. Jervis supports that the desire to spread both democracy and liberal principles has long been an American foreign policy objective (Jervis, 2005). Schmidt (2012) argues that throughout American history presidential administrations have had to face the choice of promoting democracy either directly or indirectly. Direct means of promotion include different means such as militarily removing dictators while indirect methods include foreign assistance to democracy movements, diplomatic efforts and leading by example.

Perhaps democracy promotion was the main justification used by Bush administration in the Iraq invasion (2003), and the democratic transitions throughout the Middle East. Schmidt points out that it is because of this that liberals generally supported the war in Iraq while realists were reluctant not only because of suspicions regarding "so-called democratic peace", but also that the US was attempting to impose America's form of governance on a different country (Schmidt, 2008b).

Fukuyama's striking argument regarding the 'End of History' presents a radical restatement of the liberal modernization theme. Bringing together both its materialist and cultural strains, his study envisions that the "irresistible onslaught of modernization" will bring about not only the end of autocracy throughout the world, but also drive the global success of consumer capitalism

(Doyle, 2008). Fukuyama (1992) attempted to develop an approach which would generate a new model of international relations based on liberalism alone. However, Fukuyama repeats the mistake of restricting his approach by realist concepts and narrowing the patterns of history solely to Liberalism. In turn, his work does not allow space for any other concepts or models, and serves as the primary theoretical framework for a particular group working towards achieving global hegemony by way of imposing liberal democracy on other nation states; and underpinning material for liberal imperialism.

Voluntary imperialism, Cooper writes, of the global economy, which operates by means of international consortiums through International Financial Institutions (IFIs) such as the IMF and World Bank, is characteristic of the new imperialism in that it is multilateral. He explains that these institutions provide help to states wishing to find their way back into the global economy. In return, the IMF and World Bank make demands which, they hope, address the political and economic failures that have contributed to the original need for assistance. Since aid theory today increasingly emphasises the role of governance (Cooper, 2002; Woods, 2000) stresses that if these states wish to benefit, they must open themselves up to what he refers to as the interference of international organizations and foreign states.

Another key proponent of the new liberal imperialist model, Barnett (2003), advocated for a unilateral model of imperialism by dividing international relations into the Core, the Seam, and the Gap (the part of the world where globalization is thinning). His view is that the US should militarily engage with the Gap in order to assure real ownership of strategic security in the West. He proposes that areas where liberal democracy is lacking and where poverty and disease is widespread could pose a security threat and possibly harbour global terrorists.

Although the new liberal imperialism approach suggests that contemporary international relations are beyond the balance-of-power system, Tamene (2004) argues that it remains so in the form of the "extra-legal factor". This is essentially a non-legal means applied primarily by European countries in the past as an effort to balance the interests of several great powers and ensure that no single state gained dominance. On the other hand, as Segal (1995) writes, concepts are often used in a regional setting to try to prevent or balance the rise of new great powers which might upset the *status quo*. Iraq and China are two notable examples of such countries that have been viewed in this way by some analysts. In practice, however, this balance-of-power does not stop wars or conflict. Christensen (1997) writes that while the balance-of-power and dynamics of alliance systems were used repeatedly with real but limited success to probe the history of conflict among states, it no longer exists in this sense. Defensive realists generally believe that attempts by any single power to pursue "expansionistic foreign policy" will be actively balanced by other states (Schmidt, 2012).

0.3.5 CONCLUSION OF THEORETICAL FRAMEWORK

Each of the four theories discussed above are useful in different ways for studying International Relations. Considering the vastly heterogeneous nature of American foreign policy processes, it makes it extremely difficult to view American foreign policy through any one of the traditional theoretical models alone. Each of the theories can provide different ways of analysing US foreign policy towards the Arab world and the relationship between the UN and US. Realism, for example, can be used to study the workings of the executive branch and neoliberalism can be effective for studying the media. However, in each of these theories there still remains a gap in terms of examining the influence of domestic actors on foreign policy and, taken individually; they do not explain the reality of US domestic politics.

0.4. RESEARCH TOPIC

This study explores the influence of the US on the UN and its attempts to develop its foreign policy in the Arab world. In doing so, it will observe how the UN Security Council struggled to establish new concepts in its efforts to maintain international peace and security. The study questions the legitimacy of unilateral measures taken by the US in the Arab world—leading up to a discussion of multilateral measures and evaluating whether or not they were indeed an embodiment of the international community's will. The study also examines the variables that comprised the UN Security Council's powers and their effect on the balance of international power.

This research will highlight the issues surrounding the drafting of the UN Charter and analyses the opportunities it presented for the US in particular to take advantage of what has been identified as a poorly written and misconstrued document. It examines a number of key issues that have had a negative effect on relations between the US and the UN; and the US and the IMF and the World Bank.

0.5. RESEARCH HYPOTHESES

In order to effectively approach the issues raised in the previous two sections I propose the following two hypotheses:

Hypothesis (1) US involvement in the creation of the UN and the development of the UN Charter gave the US an enhanced veto power base regarding threats to international security. This "founder status" gave the US the opportunity and the knowledge to use the umbrella of a weakened UN charter to pursue its own foreign policy interests. Its position on the UN Security Council allowed it to influence UN members in order to promote and legitimize its foreign policy agenda in the Arab world.

Hypothesis (2) In order for the US to push forward its political objectives both globally and also in the Arab region, it leveraged its considerable financial resources to influence the UN's most important agencies—the World Bank and the IMF. By becoming the largest monetary backer, the US gained access to and control over applications for financial and economic aid, which were then granted or denied based on the applicant's position towards US political interests.

0.6 THE TIME FRAME OF THE STUDY

The specific time frame of this research is defined by two major events: the collapse of the Berlin Wall in 1989 and the second half of the final term of President George W. Bush in 2006. These two events will serve as the beginning and the end of the period of my study respectively. This period is of critical importance in that the US was commonly viewed as the emergent sole superpower during this time frame in the post-Cold War era. This period is defined by the administrations of Presidents George H. W. Bush Sr., William J. Bill Clinton and George W. Bush Jr.

0.7 STRUCTURE OF THE STUDY

This thesis consists of six chapters and is broadly divided into chapters discussing US foreign policy and its role in the UN and its institutions, case studies and the conclusion and recommendations. The introduction provides summary of the chapters; research problem; conceptual framework, research topic, the research problem, the research hypotheses, research methodology, the structure of the thesis; and a historical overview of the establishment of the UN; and the US and UN relationship. Chapter One analyses the relationship between US foreign policy and the role of the UN, discussing US Foreign policy in the post- Cold War; US-UN relations; UN budget crisis and the role of US; the main features of US foreign policy making and US foreign policy in the Middle East. Chapter Two proceeds to discuss the UN Charter and

UN system while exploring the conflict of Interests arising from the establishment of the UN Charter; the UN system and US role within it; the importance of the World Bank and IMF in US/UN relations, their global role and influence in the development of US foreign policy. Chapter Three examines UN Security Council procedures and working methods of the Council; the veto right of the five Permanent Members with reference to drafting UN Security Council Resolutions; the veto system; UN Security Council in the post-Cold War period; UN Security Council sanctions policy; the US and sanctions resolutions; UN Security Council resolutions and sanction policy; the right to self-defence and provides a comparative analysis between the periods of the Cold War and the post-Cold War through tables and charts. Chapter Four proceeds to examine UN Security Council mechanisms and the Arab World; UN Security Council resolutions regarding the Arab world; US involvement in the Arab region during the post-Cold War (1990-2006), the Arab-Israeli conflict, Iraq and Somalia, the impact on UN Security Council mechanisms; UN Security Council votes trading; UN Security Council vetoes and resolutions in the Arab region; and provides a comparative analysis between the periods of the Cold War and the post-Cold War (1990-2006) through tables and charts.

Chapters Five and Six are case studies of Libya and Sudan respectively. In Chapter Five I provide a brief introduction then proceed to discuss the free officer's movement; sources of tension between Libya and US; the nationalization of Libyan oil; Libya and Islam; Islamic Groups in Libya; Libya and US Foreign Policy; the Lockerbie Incident and UN Security Council Resolutions; the legal basis of the UN Security Council resolutions in the Lockerbie case; the legality of the sanctions against Libya; Libya's Response to the UN Sanctions; Libya and the development of Weapons of Mass Destruction (WMD). In Chapter Six, or Sudan as a case study, I discuss the Nimeiri coup in 1969; Hasan al-Bashir; the rise of Al-Turabi and his role in

establishing Sudan as an Islamic state; the Salvation Revolution in 1989—the new phase in US-Sudan relations; oil Exploration in Sudan; Sudan and US foreign policy the World Trade Center plot; UN Security Council Involvement in Sudan; US unilateral measures and the Darfur crisis.

In the Conclusions chapter I provide the conclusions reached by this study; discuss areas for future research within the Arab world; and provide recommendations for UN Security Council and UN reforms.

0.8 METHODOLOGY

In order to answer the research questions and test the hypotheses put forward in this introduction, an analytical and descriptive approach will be used, encompassing an extensive literature review and multiple case studies. The research is qualitative in nature and scope, focusing mainly on providing original analyses of historical events from which to draw conclusions. A wide range of primary and secondary sources within the tradition of International Relations are used in this study. This dissertation makes an original contribution in that it not only surveys traditional literature, but it also expands the breadth of sources used to include original Arabic newspaper sources and interviews with Arab politicians. The chapters dealing with how the US has exerted its influence in particular organizations within the UN such as the UN Security Council, IMF and World Bank also present original quantitative analysis of voting procedures, the use of veto powers and changes in the distribution of foreign aid. The literature review is qualitative and seeks relevant information regarding the foundation of the UN, particularly its UN Security Council and to what extent the US has successfully exerted influence over these institutions in the post-Cold War dealings with the Arab world. The use of vetoes and resolutions on issues concerning the latter, both during and after the Cold War, is explored through a comparative analysis using data collated into original tables and charts.

Journalism is considered to be the best means of obtaining up-to-date reactions to foreign policy events and political decisions; indeed, a favourite phrase of many journalists is that they write the "first draft of history". The broad range of primary sources used include English and Arabic newspapers such as The *New York Times* and *The Washington Post*, which are commonly accepted as those most likely to be read by officials and well-informed members of the public in the West and *Al-Ahram* which is also commonly accepted as the newspaper most likely to be read by officials and well-informed members of the public throughout the Middle East region. News magazines were also used to acquire a more general impression of media perspectives on US foreign policy, specifically in relation to the Middle East in general and the Arab world in particular. These sources are of particular relevance for the case studies as they provide unique insight into the domestic circumstances of both Libya and Sudan.

In addition, the consideration of the perspective of Arab media and politicians informs the analysis of this research since it provides a unique approach to the issues surrounding the triangular relationship between the US, Arab World and the UN. The main reason behind the decision to use both English and Arabic newspapers was to address the perspectives of both Western and Arab cultures. It also allows a Western audience to gain insight into Arab perspectives of the UN system, which is not a topic that is commonly handled by traditional literature although it is of popular and political relevance in the Arab World. Alternatively, this research is also of interest to for Arab policy makers since it not only provides a broad overview of the dynamic between the US, Arab World and the UN, but goes into detail with regards to the specific mechanisms by which the US can exert its influence within the UN and its institutions. The details of the interviews with Arab politicians and administrators will be discussed in further detail in the following section on data sources.

Interviews provide a means of conducting qualitative research which has become "increasingly important" for the social sciences and other related fields (Marshal and Rossman, 1999). While the interview represents one of the most important instruments for data collection in qualitative research, it does have its own set of advantages, as interviews allow researchers to examine broader issues. King discusses how qualitative research interviews can be used to engage with broader issues in many issues, ranging from "gender [and] organizational culture" to the "effect of unemployment" (King, 1994: 33).

In interviews, researchers are able to focus on a particular question. (Marshal and Rossman, 1999) both points out that they can offer deeper insight into specific aspects of organizational structures, such as decision-making processes. The interview is also a useful tool for collecting large amounts of data quickly since it allows the researcher to collect a breadth of information from multiple subjects Interviews can be used to gain different levels of insight into multiple topics which are important for the research. The qualitative research interview is uniquely suitable for examining issues which can be examined at multiple levels. Interviewees, especially those who have a particular idea, are usually eager to deliver their opinions somewhere. This view is also supported by King who states that interviews are generally accepted by participants since not only are they an accessible and widely understood method, but people generally "like talking about their work – whether to share enthusiasm or air complaints". The interview can provide a rare opportunity for participants to share their experiences with an "interested outsider" (King, 1994: 33).

Transcripts of official speeches and interviews with politicians are readily and freely available online as PDFs. These are used to gather the official government views and explanations for

certain policy decisions. Online newspapers were also used as a source for gathering quotations and opinions of UN officials.

Other useful sources of information include Presidential Libraries (particularly those of George H.W. Bush and Bill Clinton), the US Library of Congress website, the "Open CRS" website and the websites of relevant UN institutions. Wherever possible, published personal memoirs of politicians involved in American foreign policy are acquired and reviewed. These are invaluable in providing an insight into the organization and structure of government administrations as a whole, as well as the individual actors involved in specific political and strategic decisions.

Turning now to secondary sources, these include scholarly texts, books by investigative journalists, historical accounts and treatises, as well as journal articles covering international relations, foreign policy analysis, domestic politics, presidential and governmental studies and historical analyses of the Middle East and the Arab world. These include a mixture of timely scholarly analysis (which is far more detailed than journalistic pieces) and more in-depth works written with the benefit of hindsight. However, there is a preference for texts published more recently, since these will have benefited from the large number of declassified documents from the post-Cold War period that are now available in the public domain. These sources are essential in compiling as full a picture as possible of the role played by the US in the Arab world during the post-Cold War era. The empirical nature of this research entails focusing on how and why the UN Security Council adopted certain policies and resolutions towards the Arab world, as well as putting these in the context of the framework of traditional American foreign policy.

Primary and secondary sources can have potential limitations insofar as they may become dated relatively quickly in the case of investigative journalism or be superseded by newer volumes.

Taking this into consideration, I have chosen the most recent versions of relevant publications wherever possible. The general study focuses on three predominant themes: the US system of governance, UN organizations and relations between the US and Arab countries, with a particular emphasis with regards to Libya and Sudan. In this way, a clear continuity and proper comparisons can be drawn. In order to evaluate the influence of US foreign policy, via the UN, on certain issues pertaining to the Arab world, specific case studies will be identified and discussed. There is also an individual chapter focusing on the UN Security Council's role in the Arab world, whilst Chapters Five and Six explore two in-depth case studies involving the specific experiences of Arab countries with the UN.

0.8.1 DATA SOURCES

This study has drawn upon a breadth of primary and secondary materials within the tradition of International Relations: books, journal and newspaper articles; speeches; Congressional papers; Libyan governmental and non-governmental reports; foreign policy dispatches; and four critically important, personal interviews with administrators in Libya, Sudan and the UN.

A qualitative research methodology is used to establish a qualitative literature-assessing survey of various analyses that have been made of US foreign policies in the Arab world from the end of the Cold War period up to 2006. This is supported by personal interviews conducted with prominent former diplomats in Libya, Sudan and the UN. During the course of my research, I travelled to Libya where I interviewed Mr. Mahamed Alzawe, the former Libyan Ambassador to the UK (2001-2006) and former Libyan representative to the UN (1992-1996) who was responsible for following through on the Lockerbie crisis. I then travelled to Sudan to interview Dr. Hassan Makki, currently Dean of the African University in Khartoum, and former Director of the National Documentation for the Sudanese Republic Presidency (1994-2006), and former

Consultant for the Sudanese Foreign Affairs Ministry (1994-2006). I then travelled to Cairo to interview Dr. Giad Ettalhi the former President of the UN Security Council. I then travelled to Paris to interview Dr. Abdussalam Tarek, former President of the UN General Assembly.

I provided each interviewee some background information to ensure the interviewee had a clear understanding of the issues and informed them that the purpose of the interview was to gain a more "official" as opposed to "civilian" perspective on what appeared to be a declining relationship between the US and the UN; and the increasing pressure exerted by the US over the UN to promote its own foreign policies and political agenda. I then explained that the aim of the interviews was to gain some perspective on how both Libya and Sudan view the relationship between the UN and the US, particularly in light of the events of Lockerbie and the ongoing crisis in Darfur.

The four sessions were held in the form of a semi-structured interview. I first thanked the interviewee for accepting my invitation and agreeing to contribute opinions that would be used to enrich the study with information and enlightened views and for helping to make the research a success. The interviews were conducted in-person and consisted of five questions for each case in addition five questions about UN-US in order to gather the necessary information to conduct a comparative analysis. [See Appendix 1]

The ethical dimensions of interviewing: At the end of each interview I stressed the following points:

1. The questions in these interviews constitute an integral part of a study to obtain a Doctor of Philosophy and I hope that you will adhere to the principle of objectivity required by

such scientific research. Subjective, prejudiced and narrow-minded views should be avoided, but this does not mean a compromise on the freedom of opinion in voicing one's view.

2. These views will be translated into English with some necessary modification and your final review.

3. These questions have been approved by my PhD supervisor.

The interview results provided evidence for my hypotheses and for the case studies presented in Chapters Five and Six. The respondents' views respectively address the development of US foreign policy in the Middle East, US-UN relations during the particular time frame of this study (1990-2006) as well as the political and economic impact of these relations on Libya and Sudan. I adopted a unique strategy relevant to this study's particular context that is in-line with required standards. To locate the relationship between the various themes, I determined that a qualitative data analysis is the most effective procedure for gathering the relevant international relations, historical, developmental and political information. This type of analysis allows the researcher to focus specifically on issues surrounding the Lockerbie incident (Libya) and Sudan's Darfur crisis, the reasons for their occurrence, and the US role in both crises through the auspices of the UN while also allowing for a comparative analysis to be drawn between the two cases.

0.8.2 CASE STUDIES

Libya is in a unique position in that it has faced US air strikes and unilateral measures, as well as US-led multilateral measures imposed by the UN. The Libyan analysis in Chapter Five argues that the measures imposed on the involvement of the former Libyan regime with terrorist activities, so Libya itself became responsible for the Lockerbie incident. The second argument is

that the Lockerbie incident was both a political and a legal issue governed by the Montreal Convention on the Safety of Civil Aviation. In the final argument I will illustrate how the Lockerbie incident was politicized and securitized by the US, UK and France. I will also critically analyse the means by which the UN was subsequently used as an aegis under which the US could provide a heightened sense of legitimacy for its actions.

I also contend that the UN Security Council was coerced into issuing resolutions against Libya for political reasons as the US sought to disrupt and weaken the former Libyan regime. Libya was left to conduct investigations of the accused parties involved in the Lockerbie incident; urge the victims' countries to take on the trials; and handle the problem of compensation payments through legal negotiations with the victims' lawyers. The chapter will also analyse why Libya was widely perceived as a 'rogue state' and how the incident came to be considered as an act of "international terrorism". It also considers how the methods used by the US in dealing with the concept of Libyan sovereignty could be an instance of America directly influencing the actions taken by the UN Security Council.

The second case study, Sudan, is also a unique case in that it adopted an Islamic form of governance during the Cold War period, a decision that was perceived by the West in general and the US in particular as another case of Islamic fundamentalism. Sudan straddles a strategic fault line between Africa and the Middle East that requires the US to balance delicate, competing foreign policy interests. Depending on how it manages its internal affairs, Sudan can provide either a constructive link between Africa and the Middle East or a point of confrontation that has potentially destabilizing consequences for both regions. Eventually, Sudan might also provide the US with an additional energy supply (Deng and Morrison, 2001).

Two critical elements are examined in the Sudan Darfur analysis in Chapter Six. The first element discusses a change in the internal policy of the Sudan government, and questions whether this was the only justification for the US to initiate and adopt unilateral measures in cutting off economic aid to Sudan. The second element considers whether the US, (in line with its own interests) through the UN Security Council, led the drafting of UN Security Council resolutions against the Sudan.

The Darfur crisis is unquestionably a humanitarian and political crisis of international proportions. However, I will investigate whether military intervention for humanitarian reasons is appropriate if a country possesses the right instruments, framework and conditions to cope with an internal problem by itself.

Using a combination of International Relations models with a qualitative data analysis should provide the best method to focus on the specific issues surrounding the Libyan Lockerbie incident and the Sudan Darfur crisis. This will allow us at the first part of the final conclusion to draw conclusions on the following four points: (1) establishing how the US utilized the UN Security Council against Libya and Sudan; (2) identifying why the UN failed to treat the Libyan and Sudanese crises in a completely objective manner; (3) the rationale behind treating both Libya and Sudan as threats to international peace and security; and (4) establishing the extent to which the sanctions regimes imposed on both countries could be considered legitimate.

As previously stated, a number of studies have focused on the political and strategic issues dominating the post-Cold War period and focusing on the role of the US as the sole superpower in the unipolar world at the time. To develop a well-grounded theoretical and conceptual framework I found that it is necessary to first understand US/UN relations from theoretical

traditions of International Relations, development studies and historical perspectives. The models used in particular draw from realism, liberalism, and new liberal imperialism to those of the constructivist, neo-conservatist and globalist perspectives, which will in turn provide a deep analytical perspective for locating the research for the two case studies.

I will apply the following theoretical perspectives: Realism, Neoliberalism, Neorealism and Liberalism. Of these theories, Realism has been the dominant model of International Relations throughout the past six decades, perhaps in part because it provides a useful framework for understanding the collapse of a balanced system of global powers. The liberalist model can also be applied because the purpose of this model is to achieve global structures within the international system. This model can be used to demonstrate the use of US foreign policy intervention in other sovereign states in order to pursue liberal foreign policy objectives in the Middle East under the umbrella of the UN.

0.9 HISTORICAL OVERVIEW OF THE UN

The disintegration of the Soviet Union as a world superpower brought about the disruption of an essential balance of power in the UN with regards to the resolution of conflicts within the UN Security Council. The post-Cold War period witnessed an escalation of both US unilateral foreign policy and actions taken through the UN becomes apparent when the number of military conflicts and interventions in which the US became directly involved are tallied: five in Iraq (1991, 1993, 1996, 1998 and 2003); two in Afghanistan (1998 and 2001); and one each in the cases of Somalia (1993), Bosnia (1994), Haiti (1994), Serbia (1999), Sudan (1998). That is thirteen conflicts over a span of nearly twenty years. It is arguable that the end of the Cold War has extended the US concern over a single threat with one ideological to several threats with diverse ideologies.

To provide a better understand the relationship between the US and the UN, I will need to first discuss the roots of the UN, and the international circumstances that had an impact on its formation in the aftermath of World War II.

0.9.1 THE LEAGUE OF NATIONS AND THE DEVELOPMENT OF THE UN

The UN was founded in 1945, following the end of the Second World War, as a successor to the League of Nations which had been considered by many as ineffective in its role as an international governing body (Rivlin, 1995). The League of Nations (established in 1919 and replaced in 1945) had been formed in response to World War I, on the premise that such wars could be prevented by such an entity. However, it failed to prevent WWII. Thus, it was hoped that, where the League of Nations had failed, the UN would prevail, preventing conflicts between nations and making future wars impossible by fostering the ideal of collective security. Latif (2000) supports this idea and adds that the UN was established with the intention of overcoming some of the problems of the League of Nations such as a lack of "collective security measures" and to put restraints on the use of force by member states.

Writers such as Rivlin (2006), Schlesinger (2006) and Heuvel (2003) support the argument that the US was behind the creation of the UN because of the significant role played by both US Presidents Franklin Delano Roosevelt and Harry S. Truman. In addition to the member states, other government representatives and a number of non-governmental organizations were invited to assist in drafting what would become the Charter of the UN. The UN became operative on 24 October 1945, under the name of the United Nations Organization or UNO (Conforti, 2005). However, by the 1950s it became widely referred to by 'the United Nations', or simply 'the UN'.

The UN was the first major international organization to receive significant support from the US (the League of Nations was never ratified by the US Senate), and US influence was paramount in shaping the original structure and processes of the UN. According to Rivlin (1995), the UN was rooted in US values. Morrison (2006) argues that the UN's core values were rooted in what President Franklin Delano Roosevelt called the "four freedoms" in his 1941 State of the Union Address—freedom from want, freedom from fear, freedom of expression, and freedom of worship. These freedoms formed the basis of the UN Charter when it was completed several years later in San Francisco. In fact, President Roosevelt viewed the creation of the UN as one of his single greatest political achievements (Moore and Pubantz, 2006).

The UN's headquarters, based in New York, describes itself as a global association of governments facilitating cooperation in international law, international security, economic development and social equity. The biggest advantage the UN has over the League of Nations is the ability to maintain and deploy its member states' armed forces in the role of peacekeepers. Regular meetings are held throughout the year at the UN headquarters, providing a forum for its member countries and specialized agencies. Guidance is given and received for substantial administrative issues. The UN is divided into a number of administrative bodies including: the UN General Assembly, the UN Security Council, UNESCO, the UN Trusteeship Council, the UN Secretariat and the International Court of Justice (ICJ) (Rivlin, 1995).

In addition to these administrative bodies, there exist a number of counterpart bodies that deal with the governance of all other UN system agencies such as the World Health Organization (WHO) and the United Nations International Children's Emergency Fund (UNICEF). The UN's most visible public figure is the Secretary-General. The US played a considerable role in

developing this fledgling organization and the global community at large. Iranian Ambassador to the UN, Fereydoon Hoveyda (2006) noted that the US would send top politicians and diplomats to each session of the various committees of the General Assembly.

It is notable that in some ways its structure still reflects the circumstances of its foundation (Halliday, 2005; Ismail, 2005; Ahmed, 1999; Nye, 2003; and Schlichtmann, 1999)**.** For example, the five main victors of WWII are still the UN Security Council Permanent Members each holding veto power. Halliday (2005) notes that the founding members do use the organization to deal with commendable goals while also using it to protect their own interests.

0.9.2 QUALIFYING THE UN AS AN INTERNATIONAL ORGANIZATION

On 26 June 1945, the Charter was signed by the 51 nations represented at the conference. Although Poland was not represented at the conference, a place had been reserved for it among the original signatories so its name was added later. Then the number of UN member states increased to 91 in 1960. Hoveyda (2006) contends that the power of the group that opposed US interests in the General Assembly was due to the increase of the number of UN members from developing countries in the 1960s. By the end of the Cold War, even though the Soviet Union had disintegrated, the number of UN members had more than tripled from 51 to 159, altering the balance of voting power in the General Assembly (Bantz *et al.,* 2005; White, 2002).

As of 2006, the number of UN member states totalled 191 and included nearly all internationally recognized independent nations. The Republic of China (whose status as a member state was transferred to the People's Republic of China in 1971) was also not a member at the time of the UN's founding (Conforti, 2005). Montenegro, which recently declared independence on 3 June 2006, has stated its wish to join the UN and will most likely be approved by the UN. As Smith

notes "UN membership is desirable for states simply so they can be seen as part of the club. It is also likely that states join and remain in the organization because it provides them with tangible benefits" (Smith, 2006: 279).

The founding member states initially sought to create an international governmental organization because their goals could not be achieved through a multilateral treaty alone. These goals are indicated by the purposes and principles of the constituent document, the UN Charter, which also plays a crucial role in outlining the explicit powers attributed to its different organs. This Charter was signed following negotiations that took place at the Dumbarton Oaks Conference in the summer of 1944, the Yalta Compromise reached at the end of the same year, and finally the San Francisco Conference (Ginkel, 2010). The UN has remitted to maintaining international peace and security; developing friendly relations amongst nations based on mutual respect for the principle of equal rights; the self-determination of nations to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian nature; promoting and encouraging respect for human rights and fundamental freedom for all; and to be the centre for harmonizing the actions of nations (White, 2002). According to the principles of the Charter, all members enjoying sovereign equality shall fulfil their obligations; shall settle their international disputes by peaceful means, shall refrain, in their international relations, from the threat or use of force, and shall give the UN all the assistance required for any action it takes in accordance with the Charter (Jensen and Fisher, 1990).

The UN is generally described as an international governmental organization, for which there is no single, widely-accepted legal definition. However, there is agreement on some of the characteristics it should have. These include being created between states; being based on a

treaty; being governed by international law; and including an organ with a distinct will (White, 1996). Although the latter characteristic in particular poses some difficulty, the UN meets all of these criteria: it was created by its fifty one founding member states who accepted its Charter at the San Francisco Conference on 26 June 1945. In its Preamble, this Charter clearly expresses the desire of the founding member states to establish an international organization. The creation of different organs, each with their own competences, also suggests a distinct will on the part of the member states.

However, as mentioned previously, this final characteristic can be difficult to prove. Some authors argue that a direct link exists between the distinct will of an organization and the legal personality of an international organization. While there is, indeed, some connection between the two, they are fundamentally different concepts (Simma, 2002). A resolution from the General Assembly or Security Council, whether in the form of a recommendation, binding decision, or adopted by a majority vote, is considered as more than a mere collection of statements by the countries that voted for it. Hence, the organization is greater than the sum of its parts. Furthermore, in the face of new challenges, the UN has adapted not by amending its Charter, but by reinterpreting its existing powers (Caron, 1993). This demonstrates the constitutional nature of said Charter and the independent will of the organization.

0.9.3 THE UN AND ITS FIRST TEST IN THE POST-COLD WAR ERA

Following Gorbachev's initiative to end the Afghan war, a less hostile environment and a new era of cooperation had arrived for the UN Security Council. The right of veto that had previously been used by each side to block decisions fell into disuse. It became easier to reach a consensus in the decision-making process, thanks to substantive consultations between the US and the Russian Federation. As a result, expectations for the UN rose (Qizhi, 1995). The Iraq-Kuwait

War in 1991 was seen as the first test of the new willingness among global superpowers to cooperate in the mutual interest of preserving world peace and stopping aggressive states through the principle of collective security. As such, the Iraqi invasion of Kuwait was condemned almost universally by the UN member states and economic sanctions were imposed, ultimately bringing about Saddam's defeat in the conflict. This success encouraged a belief in the UN as an effective instrument for solving political and military disputes (Latif, 2000).

However, many people believe that the military operation against Iraq did not meet all of the criteria for a "Collective Security" action. The coalition was led by the US, and although it was supposed to act on behalf of the UN, it did not use the organization's flags and symbols as it did in the situation in Korea during the early 1950s. Once again, the UN Security Council proved unable to control the US-led coalition and to perform its formal supervisory role. Furthermore, the war's objectives went far beyond the mandated mission to restore Kuwaiti sovereignty, thereby raising new security and legal issues (Ismael and Ismael, 1994).

Some of the alleged abuses of the US-led coalition include the use of force to destroy civilian infrastructure in Iraq, firing on troops as they withdrew from Kuwait and allowing for the breakdown of internal order. The UN was even accused of having hastily begun the operation in the face of US pressure without first exhausting all non-military measures. Nevertheless, the success of the operation increased the UN's prestige and was one of the reasons for its perceived increase in strength during the post-Cold War era. On the other hand, the operation's tenuous links to the UN meant that most members did not play any part in the decision-making process. Countries such as Germany and Japan, which had been expected to contribute financially while being excluded from key decision-making meetings, subsequently expressed an interest in becoming permanent members of the UN Security Council (Mingst and Karns, 2000).

Overall, the Iraq-Kuwait War presented a positive image of the UN and resulted in an enormous increase in the total number of its military operations. Following the Iraq- Kuwait War, the UN set up "fourteen new operations in Angola, Somalia, Mozambique, Georgia, Liberia, Rwanda, Haiti, and South Africa." These operations can be seen as a "qualitatively and quantitatively different from the earlier UN peacekeeping operations during the Cold War" (Weiss, Forsythe and Coate, 2001: 15). New-style conflicts were more likely to occur within states than between them, and numerous problems were caused by weak institutions, secessionism, ethnic and tribal clashes and civil wars. The nature of these conflicts could not have been predicted when the UN Charter was drafted and effectively called the long-standing principles of state sovereignty and non-intervention in states' domestic affairs into question in addition to launching a new debate on whether this would change the role of the UN. This signalled the beginning of a new era in international politics, introducing novel concepts such as humanitarian intervention and eroding sovereignty.

Generally, the Iraq case occupied the agenda of the UN during the 1990s and for some time afterwards, as I will focus on in the following chapters, but Iraq was not the only case that had been faced the UN. The second half of the 1990s also saw a steep drop in the number of UN personnel. By the spring of 1999, there were fewer than 13,000 peacekeepers in fourteen UN missions. The Clinton administration took advantage of this to improve US and international capacity to organize and manage peacekeeping, placing greater emphasis on regional organizations and the North Atlantic Treaty Organization (NATO) to lead missions such as those in the Balkans and elsewhere. Although this was not designed to support the UN's capacity for future leadership of such missions, it may have had that effect. In May 1997, for example, the White House addressed the US interagency, political-military planning process for peace

operations and related contingencies with Presidential Decision Directive PDD-56, also known as the 'Clinton Administration's Policy on Managing Complex Contingency Operations'. This PDD gave examples of such operations, citing 'situations as diverse as Haiti, Somalia, Northern Iraq, and the former Yugoslavia' (Holt and Mackinnon, 2008).

0.10 US LEADERSHIP AND HEGEMONY

US strategy in the post-Cold War era was characterized by a shift from hegemony to unilateralism. The main result of this has not been independence from institutional constraints, but rather reduced political and financial investment in both new and existing international institutions (Skidmore, 2005). In contrast, Europe and many other states have moved from simply agreeing to the rules and procedures of those institutions funded by the US to multilateralism, which entails investment of their own. Shareef (2010) attributes this shift to a decline in confidence with the UN. During the Cold War the US invested heavily in creating and supporting an extensive institutional order in Europe.

The difference today is not the gap in power between the US and Europe (which has narrowed significantly), but the removal of the perceived Soviet threat. Furthermore, even though the US has the power to act unilaterally and has increasingly done so, it will not necessarily always do so. The decision to pursue a particular course of foreign policy action often depends on domestic considerations of American interests. Since the end of the Cold War, the President alone has been less willing and able to pursue an expanded definition of the national interest. At the same time, domestic politics has empowered parochial interests whose ideological or utilitarian considerations of American unilateralism means they often oppose multilateralist commitments abroad. Nonetheless, the majority of average Americans continue to prefer multilateralist foreign policy (Skidmore, 2005).

These days, US hegemony is not only limited to the management of the international economy, but also encompasses international development, global security, peacekeeping, state- and nation-building, democratic transition and human rights. The "principles, norms, rules, and decision-making procedures" of regimes that regulate international relations are often defined by American preferences. Although explaining international relations in terms of US hegemony is not entirely incorrect, this theory fails to take into account that there is more to hegemony than US dominance alone (Puchala, 2005). It was, in fact, prominent in world affairs during the 1990s and continued into the 21st century. The US clearly plays an important role in, and benefits from, this state of affairs; however, if we abandon the notion of hegemony as "the predominant influence of one state over others", then the US is not the sole global hegemon.

For Puchala, the global role of the US as a hegemon stretches far beyond the simple fact of it being the world's "only remaining superpower". He believes that hegemony occurs when a single state achieves widespread power and seeks to control the international system. A single state can do so by providing incentives and deterrents to establish rules and persuade partners to pursue a certain course of action by doling out rewards, assuring mutual aid and offer assistance when it serves its own interests (Puchala, 2005). He explains that, as a result, the US is not just dominant in every global organization, but its endorsement and financial contributions allow said organizations to function. Puchala elaborates that a hegemon will also possess the ability to use force to ensure compliance with global norms. This willingness to exercise power in order to keep other nations "in line" is a defining characteristic of a hegemon. However, what makes Puchala's work different is his opinion that the US not the sole global hegemon, but is the leading voice in a series of hegemonic structures. Puchala essentially sees the "West" (including Japan) as the collective hegemon in world affairs, a situation which he believes dates back to the

1970s. In other words, the economic and security structures which the US co-founded, and which helped empower it as the hegemon, have now essentially become hegemonic councils collectively regulating and enforcing the international system (Posen, 2003).

Another interpretation of US hegemony is that it changed dramatically after 11 September, 2001, and that we must look back to US foreign relations after World War II to understand what happened. Beeson and Higgott (2005) explain that the multilateral system that developed following WWII effectively both increased and added a system of restraints on US authority. In common with many other authors in this review, Beeson and Higgott assert that the US has paradoxically had the greatest influence when its power has been constrained by the institutions it created during this period. These authors provide an excellent context in which to analyse whether or not the US still remains a global hegemon.

This differentiation between unipolarity, hegemony and imperialism explains the differing interpretations of the US position in international affairs since the early 1990s. The policy shift of the Bush administration after 11 September may have led to the US being viewed as a neo-imperialist power rather than as a benign hegemon. In short, although the definition of unipolarity remains unchanged, shifts in influence and policies determine whether said unipolarity is non-hegemonic, hegemonic or imperialist (Wilkinson, 1999). The National Security Strategy from this time illustrates such a shift from a hegemonic to an imperialist power (Krahmann, 2005).

Zackaria (2008) compares the rise and fall of Great Britain with that of the US. The most relevant aspect of his work is his explanation of the position of the US in the world; how its decline should be measured, and what it must be done in order to hold on to its power and

leadership in the years ahead, as Britain did during the 20th century. Zackaria adds that, through investment resulting from the globalization of finance and sustained growth, the US economy has remained the most competitive in the world for decades. The most important factor is what he terms "The Rise of the Rest". America is perceived to be in decline partly because other countries are closing the gap, as happened with Great Britain at the end of the 19th century. However, America has more tools at its disposal to maintain its top position. The world does not suddenly shift from unipolar to multipolar overnight; it happens gradually, and power (in all areas other than military dominance) has been shifting away from the US for some time now. It therefore has two options: a) accept the rise of the rest, cede some power and work with them to stabilize the world, or b) do nothing and watch the rest of the world dismantle what has taken the US sixty years to build.

Cox (1987) emphasized the interplay between ideas, material capabilities and institutionalization in hegemony, which led to the rule-governed, normatively-informed post-war international order that was generally reflective of US interests and values. Hegemony is also typically defined in terms of the distribution of capabilities within the international system (Cox, 2005). However, unipolarity does not necessarily include hegemony, and hegemony is possible in non-unipolar structures. The difference between the two appears to be a relational element. Another definition of hegemony is that of capabilities matched by influence over other states in the international system (Wilkinson, 1999). During the Cold War, under bipolarity, hegemony was thus ascribed to the US in relation to its allies within the North Atlantic Alliance and in Asia. However, its capabilities did not give the US a hegemonic position *vis-à-vis* the members of the Warsaw Pact (Krahmann, 2005). The US further expanded its hegemony under the conditions of unipolarity; for example, with the enlargement of NATO. Nevertheless, American hegemony is far from

global, with major powers such as Russia and China resisting US leadership. Conversely, the definition of imperialism can be said to rest on policies in addition to capabilities and influence (Ikenberry, 2002).

But US leadership continues to be presented as natural, in the words of President Clinton (1993) "people are looking to America, American leadership and American troops, to get the job done". Paul Wolfowitz describes Clinton's approach towards foreign affairs during his first years in office as "a halting first step toward addressing the real dangers to US interests" while also "acknowledging the need for American leadership to secure world peace" (Wolfowitz, 1994: 28). Many Asian and European states have agreed to accept American leadership and operate within an agreed-upon political-economic system (Ikenberry, 2001). As John R. Bolton points out "within the U.S. system, Congress wants American leadership? Whether through the UN or otherwise? Only where clear American national interests are at stake" (Bolton, 1994: 66). Other US officials have described the UN as being guided by leadership from the US, "With our leadership, the UN is streamlining and modernizing peacekeeping operations and has established an independent Inspector General. The UN's new undersecretary for management has put forward a serious reform program, which we strongly support. But much more needs to be done" (Christopher, 1995: 14). These views on US-UN relationship express clear views about the role of US leadership of the UN, and present it as a generally natural state of affairs.

Jervis (2005) argues that the world cannot stand still under threats such as the rise of terrorism, WMD and tyrannical governments and without strong American intervention, the international system would become more menacing to US and its values. It should be noted that the difficulty in defining 'terrorism' is in agreeing on a basis for determining when the use of violence (directed at whom, by whom, for what ends) is legitimate; therefore, I will use the UN definition

which adopted by the UN General Assembly Resolution 49/60 in 9 December, 1994, gives a definition: "Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them". This will effectively serve as the definition for the term to be used throughout this study.

Jervis also proposes that through strong leadership and promoting its values, the US can increase its security and perhaps bring about a more peaceful and harmonious world order. This argument portrays the 1990s as a break in American post-WWII strategy and post-11 September policy as a new era in American foreign policy strategy. However, this study argues that there were no American foreign policy failures during this period. In fact, beneath the surface, there were a number of fairly clear goals. It can thus be argued that there has been no shift in US grand strategy since 1945. The collapse of the Soviet Union between 1989 and 1991 simply removed the only major threat to America's position as the hegemonic power (Clark, 2001).

US hegemony is thus a comprehensive strategy of the last decade that resulted in unilateral military strikes such as those against Sudan and Afghanistan in 1998 and the NATO air war against Serbia, which did not have a clear Security Council mandate (Walt, 2002). However, if Russia had not collapsed and if there had not been crucial changes in America's position during the 1990s, the Bush administration in Washington would most likely not have been able to act in the way that it did, or with the success that it did, following 11 September (Cox, 2002c-2005).

US hegemony was also institutionalised through multilateral entities such as NATO. As argued above, neo-liberals believe that institutions are very important in maintaining international

cooperation and peace. Although they act as tools to project hegemonic state power, they also place restrictions on it by encouraging and rewarding self-restraint. However, they are not immune from the influence of hegemonic powers and are incapable of acting as a definitive check on them (Schweller, 2001). The ability of the US to ensure greater authority and presence for NATO in the post-Cold War era is in keeping with its geo-strategic interests (Waltz, 2000). The institutionalisation of US hegemony during this period also encompassed free markets, globalisation and the spread of democracy.

The hegemony of the US also expanded into the multilateral agencies of the World Bank and the IMF, which became increasingly politicized by the US insofar as UN member states applying for financial aid, loans, or economic assistance could potentially have them approved or denied depending on their political allegiance with US. Rehman supports that the hegemony of the US extends into "multilateral agencies, such as the UN, IMF and World Bank" and while it does greatly influence these institutions to try to enact politically favourable decisions, it is also capable of taking "unilateral action without any real consequence" (Rehman, 2004: 410). Mandelbaum (2002) argues that US influence was not simply about controlling the agendas of the IMF and the World Bank. It effectively demonstrated that the US could push through its own political agenda against the wishes of the UN and that it could take unilateral action without fear of consequences from the international community and the UN. Of particular interest to this study is how the US influenced both the "external and internal behaviour of other countries" through leveraging its influence in transnational financial institutions such as the IMF and World Bank and acting in conjunction with the UN to "maintain sanctions on rogue states such as Libya and Iraq" (Kristol and Kagan, 1996: 21).

The lack of recourse for unilateral action taken by the US has clearly financial roots. The US contributes 17% of the core funding to both the IMF and World Bank. The US has been known to withhold financial contributions in order to impose certain conditions on these agencies (Zifcak, 2006). This allows the US to influence the policies of these institutions by threatening to withhold money based on noncompliance or promising rewards for acquiescence to its policy goals. The World Bank has been a particularly useful tool for the US to leverage against countries in the developing world. Muslim countries that adhere more closely to US policy have increased their probability of receiving loans. Pakistan, for instance, has benefitted financially since the 11 September 2001 attacks. On the other hand, Arab countries such as Sudan have failed to obtain a loan from the World Bank in 1999 because they choose not to align themselves with US policy in the General Assembly of the UN in 1999.

A more positive and benign view of US hegemony is offered by Nye (2002) in which the US is in a unique position as the sole superpower of providing 'public goods'. As part of this view the US is able to provide the world with guidance and direction, enforce global norms and has the power to intervene in the interest of protecting human rights. As part of this view, the US relies on soft power to achieve its foreign policy objectives rather than hard power. In fact, the use of soft power by the US distinguishes it from former hegemonic powers and makes it a unique global power. This image is closely aligned with a conception of the US as a promoter of liberal values. This model is in agreement with the theory of hegemonic stability in which any sort of collective action requires the leadership of a hegemon. According to this view, without the presence of a guiding hegemonic power then initiating, coordinating or continuing collective action falls apart in an anarchic global environment. Additionally, it also envisions that without such a hegemonic leader that the world would be a "desperately unstable and dangerous place for

all" and collective action would be rendered impossible. According to Nye, the US government's failure to secure the UN's support for the invasion of Iraq in 2003 qualifies as a failure of leadership. However, it's decision to pursue military action despite this failure to secure a consensus means that it did adopt a leadership role in that it proceeded to take action by itself. Nye does add the caveat that if the US were to continue taking such strong unilateral action that its hegemony would ultimately be weakened since it has traditionally relied upon soft power to achieve its foreign policy objectives. Resorting to the use of force and coercion could be signs of the "weakness, rather than…strength" of the US's hegemonic power.

The hegemony debate is multifaceted and sometimes contradictory. Generally, however, descriptions of US hegemonic power have changed from the description of a continuous hegemonic power since 1945, a structurally discontinuous power in 1990 and a discontinuous power since the beginning of the new millennium. Some analysts argue that the hegemony of the US has been continuous since 1945 as it embraced the role following WWII and maintained it since then (Clark, 2009). From this perspective, it is unquestionable that the US remains a hegemon still, whatever the future may hold. Cumings, among many, shares this notion of a continuous hegemonic power. He described the global climate that emerged following WWII as a hegemonic environment and as such it "must have a hegemonic leader" (Cummings, 1999). Others concur that if hegemony were to be taken literally, it would mean that the US became a hegemonic power in the mid-20th century and remained so ever since (Hunt 2007). A surprisingly wide constituency of analysts shares this perspective, even when having little else in common. For example, Hobsbawm acknowledges a continuous US hegemony that has relied "upon its enormous wealth" (Hobsbawm, 2008). Chomsky (2003) meanwhile insists that

maintaining its role as a global hegemon has been a "declaratory strategy" since the conclusion of WWII (Chomsky 2003).

The other perspective contrasts sharply, in some fundamental respects, with the above. According to the view of the US as a discontinuous hegemon, it ceased being a global hegemon in the early years of the 1970s (Agnew 2003; Boff, 2003). Elsewhere, those who hold the widely shared view that American hegemony has an illustrious past but a dubious future, such as Cox (2002b) agrees that while US hegemony began in 1945, it only lasted for twenty-five years until the conclusion of the Cold War when it re-embraced its role as a global hegemon. In this view there is a distinct break between the 1970s and 1980s and the US experienced a decline in hegemonic power which it could only revive in a unipolar world. This model leaves open the possibility that the hegemony that reemerged following the Cold War is not entirely durable and it might not necessitate new forms of balancing behaviour to displace it.

Finally, some hold the view that the US emerged as a new hegemonic power after 2001. In this model the Bush Jr. administration took advantage of a unipolar international environment to an even "greater degree that had been attempted during the 1990s" (David and Gronding, 2006). I agree with Agnew's (2003) view that the Bush Jr. administration did take this type of approach using US hegemony and further proceeded to dismantle certain international mechanisms that were aimed at balancing US power and ensuring that major foreign policy actions would be taken multilaterally.

However, this emphasis causes hegemony to shift from a structural product to one of "agential design". According to the latter, hegemony is a choice rather than a consequence and the Bush administration made the choice of reviving US hegemony, especially after the attacks of 11

September. According to this view, the US hegemony that emerged in the beginning of the new millennium was part of a grand strategy that sought to prevent the emergence of new great powers that could challenge US hegemony (Layne, 2006). Such a grand strategy had already been clearly articulated by previous administrations. However, it became "much more pronounced after 9/11" to such an extent that it qualified as a new period in US hegemony. The Bush Doctrine clearly embodied these goals of a largely unilateral project of hegemonic renewal and global transformation (Reus-Smit 2003). Griffiths tempers this view somewhat by claiming that if the Bush Doctrine did not signal the beginning of a new period of hegemony then it at least signalled that the "terms of that hegemony" had been irreversibly changed by it (Griffiths, 2004). The statements made by the administration reflected the deliberate spread of US hegemonic power (Gaddis, 2002). Above all, the National Security Strategy in 2002 was widely viewed as the declared intent of the most powerful state in history to maintain its hegemony through the threat or use of military force Chomsky 2004). Such a position was also entrenched in the Nuclear Posture Review of the same year in which it expressed the US objective to dissuade any potential state from acquiring nuclear weapons. Some see the Bush Doctrine as being committed to establishing American hegemony in which it would act differently from other powers. Others saw the nature of US hegemony during the Bush Jr. administration as being an attempt to secure a permanent US hegemony and ensure that the US would be militarily unassailable for at least a decade (cited in Lind 2007).

The hegemony of the US was questionable after two Reagan administrations and the Bush Sr. administration. However, the intellectual climate began to change in the 1990s, perhaps brought about by the decline of the US economy and the US retreat from Somalia. Additionally, during his first year in office Clinton did not entirely reassure the American public that he was a strong

leader in terms of foreign policy. However, by the second half of the 1990s the situation changed and the question was not whether the "US [was] still in decline, but rather was there now a New American Hegemony" (Cox, 2002c: 60).

0.11 CONCLUSION

The impact of the foreign policy agenda of the US on the UN accelerated following the collapse of the Soviet Union at the end of the Cold War. The UN had previously relied upon the Soviet Union to provide a significant balance of power in the resolution of conflicts within the UN Security Council. A survey of literature of various perspectives from the field of International Relations provides evidence of the changing nature of the US' ability to assert its dominant, hegemonic position internationally. It was able to do so by expanding both its political and economic power as well as its foreign policy to achieve its own political goals within the parameters of the UN.

The evidence collected through personal interviews with former high-ranking diplomats and through the literature survey will provide answers to the two hypotheses and explores the debate on whether or not the UN failed to treat the Libyan and Sudanese crises with complete impartially because of direct influence from the US. This, in turn, led to both Libya and Sudan becoming almost universally regarded as threats to international peace and security. This perception led in turn to the sending of US unilateral sanctions and then to the US-led implementation of multilateral sanctions through the UN against both countries. Through this research I will analyse the extent to which those sanctions could be considered legitimate, and in accordance with the principles of the rule of law.

This research attempts to fill a gap in International Relations literature by exploring the specific impacts of the relationship between the US and the UN on foreign policy implementation. Although the practical realities of the UN as an international organization show an increase in the extensive use of its enforcement powers, the US has clearly exerted a powerful influence within the UN.

As discussed previously, the most effective way for contextualizing this research is through analysing, understanding, and summarising a number of established theories, models, and concepts within the International Relations tradition and literature. This method provides a deeper study of the US and the UN, giving a more comprehensive picture of the inherent problems and weaknesses that developed in the UN.

I have found that no single model of international relations sufficiently deals with all of the complex issues involved in the general US mistrust of international organizations and its resolve to use its hegemonic power and financial standing in the UN in order to push through and legitimize its own foreign policy agenda alongside vital national interests.

However, no single model can sufficiently deal with all the practical, historical, and global realities of the relationship between the US and the UN. To overcome this difficulty I have chosen to use a combination of the three most significant models to develop our own research model and theoretical framework. A combined approach can be effective in exploring the nature and extent of US influence on the UN and its policies, the US and its relationship with the IMF and World Bank, or the combined relationship among all of these individual parts. This model and framework will best provide for a discussion on US foreign policy development in the Arab world from International Relations theoretical and historical perspectives using models based on realism, liberalism and neo-liberalism.

The role of the US as a global hegemon goes far beyond the simple fact of it being the world's "only remaining superpower". Hegemony occurs when a single state achieves widespread power, seeks to exert influence over the international system and enforces established rules by meting out rewards and punishments. Consequently, in addition to dominating every global

organization, these bodies are only able to function because of US approval and financial contributions. The US is also willing and able to use force in the event of non-compliance, which is a defining characteristic of a hegemon. American officials have demonstrated a preference to exert leadership through the UN since, without strong American intervention, the international system would potentially become more threatening to the US and its values. With strong leadership, on the other hand, the US can increase its security and build a better world. This argument portrays the 1990s as a break in American post-WWII strategy. However, this study argues that while there were technically no American foreign policy failures during this period, there existed a number of fairly clear yet unstated goals.

1.1 INTRODUCTION

The time frame for this study is defined between two major events: from the collapse of the Berlin Wall in 1989 to the end of 2006, the year of the second half of the final term of President George W. Bush. This period is of crucial importance in following and highlighting the characteristics of the US as sole superpower in the post-Cold-War era. This period witnessed three US presidential administrations – comprising those of the Presidents George H. W. Bush, Sr., Bill Clinton, and George W. Bush, Jr. The primary emphasis of this chapter is to uncover the similarities and differences between the three administrations as well as how domestic issues in the US have affected the foreign policy approach of the US.

The chapter surveys and evaluates US foreign policy and policy management following the end of the Cold War and focus primarily on a critical literature survey gathering evidence to examine the research hypothesis regarding the US-UN relationship which poses two main questions: firstly, has the US specifically used the umbrella of the UN system to legitimize its collective actions and foreign policy objectives, or secondly, did a UN budget in need of reform in order to reactivate the UN. I questioned the standing of the UN as the US realigned its foreign policy agenda, and the influence of the US government system toward the Middle East.

There is little material available which deals specifically with US foreign policy and its use of the umbrella of the UN system to legitimize its collective actions in the Arab World. There is, however, a large mass of International Relations literature on US foreign policy in the Arab

world and the Middle East in general. I will attempt to cover the most essential and critical issues and theories in this limited space.

1.2 US FOREIGN POLICY IN THE POST-COLD WAR ERA

There were two theoretical points of view in US foreign relations in the post-Cold War. The neo-isolationists suggested that, since the immediate threat from the USSR (Union of Soviet Socialist Republics) had been removed, the US could and should avoid taking an active international role and focus instead on its own domestic issues (Cox, 1991). This would involve scaling back its global activities and overseas military presence in order to strengthen its role at home by saving money and promoting growth (Slocombe, 1992). The minimalist or neo-isolationist perspective was therefore centered, as Haass has argued, on the economy, and its adherents believed that it was 'almost the natural condition of the US' in the absence of rival powers (Haass, 2002b). However, opponents of this view claimed that although the threat presented by the Soviet Union had been removed, other potential threats still remained, such as: the possible resurgence of Russia; the emergence of China; the proliferation of WMDs; terrorism; drug trafficking; economic globalization; and particularly political Islam. Proponents of this view therefore argued that the US should remain engaged on the world stage to prevent potential threats from possibly growing unmanageable in the future (Huntington, 1993; Deudney and Meiser 2012). Some US officials have clearly expressed that the US has an international role that must be played. For example, Warren Christopher, former US Secretary of State during President Clinton's first term in office, pointed out that "it is true that the US faces many challenges today unlike any in the nation's history. But to me, that means we must be more engaged internationally, not less; more ardent in our promotion of democracy, not less; more inspired in our leadership, not less" (Christopher, 1993: 53-4). Based on such a vision of the framework of "grand strategy" and

"enlargement," officials in Washington sought to expand American influence and presence on an international scale and the Islamic World in particular. This strategy adopted by the Clinton administration played out in both countries that I have chosen for my case studies, Libya and Sudan.

In spite of successfully tackling a wide range of complicated foreign policy issues during his time in office, President Bush Sr. was unable to sufficiently explain to the American public that the world had changed, and that the military and intelligence communities needed to reform accordingly. However, he did make one of the first attempts to create a "multilateral framework of security and cooperation under the auspices of the UN" in order to change the course of US foreign policy (Ostergard, 2006: 43). It could be argued that President Bush Sr.'s relentless focus on foreign policy was the reason for his 1992 re-election defeat. However, this did pave the way for his son's election as President eight years later. However, the first truly post-Cold War President was Clinton, a Democrat who was left to handle the fallout from his predecessor's decision to send a small number of troops to war-torn Somalia to support UN humanitarian assistance programs (Cameron, 2005).

When Bill Clinton became president in January 1993, he had no prior foreign policy experience. Consequently, he instructed Antony Lake, his National Security Advisor, and Warren Christopher, his Secretary of State, not to bother him with foreign policy issues as to enable him to focus solely on the domestic agenda. In addition, Lake put forth an alternative to the Cold War approach of containment through supporting democratization efforts (Mutzenich, 2008).

 According to a public relations advisor who served with both administrations, Clinton spent less than 25% of his time on foreign affairs, compared to 75% for Bush, Sr. (Gergen, 2000). While Clinton originally took office with the intention of focusing on domestic issues, his

administration had campaigned on a platform of "assertive multilateralism" (Bolton, 1994) Cameron also notes this shift from inward to outward-looking priorities, and Clinton, "as a confirmed policy wonk, was soon able to master the intricacies of Northern Ireland, Bosnia and the Middle East" (Cameron, 2005: 39).

Although there were no serious threats or domestic pressures that would have required Clinton to play a more active role in foreign policy when he first took office, he still faced a number of challenges in this area, such as the spreading conflict in the Balkans, the collapse of the Russian economy, lawlessness in Haiti and the presence of numerous "rogue states" in the Middle East that were attempting to develop WMDs. It is therefore commendable that Clinton managed to keep the US engaged on the world stage and commit US forces and resources to protect the country's national interests, whilst at the same time resisting pressure to become the world's policeman in order to appease an American public and Congress who were not particularly interested in foreign affairs (Cameron, 2005).

The post-Cold War period witnessed a rebound in the popularity of the historic notion of American exceptionalism which had previously suffered crippling blows during the 1960s and 70s following events such as the Watergate scandal, Vietnam War, crippling oil boycotts and embargos as well as the Iranian hostage crisis. Following the decline of the Soviet Union and the emergence of the US as the world's sole superpower, it was once again able to gain a foothold in the American psyche (Patman, 2006: 966). According to the theory of American exceptionalism, the US has an imperative to not only serve as a moral beacon or example of liberty, democracy and freedom for the rest of the world, but that it is also fundamentally "different from any other country" (Mauk and Oakland, 1997: 67). This belief stems in part from the "Enlightenment principles" espoused by the country's founding fathers (Patman, 2006: 964). However, it has

eventually become synonymous with American identity itself and can be used to analyse US foreign policy. After the crisis in Somalia, the US adopted a policy of exceptionalism which Clinton kept largely intact.

One example of how this policy of exceptionalism played out in US relations with countries in the Middle East was when he placed the blame for the breakdown of the Oslo peace process in the late 1990s solely on Yasser Arafat, the Palestinian Liberation Organization (PLO) leader, without also attributing the same level of gravity to the role of Binyamin Netanyahu, the Likud Prime Minister of Israel (Patman, 2006). However, as Johnstone (2004) points out, the positive aspect of American exceptionalism is represented by its leadership in promoting global order governance. The early post-Cold War strategy of President Bush Sr. also seemed to include US exceptionalism, albeit one tempered through partnership and collaboration with established multilateral organizations or partnerships that already enjoyed a degree of international support (Patman, 2006). According to Koh (2003), the US is the only country that is capable and willing to devote the level of resources necessary to achieving an international system based on law, democracy and human rights. Of course, whether or not this is viewed in a positive light or not depends on whether there is support for these ideals and the methods used to attain them.

Clinton's vision of the so-called "new world order" originally set forth by Bush, essentially valued multilateralism, UN leadership on diplomacy as well as UN and US restraint in terms of military force. This vision may be inherently moderate and pragmatic, but it is also ambitious, expansionist and laden with contradictions. This doctrine of 'enlargement' that seeks to establish a global community of free-market democracies seems to signal a return to a grand strategy based on containing the forces of change and disorder in the former Third World (Layne, and Schwarz, 1993a). The ultimate aim is to ensure a level of economic interdependence thereby

protecting US markets and sources of raw materials through a commitment to global security. This also implies the resurgence of a regional 'dollar diplomacy' that existed before the Cold War, but amplified on a global scale (Layne and Schwarz, 1993b). Its message may be that only a threat to US national security interests, defined primarily in economic terms, will result in support for US or UN military intervention. This raises the question of what will happen when economic threats to interdependence become more intense and frequent (Friedman, 1993).

Brinkley credits the Clinton administration's lack of a grand strategy such as "containment" the fact that in the post-Cold War era, the US was no longer facing a single, distinct threat as it did previously with the Soviet Union (Brinkley, 1997). Clinton's handling of foreign policy also tells us a great deal about what to expect in the future rather than only what happened during his time in office (Walt, 2000). President Clinton went against many of his critics by promoting sound trade policy as an essential and indispensable part of American foreign policy. The justification behind this was that if the US and its allies were surrounded by other countries adhering to a shared form of market-based democracy that it would, in turn, make the world safer and more prosperous for every country (Brinkley, 1997).

President Bush Sr. was powerful and influential not so much because of his formal legal authority, but because he was very persuasive and could therefore make Congress agree to his demands, much in line with what Rosenau would describe as a charismatic Presidential leadership style (Rosenau, 1967). For Clinton, the priorities for the first term of his presidency such as renegotiating the North American Free Trade Agreement (NAFTA) before it could be signed into US law in 1993, joining the World Trade Organization (WTO) and the Chemical Weapons Convention (CWC) were relatively easy to achieve, given his level of popularity, as well as the Democratic majority in Congress at that time. However, when the Republicans took

control of Congress during his second term, and relations between the White House and Capitol Hill worsened following the scandal surrounding his affair with Monica Lewinsky, he was unable to obtain fast track authority, to secure ratification of the Comprehensive Test Ban Treaty (CTBT) and to ensure that the US paid off the arrears of dues owed to the UN (Cameron, 2005).

On 27 September 1993, when Clinton delivered his address to the General Assembly, the National Security Council (NSC), the small advisory body to the President designed to enact his own foreign policy goals (Zegart, 1999), had reason to believe that enlargement would replace containment as America's grand strategy. During the Cold War we sought to contain a threat to [the] survival of free institutions, Clinton told the UN "Now we seek to enlarge the circle of nations that live under those free institutions. Alternatively, as Brinkley put it in a speech to the Council on Foreign Relations on 14 December 1993, "I believe that in the best tradition of twentieth-century American diplomacy, enlargement marries our interests and our ideal" (Brinkley, 1997: 119). This seemed to indicate that Clinton's strategy of engagement and enlargement would set the direction of future US foreign policy and represents a marked departure from neoisolationism.

During the second term of Clinton's presidency, priorities stemmed logically from, and reflected the number of the tensions that surrounding its time, including the shift to a Republican-controlled Congress and renewed international confidence (Dumbrell, 2005). Clinton and his team of foreign policy advisors did provide evidence of a decentralized post-Cold War process (Dumbrell, 2008a) supporting that the East European ethnic lobbying groups in the US did play a significant role in driving forward the presidential commitments to NATO's eastward expansion. Under Clinton, NATO found new purpose through expansion and stabilization efforts in Europe (Dumbrell, 2005). In his second term, Clinton was able to "make the enlargement of

NATO…[his] top foreign policy priority" (Brinkley, 1997: 122). Clinton's second term in office brought with it some important changes in his foreign policy. Patman (2008) argues that the US Ambassador to the UN, Madeleine Albright, had been critical of the Pentagon's lukewarm attitude towards humanitarian intervention, and had had made some changes such as replacing Warren Christopher as Secretary of State.

During the Clinton administration new agendas were developed to confront what came to be known as 'borderless threats' including things such as "environmental problems; the rise and transmogrification of international terrorism; and, most obviously, international disintegration" (Dumbrell, 2008a: 89). Although the new security environment had been epitomized by the Somali crisis, the Clinton administration still found it difficult to accept. Despite warnings that the US would be at risk if its troops pulled out of Somalia following the bloody confrontation with General Aideed's forces on 3 October, 1993, President Clinton pressed ahead with his plans for the withdrawal of US troops by March 1994. This was possibly an attempt to stifle strong domestic criticism of his overall management of the crisis (Patman, 2006). Paradoxically, while American foreign policy has a pattern of striving towards an overarching strategy, in reality, domestic politics often hinder such plans from actually materializing (Kissinger, 2001).

For some Republicans such as Bolton (1994), Clinton's course of action constituted an abandonment of his predecessor's 'hard-headed' approach and an embrace of multilateralist policies with no conceivable connection to the US national interest. As such, "the US is represented as benign and defensive, acting decisively and effectively, creating security, and saving lives. Unlike Somali men, who starve children, the US distributes food" (Rowley and Weldes, 2008: 202). The Clinton administration seems to have succumbed to a similar dose of optimistic interventionism in its conviction that friendly nations could be rebuilt democratically

in both Somalia and Haiti, although democracy had never existed previously in Somalia (Doyle, 2008).

According to Clinton, another strategy for achieving peace and expanding US influence was the promotion of free market democracies. The subsequent expansions of NATO and the EU also followed this logic. However, this support for democratization did not exclude "humanitarian interventions" such as in Bosnia, for example. This strategy of democracy promotion espoused under the Clinton administration seems to be a precursor of the notion promoted by neocons. The argument that intervention would bring democracy to the Middle East, an expectation that was ultimately not met, later served as one of the justifications for George W. Bush's invasion of Iraq, alongside the alleged existence of WMD (Mutzenich, 2008).

While the Clinton administration did apply serious pressure on autocratic regimes such as that of Sudan to move towards political reform in 1995, there was a tacit understanding in Washington that political liberalization was associated with security problems in some countries during the 1990s. For example, some members of Congress questioned the logic of assisting Africa in the post- Cold War era. They argue that the previous thirty years of American aid had not succeeded in to promoting either democratization or US political interests (Patman, 2008).

Throughout the whole administration of President Bush Sr. and the first term of President Clinton, some analysts accepted that the US would be less globally engaged, although few could specify the exact degree. Cox (1995) argues that some analysts began to get concerned that the US was perhaps doing too little and should be doing more. Many still believed that the UN should become the principal vehicle for US actions in the post-Cold War era. On the other hand, others argued in increasingly large numbers that the UN represented an obstacle to, rather than a useful medium for, the advancement of US interests abroad.

Subsequently, when President Clinton had to make decisions on Rwanda, his administration clearly concluded that there was no reason for America to get involved in a country that was so far-removed from its own interests, especially not so shortly after the incident in Somalia (Patman, 2006). This attitude is evidenced by the fact that no high-level discussions took place during the first weeks of the genocide (Fergus, 2011). The decision-making process was dominated by the Pentagon, which opposed sending American troops to the country and even opposed UN intervention for fear that if it failed, the US would then have to intervene. Although some State Department officials did consider a more pro-active response, they were prevented from pursuing it due to concerns over what had happened in Somalia.

Nevertheless, the differences between Clinton and Bush Jr. in terms of multilateralism versus unilateralism should not be overstated; both presidents leaned strongly towards the latter. In Clinton's case, this was mostly due to domestic constraints. Since there was no longer a major threat of the same scale as the Cold War, Clinton did not have the ability, or perhaps even the inclination, to overcome domestic concerns surrounding multilateralism. For Bush Jr, the adoption of unilateralist policies had more to do with exercising unrestrained power on the world stage, the influence of domestic interest groups and his own ideology. These actions are also in line with the theory of American exceptionalism which can be used by politicians as a means by which to "[ignore] international law and world public opinion, for invading other countries" in the nominal interest of "the universal pursuit of progress and freedom" (Caeser, 2012: 21). Contrary to the predictions of some observers, this did not change even after the terrorist attacks of 11 September, 2001 (Miller, 2002). On the other hand, Dumbrell argues that the US never solely pursued unilateral action as this was not often possible. However, Bush Jr. adopted a

combined unilateral and multilateral approach, but only when it was immediately advantageous to US interests (Dumbrell, 2002).

When Bush became President in January 2001 the Republicans controlled both the House and the Senate. Coupled with the traditional honeymoon period granted to new presidents, this ensured broad support for tax cuts, which were his top priority. However, six months later, the Democrats took control of the Senate. This could have made it difficult for Bush to pass legislation, were it not for the need to respond to the terrorist attacks, which temporarily ended bipartisan hostilities and increased his power. In November 2002, Republicans regained control of both Houses (Cameron, 2005). This success was repeated to an even greater extent in 2004. In line with such a perspective, the Bush administration framed a concept of the national interest in domestic terms that could be promoted simultaneously with domestic goals. This represented a departure from the traditional conception of a uniform realist state and adapted to the current debates surrounding what was in the best interest of national security. It was proactive rather than reactive, seeking to address domestic issues before they became represented widely in public debate (Lafeber, 2002).

From the outset, the administration of Bush Jr. was commonly viewed by those on the Left and abroad as overly hawkish and interventionist. However, American opinion was in fact deeply divided throughout his first several months in office. If anything, it tended more toward the realist view that the US should avoid meddling in the domestic affairs of other states (Gordon, 2006). It is therefore ironic that Bush's foreign policy ended up on the idealistic end of the spectrum. During his campaign, Bush often invoked the need for a "humble" foreign policy as opposed to former administration's characteristic interventionism, promising to concentrate on

"enduring national interests" as opposed to international humanitarian objectives (Gordon, 2006).

The strategic approach of the Bush Jr. administration became more aggressive with the adoption of preventive and pre-emptive doctrines allowing the US to attack states it suspected of developing or planning to use WMDs. The promise to act unilaterally and even "pre-emptively", if necessary, to counter these threats was originally set out in a document entitled 'The National Security Strategy of the US' (Bush 2002c). These doctrines actually appeared in draft Defence Planning Guidance prepared in 1992 by some individuals who served under the first Bush administration. The latter had advocated broadening the objective of US defence strategy to "prevent the re-emergence of a new rival" (Paul, 2005b). If fully implemented, these doctrines present a significant challenge to the norms of both sovereignty and territory.

The US national security strategy under Bush Jr. was one of the most aggressively unilateralist in history. Although individual issues such as abandoning the Anti-Ballistic Missile (ABM) Treaty, the invasion of Iraq or the failure to accept the international limits on the use of force contained in the UN report by Glaser and Fetter (2001) were undoubtedly significant, the long-term consequences are likely to be even more so. Over the course of history, major powers have often joined together to take action against states that have opted to pursue aggressive unilateral military policies. However, few analysts believe that this will be the case for the US. Although the 11 September attacks were a devastating shock to the world's only superpower, the loss of life (almost 3,000 innocent civilians) was not massive compared to some of the 'new wars' of this period. The Bush administration took advantage of the transformed political landscape to project a new vision of 'distinctive American internationalism' based on the premise of moral superiority (Patman, 2006).

As it can prove exceedingly difficult to achieve an overall consensus for strong action, Bush adopted the strategy of preventive wars. Often times, third party states have every reason to let the dominant power carry the full burden of such actions. Historically, unilateralism has deep roots in segments of the Republican Party, as it was well represented in the foreign policy of the Reagan administration. Unilateral action draws on long-standing American political traditions, and was part of Bush outlook before 11 September (Jervis, 2005). Jervis added that the support from others was needed in the case of Afghanistan and actively solicited in Iraq. The US did not bend its policy to meet the preferences of other states, except for accommodating former UK Prime Minister Tony Blair's requests by seeking a second UN resolution on Iraq in 2003.

George W. Bush launched a revolution in American foreign policy. He effectively redefined how the US engages with the world, shedding many of the constraints imposed on its freedom to take action by both international institutions and its allies. This revolution was not one in which foreign policy goals were redefined, but rather how they would be carried out. Within his first term, President Bush Jr. blatantly disregarded the tenets by which the US had traditionally carried out its foreign policy, opting for strong, unilateral action rather than seeking multilateral cooperation sanctioned by international law. His policy promoted the idea of preemption whereby the proliferation of WMDs would be dealt with through preemptive attacks and strong interdiction as opposed to the more conventional, treaty-based approach. In addition, he promoted the ultimatum of regime change as a foreign policy goal rather than engaging in negotiations or seeking settlement with disagreeable leaders. In order to achieve American foreign policy goals, he sought to form coalitions of the willing on an *ad hoc* basis to take action at the expense of respecting the country's traditional and stable alliances (Daalder and Lindsay, 2003).

Questions raised by Dumbrell (2010) include whether or not the Bush administration did indeed 'change the weather' by charting a new and strategic course for future leaders to follow in the post-11 September era. His answer is that the foreign policy of Bush Jr. was, in fact, 'revolutionary' since it represented a significant departure from the cooperative order-building that characterised the post-World War II era and the extent to which power was concentrated in the White House. This argument implies that future presidents are likely to revert to the tradition of following a cooperative, liberal world order, but may prove somewhat reluctant to completely surrender power.

Daalder and Lindsay take the position that the President was a 'true revolutionary,' arguing that he was more akin to the 'puppeteer' than the 'puppet' he was often portrayed as in the media. Additionally, Gibbs and Dickerson (2004) called Bush 'an American Revolutionary'. However, while Bush Jr. did attempt to distinguish his foreign policy from that of his predecessor, Clinton, he would be more accurately characterised as reactionary insofar as his policy was strongly evocative of that of President Reagan in regards to its emphasis on simultaneously promoting military security and economic development (Tomiak, 2006). This conclusion that the policy of Bush Jr. was not revolutionary is based on two main premises. Firstly, Bush Jr. held a very strong position about how the US should engage with the outside world which was strengthened by the events of 11 September 2001 rather than changed. Secondly, he prefers a hierarchical system of leadership akin to a corporation in which he is the Chief Executive Officer (CEO) in charge of the operation, a tendency which was perhaps nurtured by his experience from Harvard Business School. Although he did trust his close advisors to give him counsel, he preferred formulating and dictating how decisions would eventually be carried out (Ruddin, 2006).

The events of 11 September 2001 swiftly dispelled any illusions that the US was an impenetrable homeland isolated from the rest of the world. This, in turn, prompted the US to resort to using military force by itself without seeking prior support from the international community as a whole (Agnew 2003). Whilst events of 11 September 2001 eventually forced The Bush Jr. administration to work more closely with allies and to abandon the doctrine of regime change through military intervention, many still believe that the threat of terrorism enables, or even compels the US to operate under a unique paradigm of international rules. Moreover, powerful figures within the administration itself, most notably the vice president, continued to argue against the new pragmatism whereas the new pragmatism demonstrated that if the US was unable to work closely with its allies through the UN, it would continue to go forward by itself without the support of allied nations (Jervis, 2005). Indeed, part of the 'revolutionary' premise of the administration's foreign policy was the right-wing notion, harking back to the Reagan administration, that determination, optimism and US power would eventually prevail against all odds, irrespective of the criticism of Democrats (Gordon, 2006).

The ultimate policy objective of the Bush Doctrine was to put an end to terrorist groups targeting the US, irrespective of where they might have been located. This doctrine favoured allies that assisted the US in accomplishing this goal. Some of the allies of the US, most notably France and Russia, did not support every initiative in pursuit of this goal. As a result, the US took the strongest unilateral stance it had taken since the 1930's. This shift towards strong unilateral action is the culmination of four centuries of American exceptionalism. In this arrangement, the different uses of power of the US correlate directly to the strength of its unilateralist policies at the time. This relationship accounts for the renewed confidence of US officials in unilateralism (Lafeber, 2002).

1.3 THE MAIN INTERNAL ACTORS INVOLVED IN THE MAKING OF FOREIGN POLICY

There are many different actors involved in the making of US foreign policy. This section discusses the various arguments surrounding the foreign policy process and its relation to the substance of policy. The debate also raises questions about the ideal as opposed to the actual role of Congress in making and implementing foreign policy. This study takes the view that, due to the nature of the political environment and policy-making system in the US, agency is as important as structure. In other words, domestic actors often play an important role in creating and influencing foreign policy. However, as it will be subsequently explained, the extent of their influence is often very difficult to measure completely.

1.3.1 THE US CONGRESS

The US Congress in the post-Cold War era still suffers from the perennial problem of matching the President as equal partner in US foreign policy. Congress continued to depend upon the executive branch for day-to-day responsibilities of foreign policy during the 1990s, "but at the same time it retained its right to intervene on a selective basis, in order to draw attention to an issue, or to reorder a set of priorities or to challenge a policy direction" (Foley, 2008: 118). For example, Congress reacted swiftly and decisively to the killing of eighteen American soldiers in Somalia in 1993, accusing newcomer President Clinton of neglecting American interests and undertaking 'social work' through his foreign policy. As a result, Clinton decided to withdraw American troops and learned that there was a heavy political price to pay when the US was publicly perceived as being overly involved in international humanitarian affairs (Barnett, 2008). In some cases, Congress exerted pressure, by urging a number of groups, such as the families of

Pan Am 103 to exert pressure on the Clinton administration in order to strengthen further US sanctions on Libya (Vandewalle, 2006).

Historically, the most obvious way in which the Cold War operated was in terms of resolving the tension between Congress and the President in favour of the executive branch. As Cox (1995) pointed out, the Cold War has helped overcome the ever-present tendency in the American government towards inertia, confusion and stalemate. Congressmen can be convinced to veto, delay, or amend hostile measures proposed by the President (Fergus, 2011). For example, President Clinton found it equally challenging to persuade Congress to allocate funding "for "do-gooding" projects like foreign aid as he did getting funding for "do-badding" projects such as invasions" (Mead, 2005: 592).

The damaging effects of poor relations with Congress can be seen in the fact that military force in Kuwait was only authorized on 11 January, 1991 – four days before the official UN deadline for Iraqi withdrawal. This came despite the fact that President Bush had already announced the deployment of troops in November of the preceding year (Lugar, 1994). The expeditionary force sent to the Middle East was the largest since the Vietnam War, and was one part of a wide coalition. This was justified on the grounds that if the US ignored the Iraqi invasion of Kuwait, then Iraq might subsequently invade Saudi Arabia, which had a sixth of proven world oil reserves and was the main supplier to the US. Nevertheless, Congress remained unconvinced as to whether military intervention was the best response, or whether sanctions alone would be sufficient (Cameron, 2005). When the Senate did finally vote on the use of force, the margin was very narrow with 52 to 47 in favour. However, Bush Sr. had also secured approval from the UN and a considerable amount of financial support from countries such as Japan, Germany and Saudi Arabia. According to former Secretary of State James Baker (1995), Bush was keen on

obtaining international support in order to disprove the popular 'cowboy mentality' view of American foreign policy.

A large body of literature has focused on the relationship between the Executive and Legislative branches in regards to the foreign policy process, and defined the role of Congress in terms of the forms of interactions between these two institutions. For instance, Fisher (1993) discussed the interactions between the President and Congress over joint power such as treaty-making, war powers, and covert operations. Jentleson (1990) distinguished four patterns of interactions between the executive and legislative branches over foreign policy: confrontation, institutional competition, constructive compromise, and bipartisan cooperation.

The executive branch of the US government is given a great deal of power, especially for foreign policy-making decisions. However, the Constitution sets forth a system of checks and balances through the separation of powers. This structure which bestows foreign policy-making powers on Congress equal to those of the executive branch is unique to the federal system and is not present in parliamentary democracies. This system is responsible for restraining the decision-making process, and creating tension between different parts of the government. However, this tension between the executive and legislative branches often complicates US involvement in international institutions.

Many of the most important foreign and military decisions are taken without the direct action or involvement of the legislature. The dynamic between the executive and legislative branches is sometimes described as a system in which the President is acting as 'the motor' while Congress 'applies the brakes'. For example, the President drives the policy of sudden military action and then Congress acts as either the fuel or the brakes by deciding whether or not to provide funding (Fergus, 2011). Since the primary focus of Congress is on domestic affairs, there is often

legislative opposition to foreign intervention. It is therefore unlikely that the relative importance

of the President and Congress in policymaking can ever be static; rather, their roles change

according to circumstances. For example, although Congress has a reputation for moving at a

generally lethargic pace when it comes to passing legislation, it can sometimes act with

"exceptional dispatch". However, most of its problems arise when dealing with crises and

military and foreign affairs, enabling the executive branch to be better equipped to handle

emergencies (Mead, 2005).

It is the President in the end, and not Congress, who determines whether or not something poses

a serious threat to the US as it is the President alone who has the final decision to act on such a

threat. In practice, power depends very much on the strengths and weaknesses of the President as

well as the political and ideological balances in Congress (Cameron, 2005). However, on the

other hand, if Congress is unsupportive of the policy of a President, it is more likely that the

policy will ultimately fail (Biden, 2000). In general, if Congress suffered the greatest loss during

the Cold War, the Presidency gained the most.

1.3.2 US PRESIDENTS

The relationship between Congress and the President continues to be unsettled mix of both

conflict and cooperation. It has been traditionally described in terms of "the Constitution is an

invitation for president and the Congress to struggle for the control of foreign policy" (Foley,

2008: 127). As Cox (2002a) put it, US foreign policy has long had one clear objective, that is to

establish the conditions and environment in which "the US still remains the dominant actor".

This proposition is supported by Dumbrell who claims that presidents must act within various

limitations such as "the US democratic process, the structure of the international system" among

other things (Dumbrell, 2005: 4). Khong (2008) and Mead (2005) both argue that even when

there is a clear external dynamic, such as the threat posed by Soviet Union during the Cold War or the rise of an emerging superpower such as China today, the policy response of the US is filtered through domestic dynamic that may involve the President, his advisers, the relevant agencies, Congress, lobby groups, non-governmental organizations, and public opinion, many of whom may have different ideas or interests pertaining to the issue. The correlation between the Presidential character and their actual actions is perhaps best described by James David Barber who explains Presidents according to "their energy and commitment (active/passive) and in terms of the emotional satisfaction they derive from the office (positive/negative)" (Dumbrell, 1990: 42).

Jervis summarized the main differences between the different US Presidencies during the post-Cold War period, prior to the Presidency of Bush Jr. as "a mixture of carrots and sticks and pursued sometimes narrower, but often broader, conceptions of its interest, Bill Clinton, and George H.W Bush before him, cultivated allies and worked to maintain large coalitions" (Jervis, 2005: 91). Most scholars approve of this mode of behaviour, seeing it as the best, if not the only, way for the US to secure the desired behaviour from others, minimize potential costs to itself, and smoothly manage a complex and contentious world (Ikenberry, 2001). The criticism of Bush's characteristic unilateralism does conflict with the belief of those who predicted that the US would continue working multilaterally and cooperating with other countries due to "the American domestic system, socialization into cooperative norms" (Jervis, 2005: 91). Apparently multilateralism was not as deeply entrenched in American political culture as some would have predicted.

It remains unlikely that relations between the President and Congress will improve in future due to tension caused by the constitutionally-based separation of powers, growing partisan

differences and the increasingly blurry distinction between foreign and domestic politics. Clinton (after 1994), Reagan and Bush Sr. all learned that foreign policy is much more challenging when Congress is controlled by the opposing party. However, Clinton must also accept some blame for failing to win support, either in Congress or among the general public, for many of his actions, including Somalia, Bosnia and the request for "fast track" authority. His policies were only approved by Congress when he sought to build a broad coalition, as he did with NATO enlargement.

1.3.3 BUREAUCRATIC POLITICS BETWEEN US PRESIDENTS AND CONGRESS

US foreign policy is formed according to the views of various groups and individuals, such as Senators, Representatives and interest groups, as well as external factors such as domestic politics, public attitudes and the international environment. The policy making process involves relevant federal departments and, on major issues, even the President. Inevitably, each of the participants wants the government to do something different, and each struggles to achieve their desired objectives and actions (Halperin, Clapp and Kanter, 2006). This model of policy making has been developed further by some scholars who point out its key weakness as being the propensity of presidents to pursue their own political goals and interests through the bureaucracy. This often results in idiosyncrasies in policy that detract from policy consistency and continuity and can often exacerbate partisan sentiments (Hafner, 1994).

It should be understood that bureaucratic politics and the role played by strong leaders affects different levels of bureaucracy differently. Within the highest level of the executive branch, as in the President's inner circles, policymaking groups tend to be somewhat unified. Additionally, these sorts of groups will tend to be more supportive of the President's policies than leaders within the legislative branch (Preston and Hart, 1999). As the bureaucratic system of the US

expanded it inevitably led to the complications that bureaucratic spread often tends to bring about. This brought about a major change in the governmental climant in which depoliticized agencies faced problems of coordination amongst eachother. By the middle of the twentieth century, the President enjoyed a greatly increased administrative role within bureaucratic politics and an abundant number of employees (Kaufman, 2001).

Congress has traditionally occupied a marginal role in American foreign policy when compared to the role of the chief executive. Since the end of the Cold War, the only substantial influence it has wielded over the executive branch in its handling of foreign policy is its ability to restructure the bureaucratic structure. However, Congress is able to use various means to shape public perceptions of the national interest and set priorities for national security. An example of this took place in 1998 when Congress persuaded the President to approve legislation that put forth that regime change in Iraq was in the national interest of the US. When Bush Jr. decided to invade Iraq, he called upon this notion initially promoted by Congress that Saddam Hussein needed to be removed. This example of formal legislative endorsement of regime change in Iraq made it difficult for those who opposed the idea to argue that such action was necessary to make a case. Instead, the debate seemed to be narrowed to whether or not regime change could be brought about more efficiently through other measures (Halperin, Clapp and Kanter, 2006).

In the line of our discussion about the US goverment system, the authority granted by Congress was for the bureaus themselves within larger departments as opposed to leaders of the departments themselves. Congress retained control over the executive branch and delegated only a small staff to the President himself as to put in check his influence over the growing bureaucracies (Kaufman, 2001). However, American Presidents are not restricted by these measures in terms of gaining information since they have often developed means apart from

standard bureaucratic channles of staying informed, effectively reducing their reliance on the standard operating procedures in regards to information. Given the high status of the President, both Congress and the general public in the post-Cold War era have generally accepted his predominance in conducting the foreign affairs of the state. Ever since World War II, foreign policy has taken on an immediate and heightened importance, thus requiring a great deal of focus and attention by the President. Most Presidents have clear ideas and opinions surrounding which course of action they choose to follow in foreign policy. Equipped with sufficient information, political support and personal resolve, Presidents have often been capable of shaping the course of American foreign policy. However, their ability to do so rests largely with how their decisions are carried out by their own staff given the immensity of the task of implementing foreign policy. However, this delegation of responsibility to bureaucratic staff allows the standard operating procedures to influence how policy is carried out. Presidential oversight can reduce this effect, but it is often time consuming and takes away from other pressing issues that may require immediate attention. Without sufficient presidential oversight, the decisions a president makes can often be carried out in ways he had not originally intended   (Art, 1973).

In regards to the characteristics and leadership styles of past US presidents in cases of foreign policy decision-making, Preston and Hart (1999) found that leaders who needed power and control tended to prefer a hierarchical advisory system which gave them greater "control over the policy process". Presidents with this leadership style generally formed a small inner sanctum of advisers and took a more direct role in foreign policy and decision making. The policy preferences of presidents have tended to direct both the course of policy debates and their final outcome. On the other side of the spectrum of presidential leadership styles are those that have demonstrated a lower need for power. These presidents have tended to prefer less hierarchically

arranged systems of advisors and demanded less personal influence over the policy process. As a result, the debates and decisions have tended not to strongly reflect their preferences. This leaves room for presidential staff to take greater responsibility in the domain of policymaking. On the other hand, leaders who needed a high degree of power tended to have highly assertive interpersonal styles that influenced the positions of their advisors and outweigh any opposing views held by their subordinates.

I agree with Art's view that while US Presidents are not capable of exercising complete control over the bureaucratic system, they are not powerless either. While no single President is able to control everything alone, he can control many things and the influence he wields over his subordinate staff needs to be taken into consideration when assessing his influence. Although the President does work under certain limitations, he often shapes the restrictions and constraints on the bureaucratic system itself. As a result, the President is very often able to have his preferred policies implemented. This is often brought about by the level of Presidential commitment to his intentions. The gap between the decisions of leaders and what is implemented in practice is the critical variable in assessing the suitability of this bureaucratic paradigm. The usefulness of this paradigm in assessing policy implementation is challenged by the exercise of Presidential choice (Art, 1973).

Deese (1994) and Hafner (1994) both attempted to answer the question of why 'bureaucratic politics' exists in US intra-executive relations. Individual bureaucratic units will usually attempt to vie with each other for information that will advance their own interests or conform to its vision of the national interest. Conversely, they may also selectively either deliver or hold back such information if it suits their needs. A somewhat partisan analysis of issues by bureaucratic units is often inevitable as they each have their own cultures shaped by long-standing and insular

interests. In policy debates, bureaucratic units will present policy options depending on their own needs and will oversimplify or exaggerate the benefits of their own approach and the drawbacks of competing alternative approaches.   Given that each bureaucratic unit attempts to leverage its political resources to achieve its desired objectives, those units with greater resources are often more likely to exert greater influence and achieve its own goals. In order to avoid a damaging presidential decision, bureaucratic units will seek to reach a forced consensus amongst themselves prior to a presidential decision or seek to avoid a presidential decision altogether (Hafner, 1994). George adds that bureaucratic units are not necessarily "empire builders" and will often not raise certain issues or engage themselves with solving them if it could possibly damage their own interests. As a result, certain issues are not brought to the President or receive limited attention and analysis if they are raised at all. Oftentimes, the operating procedures and policy routines of bureaucratic units are not equipped to either identify or deal with new problems that the country may be facing. Additionally, keeping abreast of bureaucratic politics can often distract officers from dealing with more pressing policy issues (George, 1980). However, even Presidents are not immune from being betrayed by their subordinates or being defied outright. However, many successful instances of bureaucratic defiance remain unnoticed by the President (Hafner, 1994).

1.4 THE US–UN RELATIONSHIP

The relationship between the US, Arab world and UN is multifaceted and complex (Buckley and Singh 2006). In general, the dynamic of the relationship is as such that the UN appears to have the problem taking place within the MENA region and the US seems to have the solution. However, sometimes the US has both the problem and the solution and the UN simply provides endorsement for any subsequent action or intervention made in Arab countries. However, the

relationship between the US and UN has notably deteriorated in the last decade and in turn affected the entire system of the UN. This tension may be due to the US focus on the politics of the UN where many of the contentious issues lie (Bellamy, 2006).

Ever since the 1980s, Congress has had the more influence on the US's relationship with the UN than any other American institution. It began to withhold funds in order to encourage reform, which worsened relations between the two. However, it later released the money to pay the country's debts, thus improving relations once again. Therefore, direct contact between Congress and the UN was fundamental in achieving the new scales of assessment (Smith, 2005). Using Putnam's (1988) metaphor, Holbrooke was the 'chief negotiator' who needed to secure an international consensus that would also be acceptable to Congress. Since both sides believed that the other should act first, it was unclear what solution would be acceptable to both parties until Helms-Biden Agreement was passed.

The beginning of the 1980s witnessed growing unrest between the UN and US. Following the end of the Cold War, some members of Congress openly questioned the value of continued US membership in the UN, and US Ambassador to the UN Jeanne Kirkpatrick famously denounced the UN as a 'socialist bastion of anti-Americanism' (Cameron, 2005). Some members of the US government opened a debate about whether the US could better serve its own interests with weakening UN or with strong one. It is Malone and Khong's point view that "the US-UN relationship makes the case for a strong UN and argues that recent developments demonstrate that U.S. interests are better served by strengthening the UN rather than weakening it" (Malone and Khong, 2003: 8).

Abelson (1995) argued that the UN frequently condemned American intervention in the affairs of other states, a concern that most likely contributed to the Reagan administration's decision to

withdraw American membership from UNESCO. Cameron (2002) adds that the UN-US relationship worsened still when President Clinton sought to blame the UN for the disaster that led to the deaths of American troops in Somalia in 1993 when the US intervened on humanitarian grounds.

As a result, the domestic debate surrounding peacekeeping operations became increasingly politicized and polarized. In 1995, a Republican-controlled Congress argued for more conditions in regards to participating in UN missions and withholding hundreds of millions of dollars in funding, leading to substantial arrears to the UN. Congress also limited support to UN missions, requiring reimbursement for goods and services above $3 million per year per operation. Capitol Hill passed a requirement for the administration to brief key congressional committees fifteen days in advance of any UN Security Council vote on either new or extended mandates for a peacekeeping operation in addition to identifying the sources of US funding. Although this did not represent an actual veto power over the US position on the UN Security Council, it forced the administration to provide detailed justifications to Congress for each vote. Consequently, support for peacekeeping operations continued to fall throughout the Clinton administration, prompting the State Department to start trying to scale back the UN's efforts in this area and obliging the US to argue for fewer troops at the UN Security Council. With the upcoming presidential election campaign in 1996, these issues became more public and political. Republican candidates, ranging from conservative activist Pat Buchanan to internationalist Senator Robert Dole (R–KS), heavily criticized then UN Secretary-General, Boutros Boutros-Ghali, as well as Clinton's support for the UN and its peacekeeping operations (Holt and MacKinnon, 2008).

In the early years of the Clinton administration, there was much enthusiasm for 'assertive multilateralism' through UN peacekeeping (Bolton, 1994). Within the first several years of the

Clinton administration, operations were authorized in Georgia, Uganda, Liberia, Haiti, Rwanda and Somalia (Patman, 2006). However, support for an expanded UN and US role in Somalia proved pivotal when eighteen American soldiers died in a battle with troops in Mogadishu on 3 October 1993. In the face of outrage from Congress, Clinton agreed to withdraw US troops from Somalia by the following March, just a month before the start of the Rwandan genocide. The loss of lives in Somalia came on top of pressure over the rising costs of peacekeeping and whether it was appropriate for the US to play a direct role in such operations. Although US fatality rates for soldiers in other peacekeeping operations were low, the deaths in Somalia did raise public fears about US military casualties and concern over US personnel operating under foreign command. As a result, the administration shied away from providing troops or clear support for UN operations, marking the start of a new era of restraint that still affects US peacekeeping operations over fifteen years on.

Despite its efforts to present US policy as judicious, there was lively and often acrimonious opposition to the Clinton administration's support for peacekeeping missions. This was driven in part by opposition to Clinton overall policies, leading to partisan debates between the White House and Congress on the deployment of US military forces as well as contentious debates concerned funding. In 1993, as a result of the increased use of peacekeeping operations, US funding to the UN rose to over $1 billion, making up over one third of the total amount of the organization's total budget of $3.6 billion. Although there were some successful operations in countries including Namibia, Mozambique and El Salvador, there were also crises that received a lot of public attention. These include failing to enforce the Governors Island accord for Haiti in 1993, to halt the Rwandan genocide in 1994 as well as the conflict in the Balkans. The failure of

these initiatives served to further dampen any Congressional support for further American intervention abroad (Holt and Mackinnon, 2008).

Through discrediting UN multilateralism for domestic expediency, the US sought to achieve a so-called "new world order", in which the UN and not the US acted as the 'world's policeman'. When unilateral US intervention to achieve vital foreign policy goals is neither desirable nor feasible, the UN is often better able to provide the legal and moral framework for intervention, and to achieve widespread domestic and international support. The case of Somalia, led to a crisis of confidence in the new President's leadership on foreign policy. It also demonstrated that the challenge lies in ensuring US participation. In fact, we can take three fundamental lessons from the conflict. Firstly, if US leadership is ceded to the UN and its multinational forces, it would raise suspicion among most Americans (particularly those in the military) who mistrust multilateral intervention. This is because it raises fears of 'another Vietnam'. Secondly, in the absence of a doctrine or enemy that gives rise to almost a certain level of widely unquestioned confidence in the President's control of foreign policy, as Communism did, understandable and persuasive national security arguments are needed in order to mobilize domestic political support for interventionism and justify any loss of American lives (Morales, 1994).

The Clinton administration helped turn the perception of the UN as a mechanism for global salvation into one in which it was a sort of new international bogeyman. The UN was held responsible for some of the Balkans disasters, including the failure to save Muslim enclaves such as Srebrenica in Bosnia. In 1994, when the Republicans gained control of Congress, Senator Jesse Helms became Chair of the South Florida Reception Center (SFRC). Ideologically opposed to international organizations and what he saw as limitations on American sovereignty, Helms

was one of the main supporters of a policy aimed at reducing US contributions to the UN, and making any payments conditional on UN reforms (Cameron, 2005).

In a speech to the General Assembly on 12 September 2002, Bush Jr. famously asked the question: "Will the UN serve the purpose of its founding, or will it be irrelevant?" With regards to the Iraq War, the answer to this question depends on one's point of view. Many representatives of the US government would argue that the UN proved irrelevant because it failed to support the war. However, opponents of the war would argue that US actions in Iraq were not consistent with the UN Charter. Hence, the UN Security Council served the purpose of its founding by refusing to support the US invasion of Iraq. This difference of opinion was not only factual, in terms of whether or not Iraq posed a threat, but also conceptual, and even jurisprudential. The debate is therefore likely to shape the future of the UN and the attitude of the US, as the most powerful sovereign state, towards the relationship between international law and the use of force in foreign policy (Falk, 2003).

It is significant that lawyers in the US State Department did not adhere exclusively to the Bush Doctrine and the controversial notion of pre-emptive force in order to justify the invasion of Iraq (Falk, 2003). Instead, they argued that Resolution 687, passed by the UN Security Council twelve years previously had authorized collective force against Iraq, thereby justifying any further US action. The fact that the UN Security Council supported subsequent US and UK military action to reinforce the UN "no fly" zone seems to support this argument. In short, following the advice of its critics, the US has turned to the UN in an effort to secure multilateral acceptance of its various military actions, using international law when it is suitable for justifying, and modifying established rules and norms, and to legalize its global counterterrorism actions (Fisler and Bernard, 2003; Jose, 2003).

The US spearheaded these efforts in Iraq, but they have been pursued under the flag of the UN. Since 11 September 2001, the UN Security Council has redoubled its efforts to impose "smart sanctions", or those directed against particular individuals and state bodies in an attempt to minimise the overall level of human suffering in the target country (Kaempfer and Lowenberg, 1999), or against terrorists, whether individuals or organizations (Jose, 2003). As a result of this particular sanctions regime, based on Resolution 1267, those suspected of associating with Al-Qaeda or the Taliban have had their bank accounts frozen and have been forbidden to travel abroad (Rosand, 2004). The Sanctions Committee therefore works in a similar way to the US Department of the Treasury's Office of Foreign Assets Control (OFAC), but acts under the broader aegis of the UN Charter, specifically Chapter VII, which enables it to take enforcement action even where this would otherwise violate international law.

It would also be inaccurate to portray the subsequent US occupation of Iraq as unfettered imperialism. In fact, it was a product of the strategic application of international law. Whilst the UN Security Council has avoided formally legalizing the 2003 invasion, it has used Resolution 1483 to affirm the responsibilities of the US as an occupying country (Jose, 2009). Consequently, the UN has given its blessing to agreements between the US and Iraq that had authorized the continuous occupation, as well as legitimizing joint efforts to hold Iraq's former leaders criminally liable for their actions (Tarek, personal interview, 21 October 2012).

The 2002 US National Security Strategy Report announced that, if faced with an imminent threat, the country would no longer wait for allies' approval before it would act: "While the US will constantly strive to enlist the support of the international community, we will not hesitate to act alone to exercise our right of self-defense by acting pre-emptively against such terrorists" (Report, 2002: 6). In a speech delivered at the US Military Academy at West Point, NY in

December 2002, President Bush laid out his new foreign policy vision, in which the US should "be ready for pre-emptive action when necessary to defend our liberty and to defend our lives." (Bush, 2002a: 128). In its Annual Security Report, the Bush administration stated that pre-emptive force has long been a viable option for foreign policy makers. It provided examples to support this argument including President Kennedy's naval blockade of Cuba, the 1986 missile attack on Libya and President Clinton's 1998 air strikes in Sudan and Afghanistan. Like the Sharon and Howard administrations, the Bush administration sought to modify international law to respond to the nature of contemporary threats (Alan and Cohan, 2003).

As a result, the US was legally authorized to conduct pre-emptive and retaliatory raids against suspected terrorists and their state sponsors, including Libya. This was endorsed as early as April 1984, when President Reagan signed the National Security Decision Directives (NSDD) whereas the president has set forth official national security policy for the guidance of the defense, intelligence, and foreign policy establishments of the US Government. Subsequently, covert military operations were conducted as part of the attempts to topple Qaddafi, and the US bombed Libya on 15 April 1986. Aside from the duration of the military campaigns - the bombing of Libya lasted only a matter of hours – the cases of Libya and Iraq are certainly comparable (Ettalhi, personal interview, 12 September 2012).

President Bush made his belief clear when he proclaimed in his 2004 State of the Union address that, "After the chaos and carnage of 11 September, it is not enough to serve our enemies with legal papers. The terrorists and their supporters declared war on the US, and war is what they got" (Bush, 2004: 201). Under the Bush doctrine, the US was willing to bypass supranational organizations such as the UN to act against such emerging threats before they are fully formed. While President Bush spoke about the important role that the UN played in the world, his

administration was in fact much more focused on implementing an anti-terrorist, pre-emptive, and narrowly US-centric approach. For example, the US tactic of using the UN's influence to cut off and isolate Libya did bring about material results in "a series of resolutions beginning in 1992" (Schwartz, 2007: 557).

Congress also remained hostile towards the UN, pointing out issues such as structural deficiencies and corruption in Iraq's 'oil for food' program. There was widespread concern in May 2005 when a leading neo-conservative, John Bolton, was nominated as the US Ambassador to the UN. Another concern for the US was the proposed International Criminal Court (ICC) that would try individuals accused of genocide, war crimes, and crimes against humanity. Despite taking part in negotiations to establish the ICC and winning some concessions regarding its jurisdiction, it was one of only seven countries (alongside Iraq, Libya, China, Israel, Yemen and Qatar) that did not sign the treaty. Many members of Congress, led by Jesse Helms and Henry Hyde, were worried that it could potentially allow for the politicized prosecution of American military personnel. In addition to opting out of participating in the ICC, Congress passed legislation aimed at impeding US military assistance to countries that did sign up to it. They also lobbied hard to prevent third countries from signing up to it without first agreeing to separate bilateral deals that exempted US soldiers from being summoned to trial. The accord has been ratified by more than the required sixty countries and the ICC has commenced work in The Hague (Cameron 2005).

1.5 UN BUDGET CRISIS AND THE ROLE OF THE UN

This section will further examine the issues of assessments and arrears, the US debt and their contribution to the UN financial crisis, and subsequent US attitudes towards it. It will focus primarily on two avenues of inquiry: first, the UN, and its specialized agencies operate under the

difficult constraints of a limited budget and number of staff with which to perform their various functions which had been created for it; second, the UN is put in a position of dependence by the US, as largest financial contributor to the UN.

The implications of the tension between the US and the UN centre primarily around the survival of the UN on one hand and the legitimacy of the US as a superpower on the other. Buzan and Pleaz (2005) argue that the US withheld payment of its assessed dues to the UN system with the explicit objectives of both creating pressure for UN reform and reducing its own share of the UN costs. The UN has always felt financial pressure in part because members have paid their annual dues late or, like the US, have failed to meet their financial commitments entirely. For more than two decades the US Congress withheld its payment of dues, stating the reason for this as that UN operations required overall reform (Sebenius, 2004). Moreover, many members of Congress believed that the US was only interested in a long-term reduction of its own contribution to UN budgets.

1.5.1 THE UN ASSESSED BUDGET

The UN Charter requires its members to share the costs of the organization as they are apportioned by the General Assembly. The scale of assessments is generally based on the particular country's capacity to pay. The obligation to pay is binding (Finkelstein, 2006). Under Article 17 of the UN Charter (a treaty ratified by the US on August 8 1945), based on its financial resources, the US is required to pay 22% of the UN regular budget (Browne, 2006). In contrast, there are forty eight separate member states that are required to pay only a minimum of 0.001% of the budget. Regardless of the size of its assessment, each member has equal representation in making UN budget decisions with one vote per country.

Contrary to the propaganda about a vastly bloated bureaucracy, the UN and its specialized agencies operate under a limited budget and number of staff with which to perform their various functions. Despite these significant drawbacks, the UN gives the appearance of a highly efficient organization. Although, I would propose that, in reality, it is US pressure that gets the plaudits for this efficiency. Luck (2003) noted that the financial constraints which have been imposed on the UN cannot be ignored, and it should not be assumed that increased levels of efficiency can effectively fulfil the need for more resources. Paul paints a bluntly realistic picture of UN operations in general: "The total UN staff, including that of its specialized agencies and its funding, is miniscule compared to that of the civil service of the City of Stockholm or the staff of McDonalds while the core UN budget is one half of 1% of the US military budget and far less than the cost of one B-2 bomber aircraft" (Paul, 2005b, Internet edition).

This lack of existing resources has restricted some of the UN organizations' ability to expand. Table (1.1) gives the 2006 payments of the fifteen largest contributors to the regular UN budget and shows the final payment and total debt. It also highlights that at the end of 2006, two of the UN's largest contributors have unpaid assessed dues—Brazil with USD 23 million and the US with USD 291 million in arrears. This massive debt would undoubtedly play a considerable role in the UN's ability to expand its regular budget agendas.

Table 1.1: Assessment of dues in US dollars (in millions) as of the end of 2006 for the 15 largest payers to the regular annual UN budget

Country	Assessment of dues for 2006	Arrears due prior to 2006	Assessment plus arrears end of 2006	Total Payment made end of 2006	Total Arrears owing end of 2006
US	**423**	**252**	**675**	**384**	**291**
Brazil	**26**	**32**	**58**	**35**	**23**
Australia	27	0	27	27	0
Canada	48	0	48	48	0
China	35	0	35	35	0
France	103	0	103	103	0
Germany	148	0	148	148	0
Italy	83	0	83	83	0
Japan	332	0	332	332	0
Mexico	32	0	32	32	0
Netherlands	29	0	29	29	0
S. Korea	31	0	31	31	0
Spain	43	0	43	43	0
Switzerland	20	0	20	20	0
UK	105	0	105	105	0

Source: compiled by the author from Global policy forum.

1.5.2 NON-PAYMENT OF ASSESSED DUES

According to Article 19 of the UN Charter, a member state "shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of contributions due for the preceding two years". But as Kincaid (1998) points out, the only punishment for nations that do not pay their dues is the loss of voting rights. We would argue it is extremely doubtful that such a punishment would be meted out to any of the larger contributors to the regular budget, especially to the US, as it is the largest financial contributor to the UN's budget. It is evident from the

statistics that the US has consistently had the largest accumulative debt. However, rather incongruously, there is no evidence to show that it has ever actually lost its voting rights in the UN.

The US is not the only country accused of owing money to the UN. Franda writes that on average, only sixty per cent of all UN members not have any arrears in their assessed dues at any given time. By the end of 2003, only 23.5 per cent of all members, or 45 out of 191, had no outstanding dues and only 61.3 per cent of members, or 117 out of 191 paid the full amount of their contributions for every previous year (Franda, 2006).

Table 1.2 compares the total accumulative US debt to that of the other largest paying UN members. Our assessment finds that at the beginning of the post-Cold War period the total US total accumulative debt to the UN regular budget stayed relatively constant during the period from 1990 to 1994. It then increased dramatically between 1995 and 1999, during the controversial UN action and then non-action which resulted in the consequent US interference in Iraq's invasion of Kuwait and US military intervention in Kosovo. Neither US action took place with any prior UN authorisation. The US accumulative budget then began to decrease from late 1999 to 2002, coinciding with the Sudan-Darfur crisis and the events of 11 September. The years between 2003 and 2006 show another steady increase in the US accumulative debt, coinciding with the US occupation of Iraq in 2003.

Table 1.2: Total accumulative debt (US dollars in millions) to the regular UN budget for US and UN members during post-Cold War period

Year	US total accumulative debt to the UN Regular Budget	US % of debt of the UN Regular Budget	Other member states total accumulative debt to the UN Regular Budget	Other member states % of debt of the UN Regular Budget
2006	291	**80%**	362	20%
2005	252	76%	333	24%
2004	241	68%	357	32%
2003	268	61%	441	39%
2002	190	62%	305	38%
2001	165	69%	240	31%
2000	165	74%	222	26%
1999	168	69%	244	31%
1998	316	76%	417	24%
1997	373	79%	474	21%
1996	377	74%	511	26%
1995	414	73%	564	27%
1994	248	52%	480	48%
1993	260	54%	478	46%
1992	240	**48%**	500	52%
1991	266	61%	439	39%

Source: Data from The World Campaign Organization, compiled by the author

The non-payment of contributions, unilateral withdrawal of contributing states from certain specialized UN agencies, and the opaque pressures regarding the use of contributions were all factors leading to a decline in the overall level of credibility of the UN (Finkelstein, 2006). Latif supports this idea and writes that the issue of non-payment represents a threat to the "viability of the UN" as a whole. Additionally, it weakens its overall credibility as well as that of the Security

Council as it is unable to carry out decisions as it lacks the needed troops or resources with which to do so (Latif, 2000).

We can see that even if the current financial structure of the UN were maintained, whatever efficiency measures were sought in administration, policy planning, and implementation would still not guarantee undue interference by certain states. There would still remain a strong belief by members of the UN that such incidents would lead to further undermining the UN's credibility. If this problem is ever to be overcome, I would suggest that a more neutral financial formula be adopted in order to ensure the unbiased and more just implementation of UN policies.

1.5.3 THE UN FINANCIAL CRISIS

The UN is only one of many international organizations that receive large contributions from the US as well as from private donors (Franda, 2006). However, I argue that the US played a significant role in the current UN financial crisis not only through its refusal to pay its assessed arrears unless certain UN reforms took place, but also because of its preference to give humanitarian aid and peacekeeping funds to private organizations which were believed to use the aid more effectively than the UN. Examples of this tendency towards third party governance of international aid include aid given to Indonesia in 2005 and aid given directly to regional organizations such as the African Union rather than being directed through the UN peacekeeping budget. Thus, actual US contributions to non-UN efforts are typically larger than those to the UN itself.

Paul (1996) believes that the US was responsible for the UN financial crisis as far back as the early 1990s. Although the Reagan administration was highly critical of what it viewed as the UN's financial crisis. Luck (2003) notes that the Bush Jr. administration had already withdrawn from UNESCO during its first term in office. The US had also lined up the other major western

contributors behind a policy of seeking to hold UN budgets to a zero net program growth, justified by the perceived need for UN reform.

Some have the opposite opinion and view all UN member states as being responsible for the UN crisis, not only the US. Historically, the US was not the first UN member that failed to pay its assessed dues in full. Lehmann and McClellan (2006) note that the UN has been crippled by late payments in the past. Luck (2003- 2005a) writes that by the end of 1961 almost two thirds of all UN members had failed to pay their annual assessed dues. Many major nations have failed to meet their full annual financial obligations at some point. Communist China, for example, seized the opportunity to write off debts when it replaced the Taiwanese Republic of China in the UN in 1972 (Michalski, 1997). On this occasion, the General Assembly set aside USD 29 million in contributions left unpaid by Taiwan. Further withholding forced China to the brink of losing its right to vote. In 1981, the General Assembly eliminated approximately $65 million in Chinese debts, thereby avoiding a political clash with another Communist nation (Michalski, 1997).

Hoppe and Stuckelberger (2005) bring attention to the example of when the UN announced its intention to increase the regular dues for the 2004-2005 budget. At that time, Japan threatened to cut its voluntary contributions in 2003, arguing that only a small minority of countries had paid the full amount of their assessed dues to the UN on time.

1.5.4 THE US DEBT TO THE UN

The theory that the US has been attempting to use its financial weight in the UN in order to influence the UN and bring about desired reforms can be witnessed through an evaluation of the total US debt to the UN. Ghali warns that the UN faces a possible financial catastrophe that should not be overlooked by the American public as the US has long been a leader in the

organization since its inception. He attributes a large part of this financial crisis of the UN to the US "delinquency in paying arrears" (Ghali, 1996: 96).

Figures for 1985 showed that the accumulated arrears to the UN budget exceeded $200 million, of which about one-fifth ($45 million) was attributable to the US (Luck, 2003). By the end of 1986 that total had increased to more than one third of the total accumulated arrears and escalated the situation to the point that the US was on the verge of losing its voting rights in the UN General Assembly (Chollet and Orr, 2001). Moreover, Luck writes that in pushing for changes within the UN, the US was accused of moving the goal posts by demanding reforms as a condition for paying its assessment of the UN regular budget.

The US has expressed limited interest in solving the UN's financial distress resulting from its own arrears. According to data from the World Campaign Organization as shown in Table 2.3, US total contributions to the UN in 2006-2007 will increase its cumulative structural debt by $100 million, bringing its expected new debt level to $770 million. As of 2008, this was a debt that the US apparently had no plans to pay off. Finkelstein, (2006) writes that the US Congress blocked the adoption of payment of all but a small portion of the total 2006-2007 UN budget and threatened to block authorization for payment of the massive withheld portion until adequate reform measures were adopted by a set deadline.

Table 1.3: The US debt (US dollars in millions) to UN Budget for 2006-2007

UN Budget Category	Pre-Existing/ Structural Debt	2006 Assessment	2007 Appropriation	Expected New Debt Level
US contributions to the Regular Budget	$ 252	$ 423	$ 439	$ 236
US contributions to the Peacekeeping Operations	$ 401	$ 1,279	$ 1,165	$ 515
US contributions to the Capital Master Plan	$ 4	$ 22	$ 10	16
Total US contributions for 2006-07	$ 657	$ 1,724	$ 1,614	$ 767

Source: The World Campaign Organization

Even though the US paid its assessments in full for 1992, 1993, and 1994, it has never resolved the payment of arrears of several hundred million dollars carried over from the 1980s. Smith (2004) writes that by 1994, the US had stopped paying its full contributions to the peacekeeping operations budget. After 1995, US law stipulated that the US assessment to the UN for peacekeeping operations should not exceed 25%, a figure significantly below the 30.3% mark agreed upon at the time of the UN's founding. Smith, however, points out that renewed concerns in Congress regarding UN waste and corruption meant that US contributions to the peacekeeping operations budget even fell below the adjusted 25% set forth by US law.

Heuvel contends that these lowered assessments are essential: "The problems of American participation in the UN have nothing to do with money. The annual assessed share of the US for the $1.4 billion annual UN budget amounts to $310 million, about the cost of one half a day of our presence in Iraq. In fact, the money spent on UN assessments is probably the most cost effective dollar spent for our national security" (Heuvel, 2003: 7). Smith (2004) contends that US efforts to have its own UN assessments lowered demonstrates the substantial US influence in

the UN. It is doubtful that any other member of the UN would have the same ability to push for change on its own terms. It is more likely that most UN members, especially those in the UN Security Council, recognise the need for a strong US role played in the promotion of the UN mechanism.

1.5.5 THE EFFECTS OF THE AMERICAN WITHHOLDING POLICY ON UN FUNCTIONS

Under the UN Charter, assessed dues are an obligation that all member states must undertake, and it is not possible for those that may feel disinclined to pay to opt out of them (Florini, 2005). The US has been subject to considerable criticism over the years for its failure to fulfil its financial responsibilities (Latif, 2000; Jodoin, 2005). The American threats to withhold its assessed dues also left a lasting bitterness among other member countries. Finkelstein strongly asserts, "That it is blackmail! Withholding payment as threatened by the US is a violation of the Charter and an overt flouting of the international rule of law" (Finkelstein, 2006: 5).

Increasingly, the threats to withhold combined with the act of withholding have been employed as bargaining levers by the US Congress to push forward reforms on the UN system and force a reduction of its personnel. Baehr and Gordenker (1999) write that even after the desired reform efforts were made, US reluctance to provide funds often continued. The US Congress, endorsed by its foreign affairs policy-makers, demanded a reduction in the percentage of the budget paid by the US to 20% from its current 25%. This action, however, required the agreement of the General Assembly, which declined to act on the matter until the backlog of US debt had been paid. Latif (2000) argues that it was essential that the profile of the UN financial crisis be raised. However, whether the General Assembly could force a superpower to pay for an exercise that it had opposed from the very beginning was both legally and politically questionable. The US

commitment to UN annual regular payment is related to the US foreign policy lines, for instance, under a law adopted in 1979, the US Congress had forbidden the American government to contribute to UN funds which in any way supported the Palestine Liberation Organization (PLO).

Finkelstein (2006) in addition to Baehr and Gordenker (2005) support the arguments that the threat to withhold and the actual withholding of dues had been increasingly employed by Congress as bargaining levers to force UN reform. Jodoin (2005) contends that the US had been using the tactic of withholding as far back as the 1980s until it lost control over the General Assembly, which subsequently became dominated by member states from developing countries. At that time, the US attempted to reassert its control over the UN by withholding its contributions and demanding reforms on spending. This pressure from the US did bring about some management changes and a measure of fiscal responsibility in the UN institutions.

The continued US policy of withholding and non-payment of its dues has also had some serious legal consequences in regards to its future as a permanent member in the UN Security Council. Scharf (2000) writes that the US faced the imminent prospect of losing its veto power in the UN. This loss would have had disastrous consequences for the US. In an effort to protect its veto power, the Clinton administration signed off on the Helms-Biden Agreement, which authorized $926 million over three years towards payment of the total US arrears owed to the UN, pursuant to Article 19 of the UN Charter. This legislation permitted the immediate payment of $100 million in back dues which was the minimum amount needed just to avoid the loss of the US veto vote.

1.5.6 THE US CONGRESS AND UN FUNDING

As it has been discussed previously, Congress voted to reduce the total amount of funding appropriated to US contributions to the UN in order to force it to enact the desired reforms. This situation also played a key role in US policy regarding the responsibility of Congress for allocating those same funds. Malone notes that "the tendency by Washington is to withhold payments to the UN as a means of political pressure" (Malone, 2003b: 81). Browne (2006) contends that members of Congress have become increasingly critical of funding for multilateral programs, which are generally not regarded as being in the best interest of the country. A wide range of legislative tools, such as using the Congressional power of the purse as leverage to streamline and reorganise the UN system, have been utilized to influence and direct US policy towards the UN without regard for how reductions will be made or its wider impact on the UN system as a whole. Browne (2006) explains that Congress has both reduced and increased executive branch funding requests, especially during recent years, and has taken a more active role in US policy as the size of its arrears has grown. Blanchfield (2007) writes that the US Congress has been critical of the UN, especially when some of its representatives believe that the organization may not be running as effectively as it should.

Nonetheless, as Bite *et al.* (1998) assert, the arrears continued to grow, and as a result, repayment became increasingly difficult each year. However, as Luck (1999) point out, not all members of Congress shared the view that the non-payment of US dues was an effective means of promoting UN reform. Certain members of Congress do acknowledge that the US should "fulfil US financial obligations to the UN" (Luck, 1999: 221), doubting that withholding payments will actually bring about reform to the UN.

The question of arrears has become a dispute involving the UN as well as the executive and legislative branches of the US government. Rivlin (1995) affirms that this dispute has proven contentious over the years. Bolton (in Kincaid, 1998) remarks that the decision on whether or not, as well as what amount the US should contribute to the UN is ultimately a political decision that Congress should be responsible for making. However, although the decision on whether or not to pay arrears owed to the UN is completely up to Congress, under the US Constitution the legislative branch still retains the power and authority to decide the amount made payable to the UN. Schaefer (1999) writes that the US is not legally bound to pay its assessed dues to the UN and Congress can choose whether or not they will be paid. Additionally, "each authorization and appropriations bill if it does not provide the funding sought by the UN General Assembly overrides treaty obligations to the UN. At its discretion Congress can decide not to pay" (Schaefer, 1999: 5).

There are some American officials who argue in favour of withholding payments entirely. Bolton (1996) suggested that the US should meet its commitments only when it is in its own interests to do so. Schaefer (1997; 1999) was critical in his view that Congress has the right to be skeptical of the UN commitment to reform. The US paid its dues while waiting for promised reforms, although little action was taken to shrink the perceived inefficient and bloated bureaucracy of the UN or to cut its ever-expanding costs. He believes that if financial coercion were used as an effective strategy to encourage true UN reform that clear goals need to be clearly set forth and the US should pay an amount based on "the degree of reform" upon the enactment of said requirements (Schaefer, 1997). He based his arguments on the UN's track record, demonstrating that it implemented significant reforms only at the times when the US was threatening to withhold some of its assessed contributions. For this reason, he recommends that Congress

should continue withholding some of the American dues to promote further reform to the UN system.

It is evident that the US has long used the policy of withholding its dues in order to push through its desired reforms for the UN system. I propose that US calls for reform may not be taken as seriously by many UN members in the future as long as the US remains heavily indebted to the UN. The continued practice by the US of withholding assessed payments to the UN infringes on US treaty obligations and alienates its fellow member states. The practice of withholding could also have an impact on diplomatic relations outside of the UN. However, this argument paradoxically overlooks the fact that despite its massive amount of arrears, the US devotes more cumulative resources to the UN than any other contributor.

1.6 MAIN FEATURES OF US FOREIGN POLICY MAKING IN THE MIDDLE EAST

This section will consider the nature of US Middle East policy-making that has been used to analyse the components of the US domestic government. It will cover the breadth of influences that affect US foreign policy decision making in the Middle East including opinions and pressures applied by the lobbyists, US political party dynamics. International relations experts find that a range of influences affecting the American government have increased the US preference to pursue the development of certain foreign policies in the Arab world. Rather than giving aid, the US actually elicited hostility from those living in the Middle East and exasperated its traditional European allies. Another key point emerges through this analysis that unlike other major US foreign policy decisions, those regarding the Arab world are decisively shaped by the US domestic government. This key point also supports hypotheses (1). Advocates of this position such as Fuller (1990), Lind (2002), Falk (1993), Hudson (2005), and Dunne (2008) have reviewed the interactions among the some key structures of the US government and how they

affected the policy making toward the Middle East during the post-Cold War period (1990-2006).

It is Quandt's (1993) opinion that the President is the key decision-maker in the shaping of Middle East policy. Presidents Reagan, Bush Sr:, Clinton, and Bush Jr. were all keenly aware that the decisions they made regarding Middle East foreign policy could have a significant positive or negative effect on their domestic political futures. Organski (1990) proposes that the president has always been influenced to some degree by different policy experts in the executive branch, as well as by think tanks and academic communities responsible for shaping his understanding of what is happening in the Arab world and the Middle East and how these regions could affect vital American security and economic interests.

The executive branch is comprised of a number of organizations, including the State Department, the Department of Defense (DoD), and several agencies that make up the 'intelligence community'. Lind (2002), Fuller (1990), Falk (1993) and Hudson (2005) write that the State Department plays a central role in shaping Middle East foreign policy. It deals with the divergent views of other bureaucracies, influential lobbies and various elements in Congress. The largest organizations which comprise the intelligence community are the Central Intelligence Agency (CIA), the National Security Agency (NSA), and the Federal Bureau of Investigation (FBI). The CIA has been stereotypically seen as the global investigative arm for the US intelligence community. However, the NSA plays an active role in monitoring electronic communications worldwide, and the FBI has developed an increasingly important role in tracking terrorist networks.

The Senate and the House of Representatives are the two arms of the US Congress and arguably play the most important role in the US foreign policy making regarding the Arab world and

Middle East. Howell and Pevehouse (2007) add that both the House and the Senate have their own respective committees responsible for handling foreign relations, security issues, intelligence, and finance. Each committee also holds separate hearings specifically on regional issues, including matters pertaining to Middle East policy and mobilise the research arm of the Congress, the Congressional Research Service (CRS), as well as external, third-party experts and lobbyists.

Special-interest groups can be primarily classified as being representative of either– business associations, ethnic-based or religious groups and play an important role insofar as they enjoy significant access to Congress and various federal institutions. They are created exclusively for influencing policy makers and seek not only to promote a domestic agenda, but also to have their international interests represented and enacted by Congress (Hufbauer and Oegg, 2003). As of 2008, there was a total 17,100 lobbyists operating with a combined budget of approximately $ 1.6 billion (Tavares and Schulz 2009). Rosenau (1967) describes the dynamic of public interest groups and politics influencing one another as the two- step flow of communications theory. Dumbrell (2008) points out that the East European ethnic lobbies groups in US played a significant role in furthering presidential commitments to NATO's eastwards expansion. Tavares & Schulz provide the example of how Polish-American interest groups "successfully persuaded the Clinton administration to enlarge NATO in the 1990s". Additionally, as both the legislative and executive branches share the responsibility for foreign policy decision-making, it can have the potential to be used as a an "instrument of partisan politics" (Tavares and Schulz, 2009: 52). The expanding influence of special interest groups during the 1990s is illustrated by the growth of country-specific sanctions legislation introduced in Congress, as well as the related rise in presidential Executive Orders intended to head off more severe congressional action. Congress

effectively singled out Iran, Iraq, Libya and Sudan as targets for economic sanctions in the 1990s (Hufbauer and Oegg, 2003).

Of all the interest groups and lobbies in Washington affecting changes to US policy towards the Middle East, those representing the interests of Israel are perhaps some of the most powerful (Tivnan, 1987). Possibly the most visible of these groups, the American-Israel Public Affairs Committee (AIPAC) has had decades of experience in promoting its interests to both the White House and Congress (Sarsar, 2004; Rynhold, 2000). Hufbauer and Oegg, provide the example of how AIPAC successfully lobbied Congress in 1995 to pass a bill requiring the US to move its embassy in Israel from Tel Aviv to Jerusalem, despite private objections from the government of then Israeli Prime Minister Yitzhak Rabin and the Clinton administration. In another example, AIPAC was critical in persuading the Clinton administration to enact a decision in August 1996 that brought about a comprehensive commercial embargo against Iran (Newhouse, 2009).

 A widespread media controversy and debate erupted across the US, brought about by the publication of their article "The Israel Lobby" (Mearsheimer and Walt, 2006). Both argue that the Israeli lobby played a key role in prompting the US to invade Iraq. Amongst their most trenchant critics was Dershowitz who objected to their argument based on what he claimed was a poor quality of scholarship and analysis. Additionally, he argues that they were mistaken in their assertion that the Israel lobby attempts to influence the US government to declare war on Arab and Muslim countries (Dershowitz, 2006).

Consistent differences between US foreign policy objectives and those of the international community emerged primarily over disagreements regarding the security of Israel. These differences are illustrated through several authors' perspectives. Bzostek and Robison (2008) write that the relationship between Israel and the US was special, based on a perceived necessity

by US leaders. Chomsky discusses that the debate about the influence of the US-Israeli relationship on foreign policy is framed by either "strategic planning" or the influence of lobbies (Chomsky, 1991). On one hand, it can be argued that the relationship was not based on the "powerful pro-Israel lobby in the US", but rather by the expressed need to maintain a strategic relationship (Bzostek and Robison, 2008). Reich asserts that "the underlying arguments concentrated on shared values and historical association, but there were also strategic utility and intangible values" (Reich, 1994: 70). However, Organski illustrates that the US follows patterns of supporting Israel or not in accordance with their own immediate interests. Sometimes US foreign policy officials have actively sought the approval and friendship of Arab countries, sometimes to the "exclusion of close ties with Israel" when it best served their own interests (Organski, 1990).

To an outside observer, the Clinton administration presents a different picture. Its conduct towards the Middle East was more influenced by domestic politics than external influences, a situation that was heightened with an upcoming election (Hudson, 1996). Whereas the Bush Sr. administration's policy regarding Israel, according to Hudson (2005) was basically controlled by political operatives within the White House, rather than, as it should have been, by the foreign and security offices of the executive branch. He also contends that the decision to pressure the Israeli government to ease security policies was strongly advocated within the State Department but failed to gain acceptance at a presidential level. Additionally, it was actually Bush Jr.'s neoconservative advisors who were ideologically committed to Israel as a prospective regional superpower.

However, as Fuller (1990) adds, the Bush Sr. administration recognised the foreign policy paradox. Exclusive and uncritical acceptance of all aspects of Israel's own security policies was

in some part necessary to appease the American public. However, at some point it would be incompatible with other US regional foreign policy goals, both immediate and future, of maintaining good relations with Arab states. This was a necessary dissonance that Bush Jr. may not have been able to grasp (Dunne, 2008). From another angle, the Israel lobby's influence on US policy and public opinion has been challenged by groups ranging from the increasingly vocal Arab-American lobby and black Democrats (who tend to sympathise with the Palestinians), to career military and foreign service personnel and the Republican business establishment, particularly oil executives, who are more interested in the Arab Gulf (Lind, 2002).

The oil and business lobby, although less focused than the Israel lobby, is still a major political force. Large oil and construction companies as well as financial firms with major stakes in the Middle East have a vested interest in the US's ability to conduct business in the region (Cohen, 1994). Generally, the business lobby is closer to the Republicans than the Democrats, and this could potentially pit them against the pro-Israel lobby. Hudson (2005) notes that during the Republican administration of Ronald Reagan, the Secretary of State, George Shultz, an Executive of Bechtel Corporation (a construction company with strong Middle East connections) was actually strongly pro-Israel. Conversely, many Arabs were pleased when Bush Jr. was elected in 2000 because they were initially optimistic that the Arab oil and business connections of his family and key officials (such as former Vice President Dick Cheney) would lead to Washington having a greater understanding of Arab points of view.

Think tanks play an important role in formulating American foreign policy. Since they tend to have a large number of experts and academics, they have the ability to suggest original options and ideas to help administrations (and opponents) generate policies, whether domestic or foreign, to further their own political goals (Haass, 2002a). They can also provide experts for the

administration to choose from in order to fill government posts, help an administration with issues such as mediation and attempt to solve important issues. Think tanks also provide important forums for experts and policymakers to meet, study and discuss urgent matters relating to foreign policy and national interests (Parmar, 2004).

Think tanks have been a force in American politics for almost 100 years, and today over 1,200 of them operate in the US. It should be noted that they are not always impartial third parties, but instead regularly "add a bias provided by their founders and funders" to their policy papers and publications (Nye, 2009). It is clear that some think tanks are aimed at the conservative section of American politics such as the Heritage Foundation and the Cato Institute are examples of particularly influential conservative think tanks. On the other hand, others adhere to a more liberal ideology such as the Center for American Progress which is sometimes seen as a progenitor of "the new [liberal] vanguard" (Eggen, 2009). Some think tanks do not take an official position on foreign policy issues (such as the Council on Foreign Relations). Funded in part by brokerage firms, it financed polls that claimed to show – through leading questions – that the public favoured Social Security privatization, this being a favourite issue among conservatives (*Ibid.*).

The influence enjoyed by think tanks depends largely on their connections with leaders in the White House, and executive branch agencies such as the Department of State, US Department of Treasury and DOD as well as with members of Congress and the Senate. Think tanks can also enable former officials to share the insights gained from positions in government in an institutional setting, and remain involved in the foreign policy-making process (Haass, 2002a). As such, policy-makers often pay much attention to think tanks, especially those with strong ties

to a given administration due to a shared view of the national interest. This was the case for the Project for a New American Century and the Bush administration until its disbandment in 2006.

Many people are not aware of the role played by think tanks in policy formulation, as they conduct much of their work out of the media spotlight and thus attract less attention than other more visible influences on US foreign policy, such as members of Congress, rival government departments and interest groups, who all frequently use the media to disseminate their messages. However, it must be pointed out that think tank scholars often make extensive use of the media (whether television or opinion pages in newspapers and news magazines) to formulate their priorities and help set out their case in order to influence policy-makers.

1.6.1 US FOREIGN POLICY IN THE MIDDLE EAST

During the Cold War, US foreign policy in the Middle East was driven by the three main objectives of containing the Soviet Union, securing petroleum supplies and ensuring the survival of the recently founded state of Israel. Thus every major foreign policy decision made in regards to the Middle East was judged both internationally and by the US generally according to the framework of oil and Israel (Dalacoura, 2010). One major US concern in the Middle East has been, and remains, the "stupendous source of strategic power". A secondary reason has been the US' historic relationship with Israel (Chomsky, 1991). During the Cold War, the US supported conservative states against 'radical' Arab states regardless of democracy and human rights concerns. Policy makers instead focused on power and ideology; thus, support for Israel was based more on the need to gain support in the fight against the Soviet Union and maintain the supply of petroleum resources than establishing a rapport with a fellow democracy in a region that had been repeatedly occupied by Russia and competing Western powers (Dalacoura, 2010).

Although the Middle East no longer posed any serious threats to American hegemony, US policy makers still proposed somewhat paradoxically that it posed an unprecedented threat to American national security through terrorist movements in addition to destabilizing American economic interests in the Arab world. Whereas Murphy (1997) listed four component paths of US national interests in the Middle East: regional disarmament, regional security, regional economic development and the revitalization of the Arab-Israeli peace process. Fuller (1990) specifically outlined that the US focused on four major foreign policy goals: 1) the protection of Middle Eastern energy resources and their unrestricted flow to consumers; 2) the preservation of the security and welfare of Israel; 3) the assistance to friendly regimes in the region in order to enhance overall regional stability; and 4) the maintenance of US political influence and commercial access to the region. Turner (2003) also noted that US foreign policy in the Middle East was aimed at ensuring access to oil at a reasonable price. Additionally he supports the theory that the impact of the events of 11 September and President Bush's declaration of a worldwide war on terrorism enhanced the importance of US foreign policy in the Middle East.

However, the Iraq-Kuwait War in 1990 does not provide a reliable guide to the world in the post-Cold War era. The US sent forces to the Middle East for two primary reasons. The first was to support the principle that weaker countries must not be swallowed up by stronger powers; and the second was to prevent the regime of a belligerent and unpredictable tyrant from having exclusive control over a significant amount of the world's total known oil reserves. Sovereign independence is an important principle, and the US will no doubt support small states whose independence is threatened, but it is not very often done by unilaterally sending 400,000 troops to liberate a small country with a total geographic area roughly equivalent to that of the state of New Jersey (Lind, 2002). The Arab Gulf is the only part of the Middle East where Western

powers can justify a large war, based on their interests in the uniquely valuable natural resource of oil. For American policymakers, the various conflicts of the Cold War were all linked as part of a global struggle against Communism, and were important in terms of their effect on the Western position in the world as well as what was directly at stake (Mandelbaum, 1991). The confrontation with Iraq, by contrast, is not directly connected with any geopolitical interests beyond the Middle East. Therefore, as important as the Middle East is to the US, it does not provide a sound enough basis for an overarching global foreign policy in the same way as the conflict with the Soviet Union during the Cold War did.

Following the perceived victory of 'democracy' over Soviet Communism in the Cold War, both terms of the Clinton administration (1993 – 2001) witnessed a foreign policy that placed a large degree of emphasis on democracy and human rights overseas. This can be seen in the Leahy Amendment to the Defense Appropriations Act (1998) and the Religious Persecution Act (1998). There was also an increase in the amount of attention paid to women's and labour rights and policymakers often espoused the view that democracy and development were interdependent (Dalacoura, 2010). These changes inevitably influenced Middle East policy, making democracy one of the new elements in US relations with regional actors.

During the 1990s interregnum, both idealist and pragmatic considerations were taken into account in US attempts to promote democracy in the Middle East. One hand, the Clinton administration during both of its terms in office, subscribed to liberal internationalist principles which emphasized universalist values over cultural particularities in addition to realist considerations of power maximization and the national interest. On the other hand, there was wide consensus both in the State Department and in other centres of power in Washington surrounding the pragmatic (though not realist) rationale which derived from the popular

'democratic peace theory'. This is the view that democracies do not go to war with one another (Ettalhi, personal interview, 12 September 2012).

As Diamond (1992) argues, a more democratic world would provide the conditions necessary for a safer, saner, and more prosperous world for the US insofar as Democratic countries do not go to war with each other, sponsor terrorism against other democracies or build WMDs with which to threaten one another. Democratizing Arab regimes was seen as the most attainable means of finally securing peace throughout the Middle East. In particular, democratizing the Palestinian Authority would be a way of achieving peace with Israel and resolving the region's most intractable conflict. However, none of the above considerations were powerful enough to overcome the *realpolitik* of US policy toward the Middle East in the 1990s. Democracy and human rights concerns were superseded by fears over instability and disruption to economic interests such as those presented by the supply of oil from the region. Furthermore, during the early events of the Algerian Civil War in in 1991-2 the anti-Western Islamist movement *Front Islamique du Salut* (FIS) nearly came to power through democratic elections. This served to heighten the US sense of insecurity surrounding the results of elections in the region, and ensured the continuation of support for pro-Western, authoritarian regimes (Diamond, 1992). Plans for democracy promotion in the region were pre-emptively aborted and its overall influence on US foreign policy during this period was thus limited.

This situation changed with the 11 September 2001 attacks on the US, after which democracy promotion became the widely expressed focus of US policy towards the Middle East. However, the attacks also called into question the relevance of the democratic peace theory as the main justification for this, since non-state actors now clearly posed a greater immediate threat to the US than states. Moreover, the US had obviously moved away from its traditional stance of

upholding the status quo toward one characterized by proactive and interventionist policy. In a speech delivered at the US Chamber of Commerce, marking the 20th Anniversary of the National Endowment for Democracy in 2003, President Bush committed the US to promoting democracy and free economic reforms throughout the Arab world. He explained the adoption of a new type of policy as one that required "persistence…energy and idealism" and that turned away from isolationism in that he criticized "sixty years of Western nations excusing and accommodating the lack of freedom in the Middle East", claiming this in fact made the world a less safe place. He continued that "as long as the Middle East remains a place where freedom does not flourish, it will remain a place of stagnation, resentment, and violence ready for export" (Bush, 2003b: 186).

The dichotomy between the US desire for democracy in the Middle East and maintaining stability in the region remains one of the most pressing issues for policy makers today. Policies that support stability provided by the status quo maintained by the current regime, regardless of the level of oppression brought upon its own civilian population, may foster dissent in fringe extremist groups and lead to an increase in terrorist incidents against the US (Scheuer, 2004). On the other hand, accepting higher levels of political participation in states may, in the long run, bring about more sustainable stability that does not rely on coercion, even though it may also provide extremist groups with a voice in mainstream politics where they might not have previously had one.

The US has used intervention to promote democracy in the Arab Middle East, and can be epitomized by the occupation of Iraq in 2003. Dalacoura (2010) argues that the Iraq War was justified on the grounds of pre-emptive self-defence against the presumed proliferation of WMDs and President Bush Jr. himself proclaimed that regime change in Iraq "would serve as a dramatic

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and inspiring example of freedom for other nations in the region" (Bush, 2003c: 170). However, the rationale for military action also encompassed the idea of democratization, which the US administration argued would remake Iraq as a natural American ally and encourage political reform throughout the Arab world as a whole. Placed in the wider context of US foreign policy towards the Middle East, the promotion of democracy clearly has its limits.

Ettalhi (Personal interview, 12 September 2012) argues that the Bush administration has obviously had to balance the promotion of democracy with US security concerns. Although it has been argued that the two are not necessarily mutually exclusive, there are evidently contradictions in practice, exacerbated by the 'war on terror'. Even if one agrees with the Bush administration that, in the long term, democratization will indeed be effective in preventing Islamist terrorism, it is obvious that the short-term effect has often been to curtail civil liberties and limit democratic freedoms, for both political and religious opposition movements alike.

Dobriansky (2003) cites Carothers, who criticizes what he terms an "instrumentalization" of democracy promotion. His argument is that the US administration's efforts to promote democracy in a post-Saddam Iraq and across the wider Arab world are somehow tainted because of underlying motivations and self-serving reasons behind some actions. such as removing the threat presented by Saddam's arsenal of WMDs and his long-standing defiance of the international community. He appears to believe that democracy promotion should not only take priority over all other types of foreign policy imperatives, but should also be the only impetus behind policy. Of course, this would give immunity to despots who commit human rights offences and threaten security.

Despite the enormous demands presented by the war against terrorism, the Bush administration has shown a keen interest in launching several new democracy-promotion initiatives. Through

the Millennium Challenge Account (MCA), it has also changed the country's approach to development assistance as a reward by which to encourage "good governance", investment in people and economic development. In 2003 alone, the administration requested $1.3 billion for this program, which represents 15% of overall US foreign aid (Quester, 2005).

As well as changing US foreign policy, President Bush's leadership and commitment at the Monterrey Summit on Financing Development held in March 2002 had convinced many allies of the US, international lending and aid delivery institutions and the UN to take similar courses of action. The administration has also launched a high-level initiative to combat discrimination against women and increase their overall participation in political, economic and cultural activities. This initiative was begun in Afghanistan, where the Taliban regime practiced what amounted to gender apartheid. It was spearheaded by the State Department's Office of International Women's Issues, and its participants have included numerous senior administration officials such as the President and First Lady, Secretary of State Colin Powell and presidential adviser Karen Hughes. Its overarching goal is to ensure that there is no country in the world where women are treated as second-class citizens, and to improve their access to education, health, employment opportunities and their right to vote. The administration also launched a Middle East Partnership Initiative that seeks to support political, economic and educational reform across the region (Dobriansky, 2003). In conclusion, the Bush administration has made the promotion of democracy a key goal of its foreign policy for both idealistic and pragmatic reasons. One important impact of the neocons was their goal of promoting democracy in the Middle East in hopes that this would reduce some of the entrenched hostility in Arab nations toward the US and Israel. In this respect the neocons had a traditionally realist agenda insofar as they were concerned with advancing the position of the US in the classic power-politics

paradigm. Motivated by sincere convictions about the advantages of democracy, authentic concerns surrounding Israel's security, and apprehensions surrounding potential threats posed by Islamic terrorism, the neocons sought to bring about a degree of "regime change" in certain countries of the Middle East. In addition, they subscribed to the notion that if one country in the region adopted democracy, that others would follow as part of a domino effect (Quester, 2005).

It can therefore be said that the so-called war on terror propelled both the Bush Jr. administration and the Arab region away from democracy promotion and instead towards supporting more, rather than less, authoritarianism. This is especially the case because it has made Arabs and other Muslims defensive about their identity and has further radicalized Islamist movements. Moreover, the US government often adopts a double standard towards the issues that related its Arab 'friends' than with its 'foes' (Dalacoura, 2005). This reinforces the popular perception that the US will be content with limited reforms in friendly regimes in cases when democratic reforms destabilize them, leading to accusations of inconsistency. The US has often supported governments that are commonly disliked and seen as both repressive and unjust (Bill and Chavez, 2002), and has frequently supported undemocratic regimes in the region, including Egypt and Saudi Arabia, where this ties in with its own national interests (Neep, 2004).

1.7 CONCLUSION

The main emphasis of this chapter has been to evaluate US foreign policy and the role that the UN plays in the advancement of a US political agenda. It has looked into the standing of the UN as the US realigned its foreign policy agenda especially in regards to the Middle East following the conclusion of the Cold War. The instability of the US-UN relationship effectively forestalled the enforcement of important principles and goals set forth in the UN Charter. These standards became compromised as they became more consistent with and increasingly driven by US political interests rather than the interests of the international community at large.

Differences in leadership styles and shifts in political debate may be observed throughout the administrations of the three post-Cold War presidents who found it difficult to articulate a new grand strategy for the US following the collapse of the Soviet Union. It needs to be made clear that US foreign policy toward the Arab world in particular, had a different trajectory during the Presidency of Bush Jr. in contrast with the rest of the post-Cold War era presidents, although they were all fully prepared and willing to intervene overseas in order to protect American interests. For example, Bush Sr. ensured public support for the 'liberation of Kuwait' by linking it directly to American oil interests. Additionally, Clinton was also ready to use military force, albeit reluctantly, for a combination of motives, including humanitarian purposes. Clinton and Bush Jr. differed in their approach toward multilateral institutions but the differences narrowed somewhat in wake of the 2001 terrorist attacks and the need to secure international support to combat the terrorist threat. Bush Jr., however, accepted the neoconservative thesis that American military power alone could resolve most foreign policy problems. The Iraq War served to demonstrate both the potency and the impotency of US military power.

Since the end of the Cold War, Congress has played an increasingly important role in the formulation and control of US foreign policy and as well as increasingly challenging the White House in foreign policy, most notably when the incumbent is from the opposing political party. In general, the relations between the Presidents and the Congress have maintained a love–hate relationship throughout the post- Cold War era.

The ability of the US to use the UN in order to create broad definitions of regimes compatible with American interests and serve domestic political purposes allowed for presidential administrations with more varied policies. Clearly, the Bush Sr. administration saw a multilateral coalition framework as a way of using the UN as a tool of US foreign policy to legitimize its essentially unilateral military mobilizations against Iraq. The Clinton administration also committed itself to assertive multilateralism as part of its strategy of engagement and enlargement.

It is expected that each UN member state would want established mechanisms in the UN for pursuing their own individual concerns and interests. However, what many states seem not to have grasped is that they do have the ability to influence the organization by controlling its resources either through required assessments for the regular and peacekeeping budgets or through voluntary contributions for particular agencies or funds. Instead, states have complacently allowed the US to continually dominate the UN through financial manipulation to further its own political strategies.

The US has also been accused of withholding financial contributions as part of a political strategy to bring the UN into line with its own policy objectives. Its continued criticism of the management of the UN was noted as not being conducive to ensuring good relations between the US and the UN in the future. Critics assert that a withholding policy lacks a long-term overall

strategic purpose in UN reform; and that such unilateral action would not be needed if there was broader support among UN Security Council members for a US reform agenda. Resorting to withholding tactics suggests that the US could not accomplish its foreign policy goals through more traditional and restrained expressions of power within the UN. The withholding of assessed dues was a contentious issue, and it was apparent that such a policy was not a constructive way to achieve sweeping UN reform.

However, support for approved military operations and the success of major peacekeeping operations would remain impossible without US backing and perhaps even participation. There are also obstacles to positive change as the UN's multiple organizations not only have to balance an arrayed composition of political interests but also are under the American thumb. As long as the US puts its own political interests ahead of UN reform, the transformation of the UN to a strong world organization will be hampered. The usefulness of the UN reasserted itself as a channel through which major international security crises could be interpreted globally following the events of 11 September. Unequivocally, it was proven that the US wanted and benefitted from political support as well as the economic help garnered by working within the bounds of the UN.

President Clinton emphasized a more flexible and mobile global military capability, contradicting the maintenance of a low-visibility foreign policy. The 2003 US intervention in Iraq strongly suggests that the Bush administration altered the traditional stance of the US of upholding the status quo toward a proactive interventionist policy. Criticism of the Bush junior administration shows that the erroneous information which led to incorrect decisions were made regarding the existence of WMD in Iraq and the supposed association between Iraq and al-Qaida terrorists had extended the gap between the US and Arab and Muslim World as a whole which

has promoted and raised the concept of "anti-Americanism" in the Middle East region and the post-invasion policy planning neglected to show any understanding of Iraq's history, culture, politics, or role in the region.

Considering the apparent structural complexity of the decision-making process surrounding Middle East policy, academic observers may be struck by the narrow, uninformed, and *ad hoc* nature of some policy outcomes despite the amount of information and expert opinion available to policy-makers. Notably the decisions made regarding the Middle East seem to reflect the dysfunctional side of American policy.

There are big debates about the interests of the US in the Middle East in post-Cold War. We could summarize the main interests in the region: 1) the Middle Eastern energy resources and their unrestricted flow to consumers; 2) the preservation of the security and welfare of Israel; 3) the assistance to friendly regimes in the region in order to enhance overall regional stability; and 4) the maintenance of US political influence and commercial access to the region. However, as many in the US believe, especially those in the defense and security fields, the American security role is permanently global—the US still needs the capability to go anywhere and to meet any potential challenge in order to protect US interests and defend national security.

The aim of democracy promotion in the Middle East became the focus of US policy following the 11 September attack, and the administration of President George W. Bush adopted the project. However, the promotion of democracy clearly has its limits, due to a number of reasons, the largest of which were the dichotomy between the US desire for democracy in the Middle East and maintaining stability in the region. These took on greater significance in light of US leadership in the "war on terrorism" and the intervention in Iraq in 2003, which stood in stark contrast with how the US has long supported certain undemocratic regimes in the region.

CHAPTER TWO

UNDERSTANDING THE UN CHARTER AND UN SYSTEM

2.1 INTRDUCTION

Nearly seventy years after it was originally drafted, the UN Charter is still considered as being a document that is a product of its time rather than a comprehensive formula or roadmap for the future. The initial drafters of the Charter had sought to provide an institutional mission statement that would both facilitate and delimit the role of regional organization in conflict management, especially in incidents involving military force. There was also the desire to abandon the traditional interpretation regarding the relevant restrictions referring to the right to respond to acts of aggression. The Articles of the Charter allow states to act either independently or as part of a group in order to respond with force to an armed attack against themselves.

This chapter will focus on the UN Charter and the conflict of interests arising from its establishment. In doing so, it will explore what other factors were in play that provided the US with the opportunities to leverage the Articles of the UN Charter towards meeting its own political agenda.

The UN system plays an important role in promoting sustainable development and supporting countries in developing effective policies and strategies to implement an agenda for sustainable development. The three most important components of the UN system for the US that will be emphasized throughout this research are the UN Security Council, the World Bank and the International Monetary Fund (IMF). The second section will focus on both the World Bank and the IMF while the UN Security Council will be addressed in greater depth in the following chapter. This section examines the actual influence the US has had in shaping the subsequent

evolution of these institutions. It is beyond a doubt that the US has had an enormous influence over both the World Bank and IMF. However, as I will reveal, competing views within the US play an important factor in understanding the precise nature of this influence.

2.2 UNDERSTANDING THE UN CHARTER

All constitutions are imperfect, but some happen to be more flawed than others. Over the years since its initial founding, numerous international scholars including White (2002), Simons (1994) and Benvenisti (2004) have provided evidence and examples of the way in which the Charter was written did indeed allow the US to exploit the structural weaknesses inherent within it. The first indication of this was the incorporation of a series of staff briefings into the draft Constitution. Following further modifications, the finalized document was approved by President Franklin D. Roosevelt on 29 December 1943 and subsequently presented at the Dumbarton Oaks Conference in 1944 (Simons, 1994). Dumbarton Oaks provided the venue, from August to October 1944, for hosting meetings of the so-called 'Big Four' (the US, Britain, the Soviet Union, and China) in which they focused on the detailed planning and framework of the proposed UN Charter as initially put forth by the US. Simons (1994) also noted that the other principle feature of the plan was a UN Security Council on which the Big Four (and eventually France) would be permanently represented.

It is my contention that this highly selective decision-making group, led by the US, actually produced a Charter structured upon principles, rules and regulations that were not fully clarified as a result of the arguments amongst the Big Four during its drafting. The final result was that the Charter represented each of the Big Four's individual concerns and issues surrounding foreign policy including the protection of their own interests. This was essentially un-representative of a truly holistic or inclusive organization of the United Nations.

Many nations had already been party to the various international declarations and agreements that emerged in a world at war. Subsequently, only the four remaining major powers were to have a hand in the final shaping of the UN Charter. Ultimately, however, it was the US that dominated the proceedings, and it was the plan put forth by the US, now entitled 'Tentative US Proposals', that were presented as the final constitutional form. Although the other conference delegates had offered ideas and suggestions for the UN Charter, in the end it was the US delegation that moved for the US scheme to be accepted; the other powers acquiesced.

The next section looks for further evidence to support the argument that the UN Charter's ability to serve all of the participating nations was weakened because it was based on assumptions made in the early 1940's and therefore as a legal framework it is not completely applicable for the early 21st Century. It will also argue that the US played on the individual political turbulences within the Big Four to push forward the Charter as a document that was inherently skewed towards Western interests, but more so towards providing the means for the US to push through its own interests. It will also present evidence to support the second argument that the effectiveness of the Charter's principles, rules and regulations were compromised as a result of the strong degree of American influence at the time of their establishment.

2.2.1 CONFLICT OF INTERESTS ARISING FROM THE ESTABLISHMENT OF THE UN CHARTER

Using an historical/developmental perspective we can see how gradually it became apparent that the newly emerged UN Charter would be biased in favour of the future Permanent Five (the US, Britain, France, Russia, and China) and was, for all intents and purposes, regarded by developing countries as a mainly Western institution. Several authors, such as Ismail (2005), Simons (1994) and Halliday (2005) contend that, although Article 2 (1) of the Charter explicitly set forth a

'principle of sovereign equality' for all UN members, stating that the objective of guaranteeing all members the rights and benefits associated with membership is associated with states fulfilling their duties under the Charter.

Surprisingly, the Preamble of the UN Charter refers not to the founding states, but to 'we the peoples of the UN' and was supposedly designed to highlight the democratic basis of the new organization designed for promoting peace and human welfare. Moreover, the Preamble establishes the intentions of participating states – the *raison d'être* of the UN. These are further clarified in Article 1 and Wolfrum (2002) argues that the purposes and principles outlined in the Preamble and discussed in more detail in Article 2 represent the standards of international conduct. Following the rules of interpretation set out in the Vienna Convention on the Law of Treaties, this is indispensable in the interpretation of its powers. Pursuant to Article 31 of this Convention, the Charter 'shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose'. As mentioned in the Preamble, the primary purpose of the UN is 'to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind'. The scope of this aim is further clarified in Article 1 [See Appendix 4].

This study demonstrates that the scope outlined in the preamble of the Charter goes beyond merely dealing with war. I will trace how during the post-Cold War period, the US took a leading role in redefining the nature of what exactly constitutes a threat and how the concept shifted from the traditional understanding of armed conflict and violence to a broader and more encompassing definition. It also includes threats to and breaches of the peace and acts of aggression, as well as the positive consequences of peace, such as friendly relations, economic development and respect for human rights. Thus, while Article 1, Paragraph 1 is specifically

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designed to deal with existing conflicts or threats to international peace and security, Paragraphs 2 and 3 are aimed at strengthening peace and making such threats less likely to occur (*Ibid.*, 2002). Article 1, Paragraph 1 can be considered central to the system of collective security. This is particularly the case when read in conjunction with Article 2 (3) on the peaceful settlement of disputes, Article 2 (4) on the prohibition of force and Article 24 on the primary responsibility for maintaining peace and security attributed to the UN Security Council. This paragraph plays an important role in determining the extent of the powers and limitations of the Council in exercising its competences.

Both theory and practice suggest differences of opinion among the Permanent Five regarding the assessment of threats to vital self and collective interests. This resulted in a general equilibrium of inaction. Although taking no action is nearly always preferable to outright warfare, enforcement action was eventually adopted under Article VII (6) whereby intervention was allowed only in cases of legitimate individual or collective self-defence.

When the UN Charter was finally released publicly on 9 October 1944, protests immediately arose from many of the smaller nations. Originally, these nations had been impressed with the terms of the Atlantic Charter and what they imagined about American idealism. At that time, however, they were presented with a UN Charter that did little to safeguard the rights of smaller nations. Statesmen from these countries had not been consulted, and as Simons (1994) argues, it was clear to them that the Permanent Five, with the US in particular, intended to maintain a firm grip on global political power.

Benvenisti (2004) argues that the new Charter envisioned the UN Security Council as the most suitable type of institution to respond to threats to international peace and security and would be

the organization most able to act decisively and swiftly on behalf of its members. However, in practice, the UN Security Council often found it difficult to live up to this purpose. To start with, the UN did not have the standing forces it needed to enforce peace when necessary. A more far-reaching concern was that, even after the Cold War paralysis, disagreements among the Permanent Five often precluded any authorisation for military invasions, as witnessed in the examples of Kosovo (1999) and Iraq (2003) which will be discussed in further detail in later chapters.

2.2.2 THE UN CHARTER AS A 21ST CENTURY DOCUMENT

The process of drafting the UN Charter was based on the unsuccessful experiences of the League of Nations and on the need to establish a strong system of collective security. Jodoin (2005) draws attention to the Charter's recognition of the superpowers' governance and to the important role that they played in drafting the Charter. Any opposition to the Allies' plan on the part of smaller powers was tempered by the fact that the superpowers' assent to the UN Security Council was a necessary requirement for its very establishment. Jodoin (2005) argues that it was equally certain that the superpowers (particularly the US, Britain, and the Soviet Union) would not have been party to the development of the Charter unless it contained institutional safeguards which would allow them to protect their own national interests.

Wedgewood writes that the UN Charter is essentially a "document of its time" that reflects the alliance between Western nations in the period immediately following World War II (Wedgewood, 2000). I would agree with her idea that the Charter's adaptation to the ideological schism of the post-Cold War period when national interests continued to diverge required a greater focus on both Charter goals and formal procedures. It should also be noted that the Charter's humanitarian values required, at times, the substitution of other well-intentioned actors

with an imperfect interpretation of Charter forms. Again, Gadhafi's statement at the General Assembly of the UN in 2009 echoes the confusion felt by many less-represented countries towards the Charter: "The Preamble is very appealing, and no one objects to it, but all the provisions that follow it completely contradict the Preamble. We reject such provisions, and we will never uphold them; they ended with the Second World War" (Gadhafi, 2009: 2).

Article 108 contains the amendment provisions of the Charter according to which amendments must be approved by at least a two-thirds majority of the members of the UN in addition to all of the Permanent Members of the UN Security Council. Article 108 only allows for single amendments to be made while Article 109 makes provisions for more comprehensive amendments subsequent to a general conference of the UN. White argues that the provisions contained within Article 109 would allow for a more "thorough revision of the UN constitutional structure" (White, 2002: 24). The conditions laid out for making formal amendments are identical in both Articles 108 and 109.

Article 109 also states that amendments made by the UN Security Council which propose expanding the UN Security Council must be supported by a two-thirds majority of the General Assembly (or 128 nations) in addition to all five of the current Permanent Members of the UN Security Council. In essence, the UN Security Council cannot be expanded without US approval, creating a conundrum that cannot be escaped unless the US actually experiences a philosophical shift in its attitude toward governance and its own role in the UN.

In practice, some incremental changes have been achieved in the UN Security Council. The obvious examples are the acceptance of the Peoples' Republic of China (since 1971) and the Russian Federation (since 1992) as members of the UN Security Council. These countries both

occupy two permanent seats on the Council, despite the fact that the actual text of Article 23 continues to refer to 'the Republic of China' and the 'Union of Soviet Socialist Republics'. Another example of such incremental change is reflected in the General Assembly and by the Secretary-General taking a much more active role in collective security matters than envisaged in the original Charter text.

2.2.3 THE AMBIGUITIES OF THE UN CHARTER AND THE ISSUE OF SELF-DEFENCE

An overview of the Charter finds that the wording of numerous articles relating to the maintenance of peace and security can be confusing and could potentially be open to misinterpretation or possibly even abuse in resolving issues. On one hand, Article 24 of the Charter vests the UN Security Council with the responsibility for maintaining peace and security and the ability of states to authorise the use of force (Warriner, 1988). This responsibility is in turn controlled through the veto power of Permanent Members. On the other hand, Article 51 guarantees a state's right to act either in self-defence or in 'collective self-defence'.

Richard and Weiss (2005) tie together the unresolved key issues as both of these articles highlight the Charter's ambiguities and the issue of responsibility. The Charter does contain certain ambiguities surrounding the requirement to gain approval from the UN prior to the use of force. This is deliberately left somewhat open-ended to satisfy states' demands to "preserve their sovereignty" and maintain the "right to protect themselves through collective defence". It effectively meets these demands while also curbing any acts of flagrant aggression on the part of any member state (Richard and Weiss, 2005).

There are some specific provisions in Article 51 that Penna (1992) and Voeten (2005) argue merit a brief, but careful examination. Article 51 requires that a state report actions taken in self-defence to the UN Security Council. This has been interpreted by the International Court of Justice (ICJ) as a state declaring itself the victim of an armed attack rather than a requirement detailing the specific defensive measures taken. Another provision of Article 51 pointed out by both Ouenivet (2005) and Canor (2006) indicates that states are free to act in self-defence until the UN Security Council has taken the necessary measures to restore international peace and security. The precise meaning of this phrase, however, is somewhat difficult to decipher. Does it mean that states must stop acting even if UN Security Council actions prove ineffective? Or does it mean that states must not act unless the UN Security Council approves of its actions? The case of the Iraq-Kuwait War (1990-1991) highlighted this ambiguity. Was the action taken by the UN Security Council merely an approval of Kuwaiti measures of collective self-defence or was it a UN action? Which principle was being vindicated by the UN action? The issue of preservation of states and both UN resolutions as well as the actions taken by the Kuwait alliance are certainly issues for further research.

In my view Article 1 of the UN Charter does not forbid countries from acting in self-defence in situations when it is immediately necessary. However, the Article is only applicable to states where the formation of military alliances was justified and to those that have a natural right to acquire arms for their own self-defence. It also applies to other nations which may not belong to a particular alliance, but do have strategic importance [See Appendix 4].

Bjola (2005) and Wedgewood (2000) both note that Article 1 leaves out those cases where attacks have been perpetrated by terrorist networks. This is an important oversight, especially considering that many US reactions to international incidents (e.g. the Lockerbie Incident) and to

attacks on their own soil (e.g. the 11 September attacks) are due to terrorism. Bjola and Wedgewood also find that although the Article emphasises that while WMDs represent a significant threat to international security, the Charter does not actually identify or address this issue. The lack of appropriate wording in Article 1 allowed the US to initiate air attacks on Libya in 1986 in response to a spate of terrorist bombings in Europe that the US had linked to Libyan-backed organizations. Another example where Article 1 was used as the primary justification for intervention came when the US invaded Iraq in 2003 following reports of WMDs. Roushdy (2002) reaffirms that a threat is to be 'prevented' and 'removed' but not 'suppressed' as in the case of acts of aggression. Although aggressive sanctions do not necessarily constitute a use of force, the Charter itself does not state that a potential threat warrants the use of force.

Bjola (2005) adds that Charter provisions regarding collective security make no reference to situations where humanitarian intervention might be required to prevent and punish exploitation and the violation of human rights. The lack of clarification allows for potential abuse of the Charter provisions. The ICJ is also impacted by the ambiguity surrounding humanitarian intervention. The wording of the UN Charter leaves room for interpretation in regard to considering human rights as an international concern. It also allows the Security Council to act in response to "threats to international peace and security" (Doyle, 2008: 67). This term is rather broad as the term 'threats' can be construed in many opposing ways as will be discussed in the following section.

2.3 THE BROADER INTERPRETATION OF THE UN CHARTER

Reading the Charter as a whole, it is evident that the prohibition on force was intended to be very broad, allowing for very few exceptions. This conclusion is confirmed by the drafting history of the Charter. Nevertheless, a few scholars have argued over the years that Article 2(4) does not constitute a prohibition on the use of force in general, but rather only force aimed at the territorial integrity and political independence of states or inconsistent with the purposes of the UN. D'Amato (1983) provides an example of how this interpretation had been used to justify Israel's 1981 strike against the Iraqi nuclear reactor at Osirik. Israel's aim was to prevent Iraq from developing nuclear weapons which would affect Israeli security in the long term. In D'Amato's view, the Israeli attack did not compromise the territorial integrity or political independence of Iraq, nor was it inconsistent with the purposes of the UN. By this narrow view of sovereignty, D'Amato concludes that the strike did not violate the prohibition in Article 2(4). However, international reaction to the Israeli strike was overwhelmingly negative. The UN Security Council passed a unanimous resolution condemning it as a violation of the Charter, which helped to strengthen the common understanding of Article 2 (4) as a general prohibition on force.

At the end of the Iraq-Kuwait war in 1990-1991, President Bush, who led the UN coalition, proclaimed a "new world order under the rule of law." In Kosovo, the Clinton administration issued no legal justification for the use of force, but neither did it argue that the law or institutions of the Charter should be changed. Instead, State Department officials clarified that as soon as hostilities ended that the US did not support a general right of humanitarian intervention (Glennon, 1999). When President Bush Jr. launched the so-called war on terrorism following the 11 September attacks, he invoked Article 51 and campaigned to build a consensus at the UN

Security Council and with governments around the world that what he was doing was not only lawful, but righteous. Moreover, he supported the right of other states to follow suit (O'Connell, 2002b). This represents a clear departure from the traditional definition of the traditional justification of the Article 51 of the UN Charter which clearly recognizes "the inherent right of individual or collective self-defence". This is due to the creation of a situation wherein any act which fell under the broadly defined category of 'terrorism' and thereby pose a threat to US or international security could potentially justify pre-emptive action nominally taken in the interest of national and international security being mandated by Article 51.

Scholars such as White and Myjer (2003) have argued against a broader interpretation of the UN Charter. Arguments against actions such as the use of force other than in self-defense or by authorization of the UN Security Council are based on a more literal reading of the UN Charter and the belief that the system of collective security in itself is sufficient to deal with threats to international peace and security (O'Connell, 2002b). However, the UN Security Council has used the enforcement powers granted to them in Articles 41 and 42 in response to a broad interpretation of the notion of "threats to the peace" contained in Article 39 (Happold, 2003).

Others in favour of a broader interpretation argue that the initial UN Charter of 1945 was not written to deal with contemporary threats, and so states cannot sit back when the UN Security Council is being blocked by – what they call – an illegal veto while dealing with issues such as the imminent threat of WMDs falling into the hands of terrorist organizations (Feinstein, and Marie, 2004). Both sides do, however, agree on the necessity of an overall revitalization process for the functioning of the UN in order to make it more responsive to the nature of contemporary realities and issues confronted by governments around the world. Despite all the arguments put forward by scholars, reform either way is dependent upon the political will of member states.

This has been given new impetus with the presentation of the Report of the High-Level Panel on Threats, Challenges and Change which was presented to the General Assembly in September 2003 by UN Secretary-General Kofi Annan who warned Member States that the UN had had reached a fork in the road. He created the High-level Panel on Threats, Challenges and Change to generate new ideas about the kinds of policies and institutions that would be necessary for the UN to be continue to be effective in the 21st century (*Report of the High-level Panel on Threats, Challenges and Change*, 2004).

The UN Charter also contains various references to international law and can itself be considered a treaty pursuant to Article 5 of the Vienna Convention. Even though the latter did not come into force until 1980, thirty-five years after the Charter was signed, the rules on the interpretation of treaties, as laid out in Articles 31 to 33 of the Convention, are applicable due to their status as rules of customary international law (Ress, 2002). It is thus clear from the points discussed above that the UN is an international organization and, as such, subject to international law. The extent to which this may limit its powers will be more thoroughly addressed in the following chapters when dealing with limitations to the powers of its different organs.

A broad interpretation of UN Security Council powers is also evident in measures taken to combat terrorism, ranging from sanctions against governments to more targeted "smart" sanctions against individuals. The latter calls into question the legality of such measures, taking into account the scope and limitations of the UN Security Council's powers. The Sanctions Committee, established to draw up a list of individuals and entities whose financial assets must be frozen, acts as a sort of quasi-tribunal by deciding on nominations and de-listing matters, meaning that these measures cannot be considered completely judicial (Ginkel, 2010). Other measures determine very specific obligations and general norms for member states in the field of

financing terrorist organizations, as laid down in the Convention against the Financing of Terrorism. As such, these measures could be termed quasi-legislative.

The question is not just whether the UN Security Council has a general yet undefined power to act promptly and effectively in order to preserve international peace and security, in addition to those powers listed explicitly in the Chapters mentioned in Article 24 (2), but also what constitutes the exact scope of those other powers. Are they limited only by the purposes and principles of the Charter? Or should one also consider a delimitation of tasks between the General Assembly and the UN Security Council as a way of overseeing or containing the overall power of the latter? More specifically, can the General Assembly consider overarching traits that pose a threat to international peace and security, while the UN Security Council deals only with specific threats? Clearly, the Charter itself does not provide any answers to these questions (Boulden, 2008).

Pursuant to Article 25, the decisions of the UN Security Council are binding upon all UN member states. This can have very wide-ranging consequences, and as such, the questions posed above are highly relevant. However, since neither the doctrine nor the practice offers clear answers, this topic is debated whenever the UN Security Council lays claim to a power not based on those granted explicitly by Chapter VII of the Charter (Ginkel, 2010). To interpret a resolution from the Security Council, one must carefully consider not just the text itself, but also the discussions that preceded it. This is crucial because interpreting a resolution in a way that goes against the underlying consensus would undermine the Security Council as a forum for achieving compromise. Military action is only permitted when authorized by agreement in that body, which has been achieved in many instances in the past by a formula combining the phrase 'necessary measures' with 'authorization'. This began with interpreting the term "threat to the

international peace and security" as a way of taking sanctioned action in internal conflicts. Today, even threats to public health such as HIV and AIDS can count as a "threat to international peace and security" (Ginkel, 2010: 66).

The UN faced wide criticism from the beginning of its creation and it has tried to address these gaps in several ways. It has done so by strengthening the role of regional organizations and the General Assembly, establishing peace-keeping forces and requiring the UN Security Council's authorisation to use force against the breaching state by another state or coalition of states. These courses of action are the results of the UN's effort to find a way out of Cold War and bloc politics (Keskin, 2002). Nevertheless, only the peace-keeping forces have proven to be a successful means, and only then on several occasions

Voeten (2005) interprets Article 52, which addresses the security responsibilities of regional organizations, as a continuation of Article 51. Article 52 (1) states: "Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the UN" [See Appendix 4]. Further confusion arises when we examine Article 33 which calls for the parties involved in a dispute to first seek a solution through means such as negotiation. This could include steps such as asking regional agencies for assistance before bringing a dispute to the UN Security Council. However, a reiteration of Article 24 indicates that the use of force by regional organizations is not to be undertaken without first informing the Council of their plans.

2.3.1 CRITICISM OF THE UN CHARTER AND THE POWER OF VETO

There are mixed observations within the breadth of literature regarding the Charter and the issue of veto power in the UN. Odello contends that the veto power is a major problem within the structure of the UN as it presents a challenge to a truly democratic form of rule (Odello, 2005). He also notes that the word 'veto' does not even appear within the Charter itself. Another observation made by Khalil (2003) is that the UN Security Council does not reflect the geopolitical realities of today and therefore the voting system is severely unbalanced in favour of the founding members. Arguably, the majority response of the Permanent Members in the UN Security Council would then prevail, and we might expect that with more resolutions passed, more situations identified as threats to world security, and more states being reprimanded and sanctions regimes imposed.

For all intents and purposes, the veto system was originally established in the interest of global peace, but some argue that it was really created to protect the interests of the founding members of the UN. James (2003) writes that some have accused Permanent Members, particularly the US, of using the threat of veto as a means of getting their way, a practice known as the 'closet veto'. Critics have also accused the Permanent Members of meeting privately to hash out agreements, which are then passed on the rest of the Council Members. However, Hopkinson (1993) maintained that the veto power of Permanent Members could eventually lose legitimacy if they did not reflect the prevailing global power structure.

Thus, I could argue that an expansion of or change in the composition of the Permanent Members to reflect today's political realities would enhance not only the credibility of the Council but also that of the UN as a whole. Although the Permanent Five have veto power, the UN Security Council has ten other members who have permanent membership without veto

rights. However, if they worked together they could either secure or block the passage of resolutions. The main dilemmas for the international community in the 21st century result from the imperfections and weaknesses of the UN Charter which continue to allow abuse and exploitation of the Charter. Just as there exist numerous critics of the UN Charter's ambiguities and misrepresentations, so there are also opposing views as to how such an outdated document should be handled without undue repercussions, especially in regards to the UN Security Council. Jain (2005) notes that unsuccessful attempts were made during the San Francisco Conference to qualify the words "maintenance of international peace' and 'security" in Article 1 with the words "in conformity with the principles of justice and international law". However, these tentative attempts failed due to apprehensions that such a qualification would unduly limit the powers of the UN Security Council and prejudice effective action.

Opponents to reform argue that the Charter as it stands not only allows flexibility of interpretation to enable it to evolve in a certain way, but also allows certain aspects of the Charter to be given more emphasis and frequent use than others. Odello (2005) stresses the importance of Article 51, calling out this point: "The Charter shall not impair the inherent right of individual or collective self-defence". He also puts forward the argument that the formation of all military alliances has been justified through this Article in that they naturally have the right to either make or procure arms for their own or collective self-defence. Other nations, not belonging to any alliance, and of particular strategic importance, are also encouraged to arm themselves for the purpose of 'self-defence'. This *modus operandi* was previously seen at the height of the Cold War when the two major superpowers vied with each other for influence, usually by supplying arms to aligned countries for the explicit purpose of 'self-defence'.

2.4 THE UN SYSTEM

The UN consists of several specialized agencies, including the World Bank and the IMF, established through the UN Charter and provided for under Article 57. A number of other programs were established by the General Assembly and fall under its authority, which is derived from Article 22 [See Appendix 4]. Although not technically a specialized agency in the strictest legal sense, the International Atomic Energy Agency (IAEA) also operates through the UN. All of these agencies are legally independent, international organizations with their own rules, rights, membership, and budgets, and were brought into a working relationship with the UN through negotiated agreements. Some have existed prior to the First World War having been previously associated with the League of Nations, while others were created during the same time period as the UN or were created by the UN itself to meet emerging needs (e.g. the UN System Chief Executives Board) (White, 2002).

of all of the UN system components, I have narrowed the focus of this study to the World Bank and IMF since these two institutions have had a direct impact on the financial policies of every nation in the world. These two institutions in particular have the stated objectives of liberalising the economic policies of other countries as a precondition for loans. Also, the IMF was established with the intention of facilitating international trade by enabling and supporting countries struggling with balance-of-payments. The World Bank was established with the primary aim of offering large development loans that would often be considered too financially hazardous for private banks to take on (Broz, 2008). In addition, the World Bank's headquarters are located in Washington and its geographical proximity to the seat of government in the US cannot be overlooked. The US is the largest contributor to the World Bank (with $25.8 billion committed as of 2006) and holds the largest voting share at 16.41% of total votes. Also,

understanding the influence of the US is important in understanding the role that both of these institutions play in the international political system. As I have explained, while these institutions do create the rules of the game that constrain states' behaviour, the rules have often been fundamentally skewed towards the advantage of the more powerful and influential states. The rules can also be wielded, to some extent, as instruments of powerful states while also effectively obscuring the asymmetries of power within the international system.

Consequently, this unusual combination has meant that the UN was built under the influence of functionalism and on the basis of decentralization. Arguably, a decentralized system is prone to weaknesses especially where there is an overlap in the coordination of the activities of its separate agencies. Given this dilemma, White (2002) proposes that in the possibility of "decentralized system [collapsing] into polycentrism with no real coordination or central management, then, but only then, is it possible to state that the UN system is a myth" (White, 2002: 10). Strange (1983) has described these multilateral institutions as effective organs supporting the structural dominance and foreign policy aims of the dominant states providing the resources necessary for other states to enjoy a relative degree of autonomy by not being forced to sacrifice their "dividends of world markets and production structures". This is certainly true of the IMF and the World Bank, and as realists would predict, their activities are circumscribed by their most powerful members. Nevertheless, institutionalists would be correct to point out that they also need a certain degree of autonomy in order to perform their roles.

This research will make it clear that the UN institutional framework is still grounded in the initial 1944 model. As it is noted by White (2002), the UN's goals and values shifted largely in conjunction with the power of its associated institutions. Mechanisms for coordinating the increasingly diverse activities of the system, such as the Administrative Committee on

Coordination (ACC), were developed. However, the weaknesses of these mechanisms often outweigh their strengths. Critics contend that they need to be better controlled as they do not provide adequate coordination between the different UN institutions. One of the serious weaknesses inherent in this system recognised by White (2002) is that these mechanisms appeared as a curious combination of centralization (e.g. in collective security, at least on paper) and decentralization (economic and social matters) through the establishment of different specialized agencies. The UN system is a network made up of the international organizations that created the UN in addition to the specialized agencies. This chapter seeks to understand the extent and nature of US influence on the UN system for the advancement of its own political agenda. It does so by analysing the accountability structures of both the World Bank and the IMF and investigating American influence on their decision-making procedures. The following section will discuss the role and influence of the US in the World Bank and IMF.

2.5 THE IMPLICATIONS OF THE US POLICY TOWARDS THE WORLD BANK AND IMF

A number of scholars have pointed to the dominant role the US played in the drafting of the UN Charter and the creation of the UN as being a great source of the influence it enjoys within the organization. They also provide enough evidence to support theories that the degree of influence that the US holds within the UN system could have the potential to be more damaging than that exercised by other UN Security Council Permanent Members, such as Britain or France. Ikenberry (2003) remarked that the US as a sole global superpower and a major actor within the UN has the ability to shape the course of action of the UN and through this, the behaviour of others. As such, it cannot be ignored that the US has played a positive and supportive role

through the UN while also demonstrating its willingness to use the UN system to its own political advantage.

The US also plays a large role in, the World Bank and the IMF (Woods, 2000). In January 1981, President Reagan and members of the Republican Party campaigned in favour of a radical change in US foreign policy which would have immediate consequences for the World Bank. Reagan proposed a drastic reduction in multilateral aid, and therefore, the total US contribution to the International Development Association (IDA) in favor of bilateral aid, notably with a major increase in military assistance (Toussaint, 2006). In the post-Soviet Union disintegration, these institutions were important to the successful transition from communism to capitalism in that they provided funds and advice to Eastern European countries and the former Soviet Union when they emerged from behind the Iron Curtain in the early 1990s and helped develop and restructure their economies (Winters, 2005). Authors such as Harrigan *et al.* (2006) have illustrated that the US not only used its influence within international financial institutions to soften the IMF and World Bank conditionality in countries, such as with Morocco and Tunisia, but also eased the stringency of WTO entry requirements. Along with the European Union and Japan, the US repeatedly used IMF and World Bank reform efforts through providing financial assistance to ease the financial discomfort and political costs to Morocco's and Tunisia's regimes during early austerity phases.

Under the Clinton administration, the US led efforts to improve the management and stabilize the finances of the UN, supporting the Secretary-General's initiatives to bring about a more transparent, responsive and consultative management style. This approach to managing the recent accomplishments in UN reform include enforcing more budgetary discipline as opposed to freewheeling growth, and establishing an Office of Inspector General to prevent instances of

fraud, waste and abuse. Other improvements in management could include refining processes, planning peacekeeping operations more thoroughly and reducing travel costs by reducing the number of redundant staff attending conferences and meetings (Welch, 2000).

An opposing view is presented by Skidmore (2005) when he argued that once the Soviet threat had been eradicated, American presidents would have fewer incentives to support strong international institutions, as well as more opportunities to veto multilateral commitments as was the case under the Clinton administration in particular. Sewall (2002) adds that during the 1990s, US participation in major international treaty initiatives was dismal, and funding for development assistance programmes, the UN and its agencies in addition to the US' own organs of foreign policy including the State Department was cut dramatically.

The practical implications of US policy toward both the institutions of the World Bank and IMF became apparent to the Bush Jr. administration during the six months following June 2001, when the Secretary of the Treasury, Paul O'Neill, expressed the administration's hostility towards multilateral institutions. He declared that the results of the spending are not always tangible in many of the most disadvantaged nations: "The IMF [and] the World Bank have spent hundreds of billions of dollars to reduce poverty and address financial crises around the globe. Visit some of the poorest nations in the world and you will see that we have too little to show for it" (cited in Woods, 2003: 94). The consequences of this hostility manifested themselves in August 2001, when the US put pressure on the IMF to bail out Argentina and subsequently discovered that international markets had increasingly begun to look towards the IMF and the US Department of Treasury as decisive decision-makers. Reluctant to be seen as controlling the IMF, the US Department of Treasury announced that: "We believe that the Fund's success is essential to stability in the international economy, and we wanted to make sure that we did not undermine its

credibility" (cited in Woods, 2003: 94). The US recognized that it had to retain some distance from the institutions to enjoy the benefits of the rule-based system they embodied.

2.5.1 HOW THE US INFLUENCES THE WORLD BANK AND IMF

It would be a mistake to assume that there is a single set of US interests unanimously shared by all sections of the government. Consequently, the institutions are often led in different directions by conflicting interests (Woods, 2006). The relationship between the US and the UN System is one of 'tidal policy' as it is affected by the US domestic political arrangements. For example, the US Department of Treasury is responsible for formulating and implementing virtually all US policy towards the IMF, whilst the State Department has a greater share of policy input towards the World Bank. At the same time, the legislative branch, with Congress in particular, often brings significant pressure to bear on government positions. It does so both through direct relations with the organizations involved and through indirect pressure exerted on officials of both the US Departments of Treasury and State (Woods, 2003). As Congress approves the budget of the US, it does have to approve any US contributions to funding IFIs. Within the IFIs themselves, it is the officials of the executive branch that are the most influential actors. However, members of the legislative branch are ultimately responsible for the extent of US engagement with IFIs since they control "US appropriations for these institutions" (Broz, 2008: 352). In most UN institutions, the US has proven its willingness to withhold funding in order to impose certain unilateral conditions (Rivlin, 1995). The IMF and World Bank are less susceptible to being influenced by the threat of withholding funding since they do not depend on member contributions for their overall functioning as the UN itself does. However, despite this fact, the US does exercise some degree of influence as a result of their contributions that have increased along with gradual structural changes (Woods, 2003).

However, using a larger data set and a wider measure of US preferences, Edwards (2003) makes the following findings, which adds to the picture of where and how US influence affects outcomes. First, there is only very limited, weak evidence that states adopting UN voting position close to that of the US are under Fund programmes longer. Once other measurements of US preferences are included, being a US ally alone does not increase the duration of a state's tenure under an IMF programme. Edwards argues that there is no evidence that "influence gives states in this sample beneficial treatment from the IMF" (Edwards 2003: 20). Nonetheless, other evidence shows that US influences can affect the punishment interval for countries that breach their commitments under IMF programmes (Stone, 2002). Edwards also finds no significant difference between US allies and adversaries in terms of either their performance or their propensity to cheat in their programmes. What Edwards does find in terms of political influence is that states with higher voting power in the IMF seem to be permitted to run consistently higher deficits.

The US Congress maintains direct authority over all major IMF policy changes, such as an increase in the US quota contribution (Broz, 2011). However, aside from funding, Congress is largely unengaged in monitoring policy towards the IMF or promoting certain agenda in regards to the IMF to the Secretary of Treasury. A 2001 report released by the US General Accounting Office (GAO) indicated that Congress had "established 60 legislative mandates prescribing US policy goals at the Fund" (Broz, and Hawes, 2004: 85). In 1993, pressure from Congress drove the US to make its contribution conditional on the creation of an Independent Inspection Panel within the World Bank. As Gwin puts it, "With the Congress standing behind or reaching around it, the American administration was disposed to make its catalogue of demands not only insistent but comprehensive on replenishment occasions" (Gwin, 1997: 1150). A similar situation

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occurred in 1999 when Congress passed bills reducing total US contributions, citing not just its own budgetary restraints, but also the World Bank's decision to move forward with a loan to China despite US disagreement (Wade, 2001).

Lavella (2011a) discusses the evolution of the relationship between the Congress and both the institutions of the World Bank and IMF. Lavelle argues that the legislative process is influenced by various organizations with interests in the IFIs including "banks, global corporations, environmentalists, social policy advocates and protectionist interests". While some of these interests may contradict the policy of IFIs, others seek to achieve certain goals through leveraging the IMF and World Bank, some of which may be "far removed from [their] core mandates" (Lavella, 2011b: 202). Borz analyses this more deeply and further, concluding that a Republican-controlled Congress is less likely to support funding for IFIs than one led by a Democratic majority. Clearfield discusses that not every US Congress has had the same approach towards funding UN institutions, when he states that the US Congress often contains both strong supporters and opponents of increasing funding for IFIs (Broz, 2008). However, Gwin's (1997) position is that US presidential administrations have directed World Bank policy and lending by taking actions such as killing measures before they reach a vote, conditioning funding on policy reform. Howell (2003) presents an opposing view wherein the American President is often one person within a vast framework of institutions and sometimes exerts limited direct influence, as perversely discussed in the bureaucratic politics between US presidents and Congress section.

2.6. THE WORLD BANK

A more in-depth focus on the World Bank and the IMF are important in considering the question of why, during the post-Cold War period, the US had such a special position in these UN institutions and why their locations, structures, and mandates were largely determined by the US.

It was not in isolation from the international array of variables, as nationalist movements around the Soviet periphery grew bolder in their demands for sovereignty or even independence. At that time the US had just over a third of the voting power in each of these institutions, yet it was able to play a disproportionately prominent role within them. We do know through observations made by Toussaint that "the debt crisis in the south and the collapse of communism in eastern Europe led to a renewed US interest in the World Bank" (Toussaint, 2006: 3). However, the aforementioned events are not enough in themselves to explain the exact nature of US involvement in the World Bank and the IMF. Instead, two different questions should be considered in attempting to understand this. Firstly, how much influence does the US actually wield in these institutions and through what mechanisms? Secondly, are there any features of these institutions that give them relative autonomy from US patronage and influence?

There is a well-established body of literature investigating donor influence in IFIs, but studies of the political economy of IFI lending cover other institutions such as the World Bank as well. Kilby (2010) argues that not only does the US have influence on the World Bank, it has exerted itself more so than any other World Bank donor. However, donors can exert influence in IFIs through either formal or informal means. In instances of informal influence, staff may push forward the proposals for preferred countries. In instances of formal influence, the board may move to approve take action on certain proposals more quickly.

The US is the largest contributor to the World Bank, so its willingness to support the institution could be diminished if its contributions were not commensurate with its level of leadership and influence. There are clear cases of politically motivated World Bank lending decisions led by the US (Weiss, 2005a). Andersen *et al.* (2006) give two good examples of when US influence ensured that the World Bank refused to lend to Vietnam in 1977 despite the fact that staff

members admitted that project implementation throughout the country was much better than in many other countries already receiving loans. Perhaps even more starkly, the suspension of lending to Chile between 1970 and 1973 was cited in a report by the US Department of Treasury as a significant example of the successful exercise of US influence on the World Bank.

Other examples of US-led politically motivated lending include the World Bank's decision not to lend to Nicaragua in 1980s immediately following the accession of the Sandanista National Liberation Front (FSLN). Gwin (1997), However, as Woods (2006) notes, the World Bank supported the former Somoza regime with a disproportionate number of loans following its offer to the US of a military base for monitoring operations in Central America Effendi and Shah (2004) note three separate instances where the US influenced the World Bank to refuse aid to Iran in the 1980s, the 1990s, and again in the early 2000s, following the events of 11 September. During the military campaign in Afghanistan, the World Bank tripled its aid to Pakistan, a key ally of the US in its war on terror, from \$226 million in 2001 to \$860 million in 2002.

Andersen *et al*. (2006) also agree that the US wields a certain amount of dominance over the World Bank. Despite a sharp decline in voting power from 35% in 1947 to 16.5% in 1999, three reasons have been suggested for the continued high level of US influence within the institution. First, there were few counter-pressures from other World Bank shareholders. Second, it was an inevitable outcome of what Nye (2003) called the '*soft power*' of the US. And what Anderson *et al*. describes as sort of control exercised by the US through monopolizing the education of World Bank employees. As of 2006, the amount of staff educated in the US increased dramatically from the earlier years of the World Bank. In addition, the institution's policies are substantially influenced by "US-based civil society actors, academia, think tanks, and NGOs" (Andersen *et al*., 2006: 773).

In the wake of the financial crises of the 1990s, the World Bank was envisaged by its industrialized members as an institution that would enforce far-reaching structural reforms in the economies of all its shareholder members. This was, as Woods (2001) writes, a corrective measure in domestic financial systems to ensure economic growth and poverty alleviation. The result was that all members had an equally high stake in the World Bank and in convincing member countries to change. However, it was debatable as to whether that commitment was reflected within the leadership of the Executive Board of the World Bank.

2.6.1 THE WORLD BANK PRESIDENCY

A number of scholars have verified that the president of the World Bank is by tradition an American and has always been chosen by the US alone. The IMF managing director, on the other hand, is always a European and appointed by the members of the Executive Board chosen to represent the eight largest shareholders (Dreher and Sturm 2006; Barro and Lee 2005; Woods 2006; Toussaint 2006). Arguably, the difference in the manner of appointment itself potentially gives the US more opportunities to leverage its political and decision-making power over the World Bank as opposed to the IMF.

The US control over the World Bank Presidency and staff, is characterized as one of tradition rather than formal rule (Gwin, 1997). The prerogative of the US to name an American as the president of the World Bank was initially granted not only because it was the World Bank's largest shareholder, but also because it was the key guarantor and the principal capital market for its bonds. Fleck and Kilby (2006) take a harder line, arguing that the US uses not only its political position to maintain the institution's financial structure, but also capitalizes from the World Bank's headquarters being located in the center of downtown Washington. Lavelle supports this idea by discussing that the geographic location and its proximity to the American

seat of government and policy community further entrenches scholarship surrounding the institution within the "liberal, American tradition" (Lavelle, 2013: 5). The traditional nomination of its presidents also helps the US guide this institution. Weiss notes that the US will most likely continue to select the President of the World Bank. In fact, nominating a candidate from a developing country would be a stark departure from tradition (Weiss, 2005b). Recently, however, the US has been threatened by calls to democratize the institution and to end its support for import-oriented oil projects (Vallette, 2005).

The international community expressed shock when President George W. Bush announced the appointment of Paul Wolfowitz as the last president of the World Bank in this study's frame time. Many critics considered him to be the intellectual force behind US operations in Iraq and expressed concerns that he might allow the World Bank to be used as another front on the so-called 'global war on terror'. Vallette (2005) speculates that Wolfowitz's appointment made sense if Bush intended to alienate the world community, as there was a widespread feeling of betrayal due to a sense that the American government's practice of putting business and geopolitical interests above all else had finally become a reality. Marinov (2005) questioned Wolfowitz's professional qualifications for the job as he had no experience as an economist, banker, doctor, agronomist, or environmental scientist. Wolfowitz did have experience in the Department of Defense (DoD) and Department of State with roles ranging from the Undersecretary of Defense for Policy to Ambassador to Indonesia. It was this overwhelmingly governmental and generally conformist background that, according to Cobham (2005), precipitated Europe to vociferously oppose his nomination.

Nonetheless, the close relationship between the US and World Bank does not mean that American politics are the exclusive drivers of development within the World Bank for several

reasons. The American President is often one person within a vast framework of institutions and sometimes exerts limited direct influence (Howell, 2003). Among the most prominent scholars of the topic, Neustadt describes power as "personal influence of an effective sort on governmental action". He views the role of the President as a somewhat weak role since there is often an insurmountable gap between what is expected of them and what they can actually achieve within their limited capacity. When expectations for a President increase, "support from any constituency falls and foreign alliances weaken" (Neustadt, 1990: 59). Neustadt argues that the power of the American President lies chiefly in his ability to persuade others. However, persuasion is not a method that can be used consistently and is certainly not a substitution for the power to command (cited in Broz, 2008). Therefore, when the President makes an appointment to a given position, he or she appoints an individual who will then head a large, complex organization.

The person who holds an office within the World Bank must compete with other roles such as 'chief administrator' or the 'chief of global development strategy'. US government organizations and presidential administrations are often "one step removed from the organization" (Lavelle, 2013: 6). The power of the President is limited insofar as the World Bank is an international organization rather than a direct organ of the US government. Moreover, the President of the World Bank sometimes has to bring up its issues with Congress in order to continue funding for the IDA that the executive branch has proposed. This does serve to situate the World Bank into the partisan politics of the US, while it is simultaneously entrenched within international politics to which American actors must respond (Lavelle, 2013). Perhaps the most notorious example of this is the former World Bank President McNamara's famous letter to the US Congress pledging not to lend to Vietnam in 1977 (Andersen *et al*. 2006).

2.7 THE INTERNATIONAL MONETARY FUND (IMF)

The IMF is the only other major part of the UN system which offers advice and financial support to countries in crisis, such as by giving assistance to countries in the midst of a failed economy or providing financial assistance to help a country rebuild after a massive natural disaster (Woods, 2003). As with the World Bank, the US has a strong foothold in both the management and administration of the IMF. This is often largely based on its large financial contributions to the institution. The IMF is not allowed to finalize any sort of financial aid to a country without the final approval of the US. Conditions are applied to granting loans or financial aid which is tied into the IMF's annual budget which is, in turn, largely affected by the amount of contributions the US makes at 17%. However, protestors against the IMF for example, are often surprised to learn that the US only controls about 17% of the votes at the IMF (Vreeland, 2004). Rather ironically, however, countries that apply for membership to the IMF must agree to meet the institutions' condition that they treat all other member countries equally. Barro and Lee (2005) note that although IMF membership had risen from 44 states in 1946 to 184 as of 2005, members often do not have an equal voice within the institution. Each member contributes a quota subscription as a sort of credit-union deposit to the IMF.

The IMF has two principal functions, which as Meltzer (2005) observes, improve market operations during times of stability and crisis. Its first function is to increase the quantity and improve the quality of information available to private lenders. Its second function is to reduce the risk of financial crises occurring in one country from spreading to others. Broz (2005) clarifies that the IMF's main mandate is to support global trade and economic growth by providing assistance to countries facing balance of payments difficulties as, for example, Latin America during the 1980s and Asia during the 1990s.

Thacker (1999) notes that during the Cold War period (at least in its last few years), unless its allies moved closer to the US politically, they had no greater chance than US adversaries of receiving assistance from the IMF. It has been only in the post-Cold War period (specifically since 1990) that these countries been able to cash in on their political allegiance. Winters (2005) and Thacker (1999) write that the US was now willing to reward friends and punish enemies. Barro and Lee summarise how this reward system works as "IMF loans are more likely to be offered and be larger in size when countries have larger quotes" (Barro and Lee, 2005: 1246), the countries are more closely tied to the US and larger Western powers, and more nationals hold positions as members of staff within the organization itself. These factors all contribute to explaining how IMF lending is decided or not (Barro and Lee, 2005).

Some scholars argue that there is evidence that the G7, with the US in particular, have a certain level of influence over the IMF to the extent that the institution's autonomy is restricted to areas of marginal interest to its shareholders. For example, the US used the IMF to pressure Indonesian banks in order to prevent them from being conduits for Muslim radicals (Dreher and Sturm 2006; Blomberg and Broz 2006). Rieffel also contends that the IMF is essentially an organ of G7 nations. Virtually all systemic issues have had the "tacit, if not explicit, support of the US" (Rieffel, 2003: 28-9).

Pakistan also exemplifies a difficult situation with the IMF on one side and the US on the other. According to Calomiris (2000) and Andersen *et al*. (2006), the US government informed Pakistan that its access to IMF-subsidized lending depended on its willingness to sign the nuclear non-proliferation treaty. If it did not agree, the US threatened that it would block Pakistan's IMF programme. In this particular case, the US foreign policy objective seems laudable and in keeping with international legal principles such as *jus cogens*. Even considering the US aid level,

this study questions whether this was an appropriate use of the IMF, especially when, as in Chart (2.1) below, we can see evidence that following the events of 11 September 2001, the US rewarded Pakistan both politically and financially for joining the US in its war on terrorism.
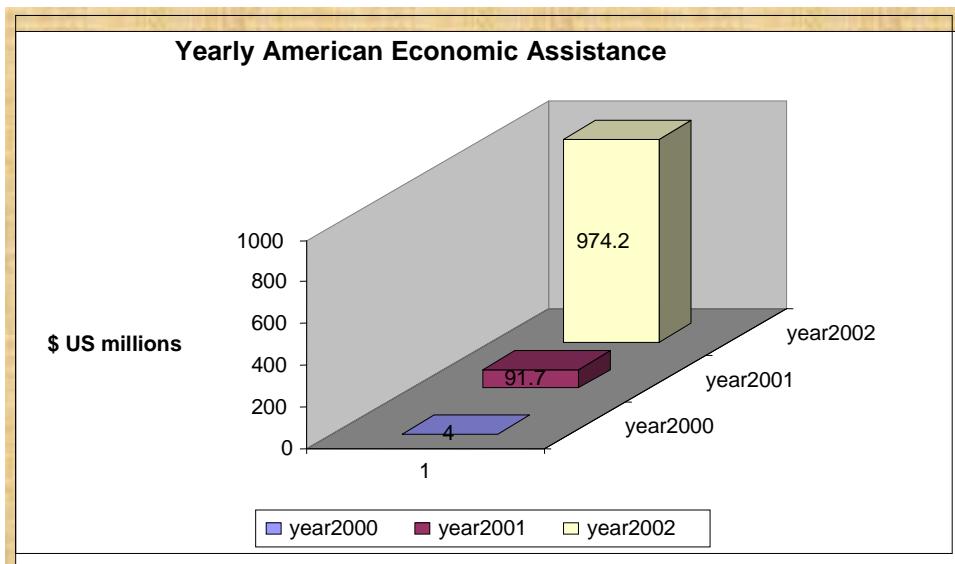
Chart 2.1: The American Economic Assistance to Pakistan 2000 – 2002

Source: compiled by the author from Momani (2004) 'The IMF, the US War on Terrorism, and Pakistan', *Asian Affairs,* 31 (1), 41-50.

As this chart clearly illustrates, there were massive increases in economic assistance to Pakistan in 2001 following the 11 September attacks and an exponential increase in 2002 compared to what was awarded in 2000. This level of assistance from the US to Pakistan was the greatest amount of aid given since the end of the Cold War (Momani, 2004; Engardio, 2001). The US used its political weight on the IMF Executive Board to approve and facilitate these disbursements to Pakistan.

Stone (2004) cites Turkey's access to IMF loans as another example of how the US uses the IMF as an instrument to achieve its own national interests. These loans appeared to be assured throughout the 1990s in return for Turkey's cooperation with the US-led operation to contain

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Iraq, despite Turkey's rejection of US requests to serve as a launching pad for a northern front in the Iraq-Kuwait War. However, As the US is the largest contributor to the IMF and the World Bank, the other members of the organization are generally more willing to tolerate US informal control to keep their overall contributions to the institutions at a high level (Stone, 2008).

2.8 DECISION-MAKING AND SHAREHOLDER VOTING POWER IN THE WORLD BANK AND IMF

The World Bank is one of the world's largest sources of developmental assistance. It has 184 member countries, all of whom are jointly responsible for how the institution is financed, providing nearly a quarter of the total contributions. Wade (2002) explains that, unlike the UN, where each member nation has an equal vote, the level of a nation's voting power is determined solely by its level of financial contribution. The World Bank has a Board of Executive Directors, which represents the largest shareholder members and makes decisions on a vote basis (Andersen *et al.*, 2006). However, the procedures of the IMF in regards to decision-making strongly favour the US Executive Director, allowing them to exert a large degree of influence over the organization as a whole. Decisions at the IMF are not made according to a roll call voting procedure, making it a confounding task to concretely identify US voting patterns (Broz and Hawes, 2004).

The seven largest industrialized countries, also known as the G7 (US, UK, France, Germany, Japan, Italy, and Canada) are the major shareholders of the World Bank. The G7 hold a total 45% of voting rights and play the greatest role in setting the World Bank's agenda. Maeland and Lane (2006) point out the US as the largest contributor to the World Bank (with $25.8 billion committed or 23.6% of the total contributions committed) has the largest voting share at 16.4% of total votes, followed by Japan at 7.87%, Germany at 4.31%, and France at 4.31%. The

remaining 32.9% is shared by the UK, Italy and Canada. The US has always played a large role in important Bank issues largely as a result of its large financial contributions at 17.3%. However, the "actual US influence is greater than its vote share because major policy changes, like funding increases, require an 85% supermajority" (Broz, 2008: 355). However, the relatively anonymous voting process makes it nearly impossible to distinguish voting patterns and any opposition becomes obscured by an overarching consensus (Broz, and Hawes, 2004). Woods notes that the US has the sole power to veto any decision that requires an eighty-five percent majority (Woods, 2006).

The IMF has a Board of Governors which hands over most of the decision-making powers to an Executive Board. The structure of the vote share in the IMF is similar to that of the World Bank. The eight industrialized member nations (with the US in particular) represent the major shareholders and have a strong influence over important policy decisions through their voting power. Barro and Less describe the vote breakdown as follows: "The IMF Board of Governors allocates the greatest amount of decision-making power to the Executive Board that is made up of twenty-four directors. One-third of these directors are directly appointed by the eight greatest shareholders in the organization. Of these eight countries the US contributes 17.33%, with Japan, the UK, Germany and France each contributing between 5-6% each and Saudi Arabia, China and Russia each contributing approximately 3% each (Barro and Less, 2005). The other 51% vote share is divided between the remaining 177 member countries. The IMF does not have strict voting procedures and decisions are usually taken by the Managing Director who chairs the Executive Board meetings. While different views may be argued within the Executive Board itself, it is not possible for smaller countries to group together through block voting. The decisions of the Managing Director rarely contradict the party line promoted by the US. Some

speculate that this is logical considering that the US has the "sole veto power over his appointment" (Vreeland, 2004: 2-3).

This section has already established that America's preferences are not always clear-cut and assumptions are often based on votes in the UN General Assembly. However, Thacker (1999) concedes that these are not an ideal measure of political motivation, since they are used for a variety of diplomatic effects and do not necessarily match the preferences pursued at the IMF. Thacker's study uses General Assembly votes to distinguish between "political proximity" and "overtures to the US". For example, IMF loans to Hungary, Yugoslavia and Romania in the 1980s are seen to reflect moves by these countries towards the US, whilst the lack of loans to Czechoslovakia and Poland reflect the opposite. Although this may hold true in the case of Poland, it is somewhat contentious to argue that Romania was moving towards the US at that time, and as Czechoslovakia was not a member of the IMF, it was ineligible for any kind of loan.

A number of scholars corroborate that although the US has just over 17% of the vote share, it is enough to give it the sole veto power within the organization. It can use this ability to block major policy decisions requiring special voting majorities of 85%, including the appointment of the IMF Managing Director and changing quotas (Barro and Less 2005; Broz 2005; Dreher *et al*. 2006; Woods 2003; Blomberg and Broz 2006). Thacker (1999) supports the idea that the US holds the sole veto power within the IMF, contending that the US has sometimes used its veto power to openly wield its power in order to affect major decisions. The US has pushed through its favoured programmes, which might not have been possible based on votes alone. However, theoretically, the other member countries who command the remaining total of 51% of votes could effectively combine to block a US-led motion.

In Chart 2.2 we can see that the major shareholders in the IMF represent 20% of the world population while the rest of world represents 80%.
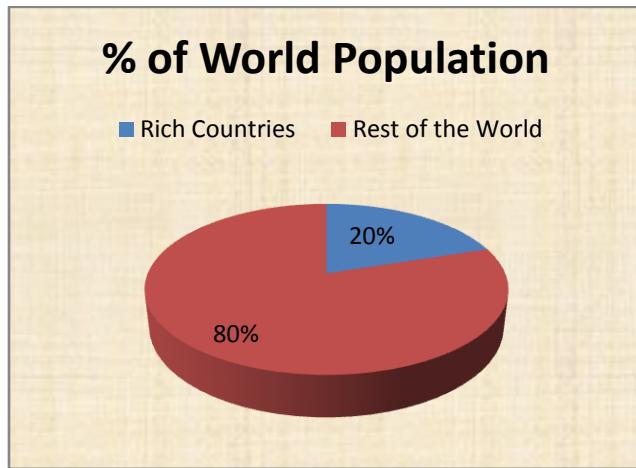
Chart 2.2: Major Shareholders in the IMF
Source: compiled by the author from: Barro, and Lee (2005) 'IMF program: Who is chosen and what are the effects?', *Journal of Monetary Economics* (52) 1245-69.

Chart 2.3 shows that the industrialized member countries hold 30% of the IMF voting power while the remaining member countries (made up of both developed and developing countries) hold a combined 70%. This indicates that the power of the decision-making in IMF is dominated by the 30% of the whole of the world population.
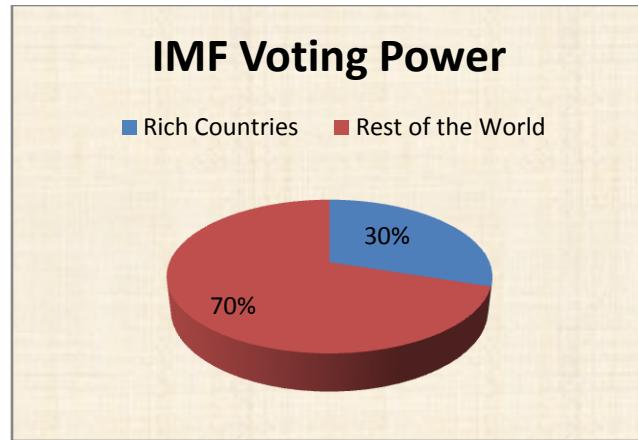
Chart 2.3: Voting Power in the IMF

Source: compiled by the author from: Barro and Lee (2005) 'IMF program: 'Who is chosen and what are the effects?' *Journal of Monetary Economics* (52) 1245-69.

Arguably, these percentages imply that developing countries have relatively little power within the IMF to influence policies even though the decisions made in selecting the programmes for finance will often have an enormous impact throughout local economies and societies in those nations.

2.9 CONCLUSION

As with the Constitution of the UN, the Charter establishes the legal foundation and framework for its activities. If this is interpreted in an evolutionary and teleological way, the organization can continue to function effectively and fulfill its given purpose, despite changing international relations. The practice of the UN Security Council, with the enforcement actions adopted under Chapter VII of the Charter in particular, has changed dramatically since the end of the Cold War. There have been numerous examples of actions based not on explicit powers, but instead on a very broad interpretation of implied powers. As such, these actions take place in a so-called 'legal gray area' and are often perceived as dubious at best.

It is evident that although the drafting of the UN Charter was predominantly controlled by the Big Four, the decisive force behind the proceedings at the Dumbarton Oaks Conference was the US. At the end of the day, it was the US who not only initiated the proceedings for drafting the Charter. It was also the US delegation that pushed forward the final acceptance of the Charter to which the Big Four and other nations at the conference acquiesced.

Arguably, this was just the beginning of a number of issues that further contributed to the impact of American hegemonic power as part of its efforts to exploit both the UN Charter and the UN system. The study has also identified that the weaknesses in the UN Charter allowed the US to make rigorous efforts to exploit the UN, as well as the UN community at large for collectively legitimizing its actions.

It is worth considering whether the highly selective decision-making group led by the US produced a Charter infrastructure with deliberately confusing principles, rules, and regulations and Acts worded in a manner that was misleading and that could even be misinterpreted in order

to leave it flexible enough to bend it according its own political will when necessary. The Charter was certainly biased towards the Permanent Members of the UN Security Council and did little to safeguard the rights of smaller nations.

Is the original UN Charter still relevant in the 21st century? I would argue that it is not since it is essentially a document of its time, built upon the Big Four's divergent national interests. To more fully reflect the geopolitical realities today, it requires greater focus on both the Charter goals and formal procedures. Ambiguities and misunderstandings of Charter articles lead to the US making decisions either with or without prior UN approval as was the case of the intervention in Iraq in the post-Cold War era. The Permanent Five were adamant that the Charter should contain institutional safeguards for members of the UN Security Council that would allow them to protect their own vital interests. The Council was considered to be the proper institution to respond to threats to international peace and security with the ability to act decisively and swiftly on behalf of its members. However, in practice, it has had difficulty living up to this ideal, giving rise to tensions between advocates of globalism on one hand and regionalism on the other. The UN Charter was envisioned as an institutional formula that would both facilitate and delimit the role of regional organizations in conflict management, especially where military force was involved, and would outline the responsibility for maintaining international peace and security.

There are a number of unresolved key issues of responsibility about how regional organizations should relate to the UN. There is no definition in the Charter as to what qualifies as a regional organization, and there is no formal regularized context established for UN regional organization consultation. Differences of opinion between the Permanent Five have revolved around the issue of assessing threats to vital self and collective interests. Issues of responsibility also exist in

conflict management, especially involving the use of military force. The final conclusion is that the institutional formula is not properly delineated, thus leaving room for certain actors to interpret it in whatever way best serves their own interests.

The flexibility of the Charter has enabled the various ways in which it is interpreted to evolve in a particular way while certain aspects of the Charter have been given more emphasis and use than others. The main dilemma in regards to the Charter faced by the international community today is the imposition on their interests as ambiguities in the Charter that allow for the possibility of exploitation of the Acts of the Charters and abuse of its provisions.

The power of veto is a critical area within the working system of the UN that needs to be addressed. The main criticism of this is that it does not reflect the geopolitical realities of today. Since amendments require the consent of all the Permanent Five members of the Council, it would seem impossible for other UN members to force the Permanent Five to give up their veto power through an amendment process.

A change in the composition of the UN Security Council to reflect today's political realities would enhance the credibility of the Council, as well as that of the UN overall. It is obvious that the Charter needs amendments to deal with its ambiguous wording and also needs to strengthen its infrastructure. However, without the full support of UN members, there is little possibility of the Charter becoming an entirely suitable document for the 21st century.

The most important financial institutions of the UN, the World Bank and IMF have explicitly recognized a wider range of stakeholders in their work, on one hand, and working more closely with its the largest shareholder, the US, on the other. The most important characteristic of these organizations is what shapes their use of resources. In other words, how much influence the US

does exercise influence over these institutions' lending and operational decisions. Legally, the IMF and the World Bank are governed by articles of agreement which do not permit political considerations to be taken into account. In practice, however, political pressure has played a key role in determining which countries have access to the resources and on what terms. The influence of the US is illustrated by the formal requirements for that country's approval, the informal processes by which said approval is sought, and the extent to which the pattern of lending from the institutions reflects US priorities.

As the most influential and financially powerful member state, the US is able to contribute large amounts of funding to both the World Bank and the IMF. A 'gentleman's agreement' at Dumbarton Oaks gave the US sole right to appoint an American as the President of the World Bank. This effectively gave it permission to become involved in the administration and development of the organization's policies and procedures. In other words, the US still influences UN institutions on a legal basis and by the agreement of members of UN institutions. Similarly, the ability of the US to give the IMF the largest financial contribution of all its shareholders, gave it the greatest share of votes, leading to sole veto power within the institution.

In fact, the US follows the processes and outcomes of IMF decision-making through the Executive Board. The distribution of quotas and votes in the IMF ensures the perpetual advancement of US interests. This distribution of power is preserved by the high level of US wealth and power within the international economic system itself. The reason that the US pursues control over the processes and outcomes of IMF decision-making is primarily to advance its own position in the global economy. The US was left virtually unchecked by both the World Bank and the IMF to make decisions regarding the acceptance of applications from nations in need by making promises of aid, provided they were willing to support various US political

objectives. Thus, the US took advantage of structural opportunities within these organizations to further strengthen its status as a superpower. In this chapter I have discussed the UN Charter and the institutions of the World Bank and IMF, demonstrating how the veto system has, in fact, largely protected the interests of the founding members of the UN, including the US. Structurally, the balance of power within the institutions of the World Bank and IMF are skewed towards the US, and evidence has shown that the US has leveraged the influence it enjoys in these institutions to reward some states and punish others for cooperation or non-cooperation with certain foreign policy objectives. In the next chapter I will deal with the working methods and voting procedures of the UN Security Council as it is another significant component of the UN that is critical for achieving US foreign policy. In that chapter I will critically examine the various council mechanisms of the Security Council and identify how they could be modernized to better reflect the global realities and power distribution of today. I compile data on voting patterns and veto patterns into original charts and graphs in order to assess whether veto power still serves its original purpose or if it further entrenches the position of the US within the institution of the UN.

CHAPTER THREE
THE UN SECURITY COUNCIL PROCEDURES AND WORKING METHODS

3.1 INTRODUCTION

Since its inception in 1945, the UN has entrusted questions of global peace-making to the UN Security Council. Given the Council's power to authorise multilateral sanctions and military action, its members have played a key role in some of the most significant world events of the past sixty years. The end of the Cold War brought about unprecedented opportunities for members of the UN Security Council to act collectively in response to new and emerging threats to international security.

In the previous chapter I discussed the UN Charter and the role that it had in structuring the mechanisms of the UN in such a way that it accommodated the political realities and global power distribution at the time it was drafted. I also explored how the US had been able to leverage the Articles of the UN Charter and the rules of the World Bank and IMF to protect its own interests. This chapter considers the procedures and working methods of the UN Security Council. Various Council mechanisms are assessed throughout the chapter, and certain ones are identified which can be viewed as outdated and should be considered for modernisation. This chapter illustrates how veto power is used and how this power gradually turned into a tool for protecting the national interests of permanent members or their strategic allies. In particular, I will evaluate to what degree the veto still serves its original purpose which was to achieve a balance of power between the UN Security Council permanent members at the time.

Other means of assessment include the use of tables and charts to compare the number of UN Security Council vetoes and resolutions made during the Cold War with those made in the post-Cold War period (1990-2006); exploring the UN Security Council's decisions made in relation to its evaluation of the performance of the UN Security Council; examining the procedures and working methods of the UN Security Council; looking at the historical roots of the establishment of the veto system; tracing patterns of the exercise of veto power; providing analysis of UN Security Council Resolutions and the Right of Veto through tables and charts; sanctions policy; and critically evaluating the UN Security Council response to the events of 11 September 2001.

3.2 THE UN SECURITY COUNCIL

The UN Security Council is one of the six principal components of the UN. Its fifteen member nations are comprised of ten non-permanent members (elected by the General Assembly for two-year periods) and five permanent members (China, France, Russia, the UK, and the US) (Bailey and Daws, 1998). The current Permanent Five were also the main victors of World War II (Okhovat, 2011). In addition, their veto privilege allowed them to "influence the UN decision-making process and world affairs" to a much greater extent than other states (Thorhallsson, 2012: 135). For any resolutions to pass, nine "yes" votes are required from the Council's ten permanent members [See Appendix 4]. A UN Security Council member must first be nominated by its regional caucus and approved by at least two thirds of the votes in the General Assembly (Kuziemko and Werker, 2006). Malone (2000) notes that there is extensive competition and jostling for a non-permanent seat on the UN Security Council with some countries even mounting expensive campaigns to be elected.

Why was there originally a need for a UN Security Council? Orakhelashvili (2005) explains that the UN Security Council was established under the UN Charter as a powerful organization with

discretionary powers and was empowered under Chapters VI and VII of the Charter to deal with situations endangering members' peace and security and to take enforcement measures, such as for multilateral sanctions, where appropriate. However, O'Neill's (1996) critique notwithstanding, a strict realist interpretation of international organizations would argue that the UN Security Council merely reflects the existing balance of power in the international system and does not have any independent impact on world affairs.

Under the UN Charter the UN Security Council was charged with the primary responsibility of encouraging recommendations and making decisions concerning breaches or threats to international peace and security (Alzawe, personal interview, 15 May 2007). The UN Security Council was granted, on behalf of the entire organization, the authority to impose economic or military sanctions against aggressor states. Whenever the UN Security Council has decided to employ economic or military sanctions, member states have, with few exceptions, agreed to follow its lead by adopting the recommended sanctions (Gorman, 2001).

3.2.1 EVALUATING THE PERFORMANCE OF THE UN SECURITY COUNCIL

Comparing the level of conflict with the level of the UN Security Council's response to crisis situations is a means of evaluating the performance of the UN Security Council as a successful guarantor of international peace and security. Hawkins (2004) argued that the natural progression of the UN Charter, coupled with a failure by member states to comply with its resolutions, would eventually be met by a gradual escalation in the UN Security Council's response to a particular conflict. In turn, it was understood that the Council's response to a particular conflict (depending on the nature of the conflict) would lead to the eventual application for, and approval of, some form or another of targeted sanctions. The UN's response might allow the use of force,

but only after all other measures under the UN Charter regulations had failed (Alzawe, personal interview, 15 May 2007),

In my estimation, if the Council's response is one of gradual escalation, high response or no response at all, depending on the particular conflict, then it indicates a pressing need for reform (through UN Charter regulations) in the mechanisms associated with the levels of conflict and response time. Experts analysing the UN Security Council's response to conflict situations have revealed massive imbalances between the level of conflict and the level of response. For example, the research of Hawkins (2004) demonstrates that the UN Security Council has often reacted with great inconsistency to internationally significant events. While it may choose to react swiftly and comprehensively to "non-conflict situations", it has also sometimes overlooked or even ignored "large-scale wars resulting in massive casualties" (Hawkins, 2004: 53). Taylor (1999) painted a similar picture regarding the UN Security Council's delay in focusing on the Somalia crisis in 1992 and later on the crises in Rwanda and Burundi. In other words, the situation provided opportunities for the development of mutual interest coalitions. Since 1990, the UN Security Council authorised the use of force through coalitions formed by willing and able states in conflicts occurring in Africa (Sierra Leone, Somalia, and the Great Lakes region); Europe (the former Yugoslavia); Latin America (Haiti); Oceania (East Timor); and Asia (Afghanistan) (Voeten, 2005).

While under Article 43 the UN Security Council can authorise the deployment of troops, the UN as an organization does not have the resources to equip or provide for them. In addition, UN member states cannot be forced to supply troops if they choose not to do so. Bjola (2005) and Thakur (2006) point out the stark reality that the UN has no standing international police, military force, or equipment stores to enforce the decisions made by the UN Security Council or

to respond independently to large-scale wars. Higgins (1995) argued that, notwithstanding the Cold War, UN members were disinclined to put the original intentions of Article 43 into place. The US was largely opposed the idea of the UN having trained and equipped forces that could be called into operation immediately following decisions made by the UN Security Council. Arguably, if the UN does not have its own troops on hand, the success of authorised missions must be contingent upon the troop contributions made by member states. For example, the US, as the UN's financially and militarily strongest member, was ready to step in quickly when the UN approved the US to send troops (as administrators and the key peacekeeping force) to Somalia in 1993 (Thakur, 2005). In my point of view, this gave the US as a military superpower the opportunity to gain immediate access to an area of immense importance to its own foreign policy objectives.

By the end of the Cold War, the UN Security Council had returned to its proper enforcement role and begun to operate as it was originally intended (Cockayne and Malone, 2007; Allain, 2004; Wellens, 2003 and Chazournes, 2007). Studies made by other scholars show that the UN Security Council passed an extraordinary scope and number of resolutions during this time period (Malone, 2003; Wet 2005; Jodoin, 2005; Orakhelashvili, 2003; Renee and Furman, 2006). It had also undertaken numerous peacekeeping missions and imposed a significant number of economic sanctions. For the first time in the post-Cold War era, the five veto states acted together in the first test of this period when Iraq invaded Kuwait in 1990. However, the increase in UN Security Council activity brought about a mix of criticism and hope. It is safe to say that the 1990s brought about a tangible sense of renewed hope in UN Security Council collective action (Moore, 2005) and that despite scepticism, this period was largely marked by the UN Security Council's increased capacity and willingness to pass resolutions under its Chapter VII

mandate and extensive use of its enforcement powers under the UN Charter (Happold, 2003). Both Jodoin (2005) and Lyman (2000) point out that the perceived domination at the hands of the US as the sole remaining world superpower led many to question the UN Security Council's motives and actions.

3.2.2 PROCEDURES AND WORKING METHODS OF THE UN SECURITY COUNCIL

In order to understand the procedures and working methods of the UN Security Council I attempted to answer the following question: what were the uses and utility of the Security Council to its five permanent members in the post-Cold War period? Malone (2005) describes Britain's role in the UN Security Council, as that of the second superpower in the UN Security Council in that Britain was allied with the US on UN Security Council deliberations, especially in regards to Iraq in the period following the Iraq-Kuwait War in 1990-1991. According to the data compiled by the author, while France did not cast any vetoes in the post-Cold War period; it did threaten to use that power on several occasions. The most prominent example of this was the case of the 2003 Iraq War. France often took an independent stance in the UN, or at least a position distinct from that of the US—France's last independent stance in 2003 was over the renewal of inspections for WMDs in Iraq (Kafala, 2003). Although France's threats to veto resolutions that would directly lead to a war succeeded in preventing the US, UK and Spain from initating a draft resolution authorising military action, it could not ultimately prevent the invasion of Iraq (Okhovat, 2012).

France, China and Russia were concentrated on their mutual deliberations or more specifically they sought to return the world to a more balanced system following the conclusion of the Cold War (Glennon, 2003). Member states can often broker deals with each other to support certain actions. For example, China used the counsel of other members to restate and frame its interests

in Taiwan. Russia also supported a "US-sponsored resolution on Haiti" in exchange for "a more forthcoming US position on Georgia and Tajikistan" (Berdal, 2003: 10). In 1998, France's former Foreign Minister, Hubert Vedrine, expressed that France would not tolerate a unipolar world order, and would take a leading role in helping ensure a multipolar and multilateral international society, stating that *"President Jacques René Chirac also advocated for change and eventually played an important role in the achievement of a multipolar world policy"* (cited in Glennon, 2003: 1). Voeten (2004) noted that Russia and China had also taken a similar stance on the issue, and by 2001, their discussions had culminated in the signing of the 2001 Sino-Russian Treaty of Friendship which explicitly confirmed their mutual commitment to 'a multipolar world'.

With regards to the US, in light of its larger military, political and economic capacities, it has long had the luxury of viewing UN membership as being less important in contrast to other Council members. At best, so the argument goes, the Council can endorse US actions; or more likely, it will only complicate and restrain how it exercises its leadership in the international system. Despite this, the US has repeatedly been drawn back to the UN, finding that the legitimacy it confers upon its actions, if not indispensable, is extremely costly to ignore. The very decision by President Bush to confront the issue of Iraq's non-compliance through the UN is testimony to this fact, even though reaching that decision depended largely on the persuasive ability of his Secretary of State, Colin Powell. Nevertheless, it is undeniable and hardly surprising that US attitudes towards the UN, historically as well as in the "post-9/11 world", are more ambiguous and complex than those of the other four permanent members (Berdal, 2003: 14).

I would disagree with Weiss's position that the UK, France and Russia are "no longer considered major powers" and that they gain influence in international politics solely by their status as permanent members with veto rights in the UN (Weiss, 2003). However, some of them increasingly prefer to use the "pocket veto" (namely the threat of the use of veto). They use that threat either implicitly or explicitly, in either the private meetings of the Permanent Five or within the larger Council. On many occasions, they managed to reach their intended outcome and could keep an issue off the Council's agenda or soften the terms of a resolution. To date, the most recent example of a "pocket veto" took place when both Russia and China opposed the UN Security Council issuing any resolutions in regards to the situation in Syria despite the unprecedented levels of brutal repression of pro-democracy protestors by the Al-Assad regime (Okhovat, 2012).

The UN Security Council had now successfully built up a number of procedures and working methods including the renewal of enforcement powers, initiation of peacekeeping operations, non-approval of the US mandate, and membership with a more proactive nature (Happold, 2003). The UN Security Council had taken the necessary steps towards becoming more innovative with a greater degree of openness and transparency in regards to its decision-making procedures (Ettalhi, personal interview, 12 September 2012). This has now precipitated consultation exercises, drafted resolutions, and an attempt at developing a more balanced view of the veto. As a result, the UN Security Council has "a unique capacity for conferring legitimacy" (Malone 2004, 639).

The UN Security Council had also extended authorisation of the 'use of force' to include the use of force through coalitions. Wood writes that the Council approved such measures led by the US in Iraq (1991), Somalia and Haiti; France, in Rwanda; Italy in Albania; and Australia in East

Timor. In the mid-1990s it authorised the use of force by NATO during the Bosnia crisis (Wood, 2006). Although the UN Security Council was by no means perfect as it stood, we are assured by Thakur that the UN was taking a more assertive role in dealing with threats to international peace and security. The UN Security Council acted with greater transparency in regards to its decision-making procedures in addition to consulting more broadly with its member states (Thakur, 2005).

I would agree with Schaefer's (2006a) contention that the legitimacy of the UN Security Council depended far more on its actions than on its membership. The first major step forward for the UN Security Council was an increase in the number of its peacekeeping operations. In fact, with the support of the US, it initiated more than forty peacekeeping operations (Gingrich and Mitchell 2005; Ghali 2005). As there are a number of the international military and police personnel serving in seventeen UN peacekeeping missions, peacekeeping has become a "major industry" and its quality has changed in a number of important ways.

There were positive global reactions to the way in which the UN Security Council handled the issue of the 2003 Iraq War. Luers (2006) writes that most nations felt that the UN Security Council had acted correctly by not approving the US coalition mandate to invade Iraq. While others agree with the point of view that France's avowal that the international community should vote "no" on the resolution to use force against Iraq in 2003, illustrates a case of a threatened veto with an arguably positive effect. From the point of view of this research, this case also demonstrates that the US influence in passing certain resolutions within the UN Security Council is limited (Nahory, 2004; Miller's 2005).

3.3. ESTABLISHMENT OF THE VETO SYSTEM

Various opinions have been put forward by international scholars regarding the establishment of the right of veto and why it came to exist in the first place. Some writers, such as Gorman (2001), have suggested that the major difference in collective decision-making between the League of Nations and the UN Security Council of today was in how the veto mechanism was used. Before the UN was formed, in the League of Nations, any member state could prevent League action by voting against collective security proposals. Furthermore, as Lund (2010) explains, those who oppose the abolition of veto refer to the fall of the League of Nations because major powers like the US refused to join. They therefore argue that if the veto is eliminated then the UN might meet a similar end with major powers leaving this body or refusing to pay for those actions that they oppose. Again, the possibility of such an outcome is questionable, especially considering the current status of the UN and the level of support for it internationally. However, when the UN Charter was drafted, the authors were keen on ensuring that the organization would have military capabilities that could be used whenever necessary. This was important given that the failure of the League of Nations systems was ultimately due to the lack of any military means of ensuring its decisions as states would often be unwilling to support any extensive measures (Goodrich, 2009).

Is there any value to the right of veto in the UN Security Council? The veto system had initially been established to prevent the outbreak of further global warfare and to protect the interests of the founding members of the UN (Khalil, 2004; Ahmed, 1999; Bjola, 2005; James, 2003). The security capacity of the UN rests upon an "ambivalent relationship between power and legitimacy" in which the Charter itself recognises that achieving peace requires a certain degree of power. In order to be effective, this power must also be legitimate and in order to be effective

the UN must depend on the cooperation of the large powers and the hegemonic relationship between them and smaller states. Finally, in order to be truly democratic it must also represent every country that has membership despite their degree of power in the international order (Ciechanski, 1994). Okhovat raises the point that each one of the five permanent members have nuclear capabilities developed enough to "initiate a full-scale nuclear war". The veto power is therefore important in ensuring that they are not able to threaten diplomacy by resorting to end games which have the potential to lead to a large degree of international tension and even nuclear war in the worst case scenario (Okhovat, 2012: 26).

However, according to data that I have compiled, it can be seen in Table 3.1 and Chart 3.1, for the period of 1946-1990, that vetoes cast by permanent members were generally motivated by what each member state deemed to be in its own national interests. Thus, the frequency of vetoes exercised by a state serve to indicate that state's readiness to agree to mutual concessions and compromises in the interests of the international community as defined by the UN Charter. With that understanding, it is not without significance that the number of vetoes cast by Britain (32) and France (18) since 1946 is relatively small in comparison to the veto votes of the Soviet Union (119), accounting for nearly half of all vetoes ever cast, with the second largest amount of vetoes coming from the US (82). China used the veto a mere 3 times, which is less than once every decade. In most vetoes cast during this period, Britain and France did vote with the US.

Period	China	France	Britain	US	USSR/ Russia	Total
Total	3	18	32	69	119	241
1990	-	-	-	2	-	2
1989	-	2	2	5	-	9
1988	-	-	1	6	-	7
1987	-	-	2	2	-	4
1986	-	1	3	8	-	12
1976-85	-	9	11	34	6	60
1966-75	2	2	10	12	7	33
1956-65	-	2	3	-	26	31
1946-55	1	2	-	-	80	83

Table 3.1:Numbers of Vetoes Cast Before the End of the Cold War

Source: compiled by the author from Global Policy Forum website
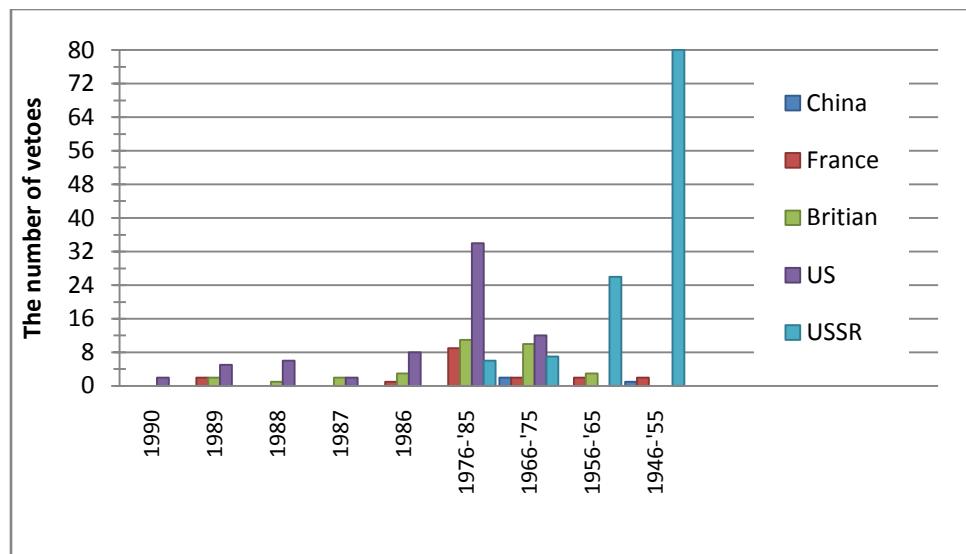
Chart 3.1: Numbers of Vetoes Cast by Country Before the End of the Cold War
Source: compiled by the author from Global Policy Forum website

The overall picture that appears from the data is very different in the post-Cold War period. Indeed, between 1991 and 2006 the formal use of the veto had diminished dramatically. For this period, the US holds the record with thirteen vetoes, Russia with three, China with two, and only once per year from both Britain and France as shown in Table 3.2 and Chart 3.2 below.

Period	China	France	Britain	US	USSR/ Russia	Total
Total	2	0	0	13	3	18
2006	-	-	-	2	-	2
2005	-	-	-	-	-	-
2004	-	-	-	2	1	3
2003	-	-	-	2	-	2
2002	-	-	-	2	-	2
2001	-	-	-	2	-	2
2000	-	-	-	-	-	0
1999	1	-	-	-	-	1
1998	-	-	-	-	-	0
1997	1	-	-	2	-	3
1996	-	-	-	-	-	0
1995	-	-	-	1	-	1
1994	-	-	-	-	1	1
1993	-	-	-	-	1	1
1992	-	-	-	-	-	-
1991	-	-	-	-	-	-

Table 3.2:

Number of Vetoes Cast by Country in the Post-Cold War Period

Source: compiled by the author from Global Policy Forum website

Number of Times Veto Cast by Country in the Post-Cold War Period

	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	1991
■ China	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
■ France	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
■ Britain	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
■ US	2	0	2	2	2	2	0	0	0	2	0	1	0	0	0	0
■ Russia	0	0	1	0	0	0	0	0	0	0	0	0	1	1	0	0
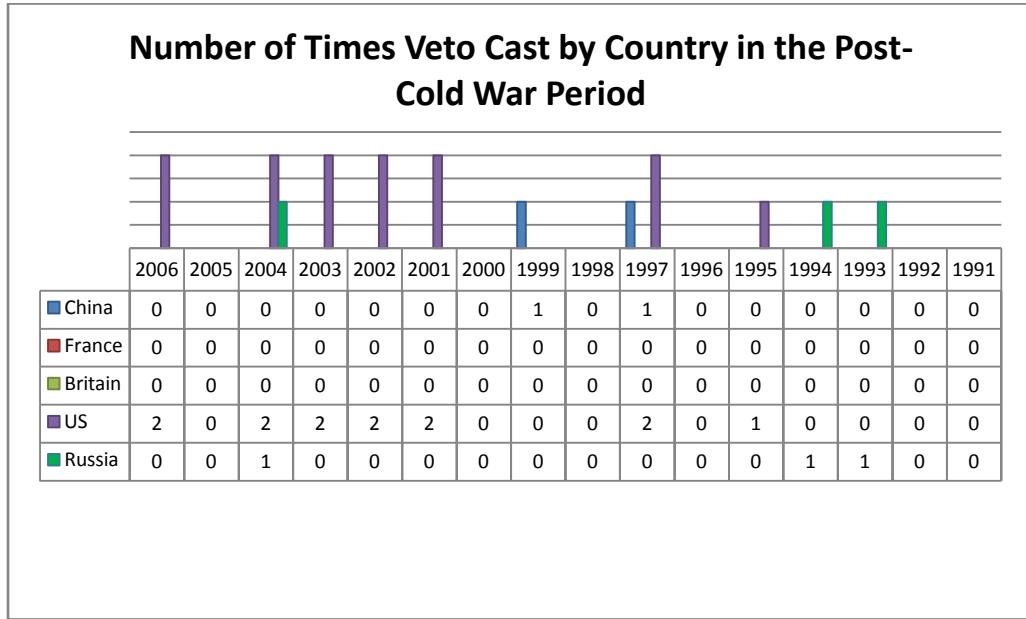
Chart 3.2: Number of Vetoes Cast by Country in the post-Cold War Period
Source: compiled by the author from Global Policy Forum website

The veto mechanism, a privilege limited to the Permanent Five, constituted the very essence of the UN right up to contemporary times. Nye (2003) adds that the veto has always been an issue that needed to be addressed before its potential for misuse could get out of hand. Evidence shows that the veto, especially in developing countries, is perceived as a tool to make resolutions either pass or fail depending on the interests of the Permanent Five. The smaller, less powerful states have continually tried to limit the veto power of the Permanent Five and perceive this limitation as vital to the sovereign equality of states through the UN Charter. However, Fassbender (2004) counters this point with his argument that the right of veto in the UN Security Council (Article 27 (3) of the UN Charter) cannot be said to violate the Charter or even run contrary to its original purpose. Generally, the veto cast by a permanent member is motivated by what the particular

member deems is in its own interests. Therefore, the frequency of vetoes exercised by one of the Permanent Five members actually serves to indicate that state's readiness to agree to mutual concessions and compromises in the international community as defined by the UN Charter. The disintegration of the USSR and the collapse of communism had brought about a renewed sense of self-confidence for the US. This corresponded with a de-emphasis of multilateral diplomacy in favour of unilateral assertiveness in an unabashed pursuit of narrow US interests (Chan, 2003). I think that, in more recent years, the power behind the US veto is the result of a greater sense of self-confidence in regards to the ability of the US to unilaterally halt unwanted resolutions. Procedurally, the Security Council is the UN institution least susceptible to any form of manipulation since any resolution requires a 9:15 majority vote. Of those nine votes, every one of the nine permanent Security Council members must also approve. This effectively signals to the international community that the "use of force is justified as a necessary action in addressing a real threat approval of all these major states, including two non-allies, is a very strong signal that the proposed use of force is justified as a necessary action to address a direct threat" (Chapman, and Reiter, 2004: 891). However, the UN Security Council as one of main institutions of the UN can influence US foreign policy through public opinion because state leaders may seek institutional support as a means of acquiring approval from an external body (Chapman, and Reiter, 2004). Tingley and Tomz give three reasons how a UN Security Council resolution that endorsed the use of force could, in fact, affect US public opinion. Firstly, citizens might view a resolution as a sign that military force is actually needed in a particular situation. Secondly, it could be believed that the US would bear fewer expenses of supporting such measures as other countries would be sharing the total costs. Thirdly, it might be seen as a

"collective commitment" that, if the country reneged on its duties, it would be at fault (Tingley and Tomz, 2012).

Table 3.3 and Chart 3.3, show the total number of vetoes used by the UN Security Council permanent members (China, France, Britain, US, and USSR) from the foundation of the UN Security Council in 1946 until 2006. From the data, we find that Russia (or the Soviet Union) has been responsible for nearly half of all vetoes ever cast.

Period	China	France	Britain	US	USSR/Russia	Total
Total	5	18	32	82	122	258

Table 3.3: The Use of Veto in the UN Security Council, 1946-2006
Source: compiled by the author from Global Policy Forum website
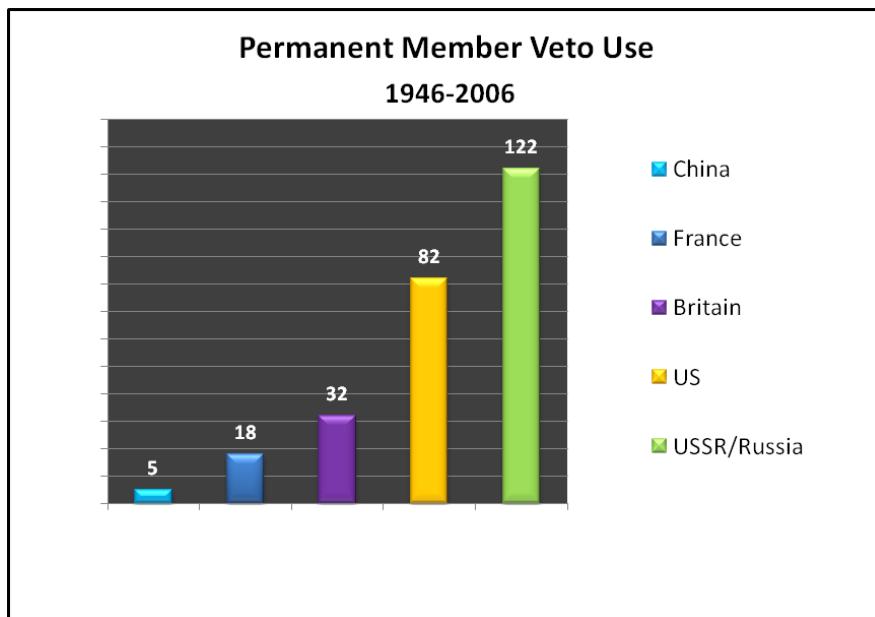
Chart 3.3: Veto Use in the UN Security Council, 1946-2006
Source: compiled by the author from Global Policy Forum website

Table 3.4 and Chart 3.4 emphasise the difference between the two periods in terms of the number of vetoes cast by the permanent UN Security Council members with 241 vetoes cast during the Cold War and only 18 cast since the Cold War ended in 1991.

Time Period	Number of Vetoes
Before the Cold War (1946-1990)	241
Post-Cold War (1991-2006)	18
Total Vetoes	259

Table 3.4 Total Veto Use in the UN Security Council (1946-2006)
Source: compiled by the author from Global Policy Forum website
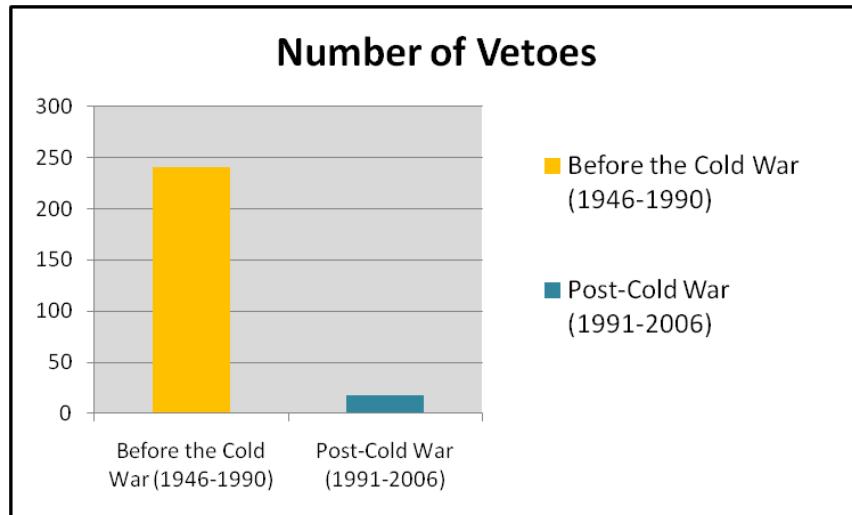
Chart 3.4 Veto Use in the UN Security Council Before and After the Cold War Era
Source: compiled by the author from Global Policy Forum website

The high number of vetoes in the Cold War period was due, for the most part, to the steady demand of countries to obtain UN membership. Wouters and Ruys (2005) report that approximately one quarter of all the vetoes cast since the establishment of the UN had been against applications for membership. For example, the Soviet Union used its veto power no less

than fifty-one times to block new members' applications, including those of Libya, Kuwait, Mauritania, and Jordan. Chan (2003) describes the increase in the number of Soviet Union vetoes as an attempt to block a pro-Western majority in the General Assembly (including sympathetic developing countries in the Arab World). The US blocked the application of Vietnam to join the UN six consecutive times. China also used its veto twice to reject the memberships of both Mongolia and Bangladesh. Comparing the two periods, it is clear that the number of vetoes decreased to only a third of that during the Cold War period, a trend which was all the more remarkable as the number of resolutions adopted by the Council had increased dramatically.

In relation to veto power, how real is the influence of a non-permanent member seat in line with that state's individual interests? Hurd (2002) suggests that because effective decision-making power in the UN Security Council is monopolized by the Permanent Five, a non-permanent member seat holds little value in terms of its ability to make or break Council decisions in accordance with that state's own interests. Moreover, in relation to a non-permanent member's position, the Permanent Five might be viewed as having a highly privileged position. Although the Permanent Five have the biggest role within the UN Security Council, and are often criticized because of how they wield their power of veto, Malone (2003a) points out the important fact that they are also required to make higher contributions for peacekeeping and security.

Does restricting the veto to the Permanent Five necessarily limit positive contributive action from non-permanent members? I would contend that it should not stop them from expressing their particular concerns and using their seat as a forum to make contributions to the UN. All 191 UN members have an equal vote within the General Assembly, but their influence is determined to some extent by their individual political, economic, and military status. Although

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the General Assembly's main task is to ensure that the community of nations inside the UN respects the rules of the game and act within the constraints of the system, as Awad (2006) writes, even the smallest of nations can make important contributions. For example, it was the small island nation of Malta which first suggested the Law of the Sea Treaty, arguably the most important international legislation ever produced by the UN.

3.3.1 EXERCISING THE VETO

The right of vote counting becomes more complicated as the number of UN members grow, creating an opportunity for a determined group of elected members to exercise a collective veto over UN Security Council decisions (McDonald and Patrick, 2010). Voeten (2004) found that, with the exception of the UK, other permanent members (China, France and Russia in particular) have clashed with the US over UN Security Council policy on a number of occasions. Permanent members with the ability to veto UN Security Council actions have, in the past, abstained on certain resolutions which, in turn, allowed them to be passed without any expressions of explicit support. For example, from 1991 to 1995, China abstained twenty-six times, often on important issues (Wedgwood, 2000; Voeten, 2004). Although the exercise of the veto was supposed to be limited to substantive issues, decisions on whether an issue pertains to procedure or substance are not themselves considered procedural. Therefore, as Chan (2003) found, in practice, no resolution could be passed in the UN Security Council if there were any serious objections raised by any one of the Permanent Five members.

The UN Security Council has been making decisions at a high rate, with much of its deliberation kept secret and conducted without formal votes (O'Neill, 1996). In terms of the democratic legitimacy of the UN Security Council, it rests upon how well they fit within the constitutional framework of the UN charter and international law in addition to how they fit in with precedent

set by previous decisions and cases of the Council (Wheatley, 2006). However, other scholars have observed how UN Security Council resolutions were often drafted in private by the Permanent Five to the exclusion of the ten non-permanent UN Security Council members (Stiles 2006; Luck 2005b; Talmon 2005). Weiss supports this view with the point that the permanent members are often in agreement with each other as they often reach a consensus amongst each other before taking the issue to the wider Security Council (Weiss, 2003). These drafts were then presented publicly to the non-permanent members who frequently were not given the opportunity to discuss issues before the resolutions were adopted. However, Okhovat (2012) points out the reason behind the Permanent Five holding private meetings as they believe there are some issues that have to be discussed in private meetings simply to avoid using the veto against each other over issues that could publicly reveal some conflicts between them.

This exclusivity was also noted by Voeten (2001)—non-permanent members may assist with certain things, but are not able to influence permanent members on certain issues, implying that the concerns of the non-permanent members are not equal to those of the Permanent Five. Despite the fact that the power of veto is "rarely used", its presence affects draft resolutions as some statements are replaced with weaker versions or never voted upon at all (McDonald and Patrick, 2010).

It is fair to say that non-permanent members have quite rightly expressed their concerns about members of the Permanent Five abusing their veto privilege and giving unfair advantages to certain members of the General Assembly. On occasion, those countries that were willing to support issues of importance to any of the Permanent Five in return for financial and economic aid or protection from sanctions. Non-permanent members also resented the manner in which draft resolutions were imposed on the rest of the UN Security Council members. The veto power

of permanent members has been viewed unfavourably by many states as it protects those countries with which they share "close economic and diplomatic relations" from fierce criticism or economic sanctions (Wouters and Ruys, 2005: 14). In addition, there was also an imbalance in voting power between non-permanent and permanent members of the UN Security Council to consider. A percentage of total power is attributed to each member based on the voting rules of the UN Security Council. Kuziemko and Werker (2006) explain that each of the permanent members has 19.6% of the voting power while each of the ten non-permanent members has less than 0.2%. Dawoud (2007) gives us an example of how such an imbalance of power can be misused. Three non-permanent members of the UN Security Council (South Africa, Indonesia, and Qatar) considered either abstaining from or voting against Resolution 1747 on the Iran crisis of (2007) if their views on the draft resolution drawn up exclusively by the permanent members were not taken into consideration.

The UN Security Council permanent members with their permanent position and veto rights seem like a transplant from a previous era. Today, it gives them a disproportionate amount of international authority in proportion with their "actual ability to contribute to the maintenance of international peace and security". Although they may be nuclear powers, they do possess only a limited capacity to project power. As events in the second half of the 1990s demonstrated, these powers may, in fact, be overstretched. If legitimacy were determined by population size or economic capability then their "claim to privileged status is even more tenuous" (Berdal, 2003: 12). These are the reasons why *The Economist,* with characteristic bluntness, stated that these states themselves "know their membership is the main reason anyone takes them at all seriously on the world stage" (*The Economist*, 2003).

3.4 TABLE AND CHART ANALYSIS OF UN SECURITY COUNCIL RESOLUTIONS

In this section I will look at a number of tables and charts relating to UN Security Council Resolutions and the UN Security Council permanent members both before and after the end of the Cold War. This analysis focuses on the US role played in the post-Cold War period.

Table 3.5 and Chart 3.5 illustrate that, from 1946 until the middle of 1960s, the UN Security Council was relatively inactive and the resolutions issued numbered an average of 10 each year. From the mid-1960s to the mid-1980s, this number increased to 18 resolutions per year and then fell to 13 in the years 1986 and 1987. In 1988 and 1989, the annual number of UN Security Council resolutions increased to 20 and then nearly doubled to 37 in 1990. This fluctuation occurred concurrently with Iraq's invasion of Kuwait in 1990 and is in line with the unprecedented number of resolutions that were to follow over the next decade and a half.

Year	Resolutions
1990	37
1989	20
1988	20
1987	13
1986	13
1976-1985	196
1966-1975	165
1956-1965	109
1946-1965	110

Table 3.5: The Annual Number of UN Security Council Resolutions (1946-1990)
Source: compiled by the author from UN Security Council website
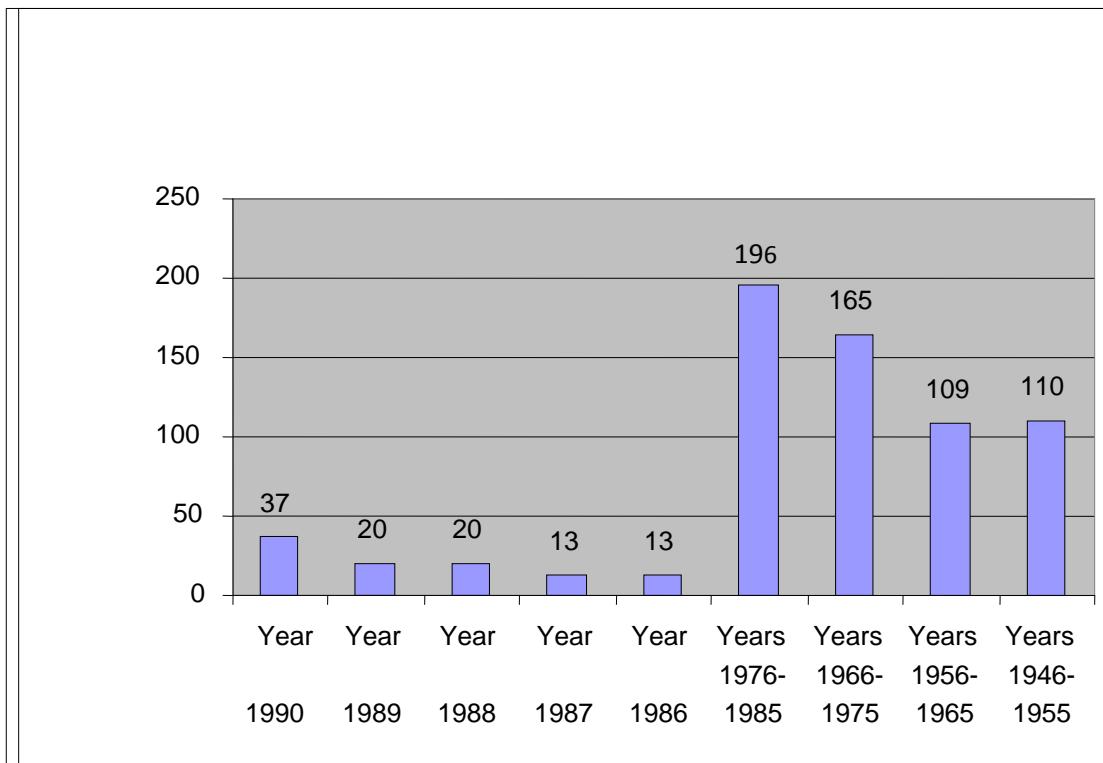
Chart 3.5: UN Security Council Resolutions Before the End of the Cold War
Source: compiled by the author from UN Security Council website

Table 3.6 and Chart 3.6 show that in the post-Cold War period, the annual number of UN Security Council resolutions increased from 59 in 1991 to 93 in 1993. This abrupt increase coincides with the final disintegration of the Soviet Union and the point at which the UN Security Council became increasingly affected by American hegemony and the US's own political objectives. During the five years from 1993 to 1997 there was a gradual decline in the number of UN Security Council resolutions rising to 73 in 1998. Thereafter they fluctuated during the years between 1998 and 2005 before surging to a new peak of 87 in 2006.

Year	Resolutions
2006	87
2005	71
2004	59
2003	67
2002	68
2001	52
2000	50
1999	65
1998	73
1997	54
1996	57
1995	66
1994	77
1993	93
1992	74
1991	59

Table 3.6: The Annual Number of UN Security Council Resolutions in the Post-Cold War Period (1991-2006)

Source: compiled by the author from UN Security Council website
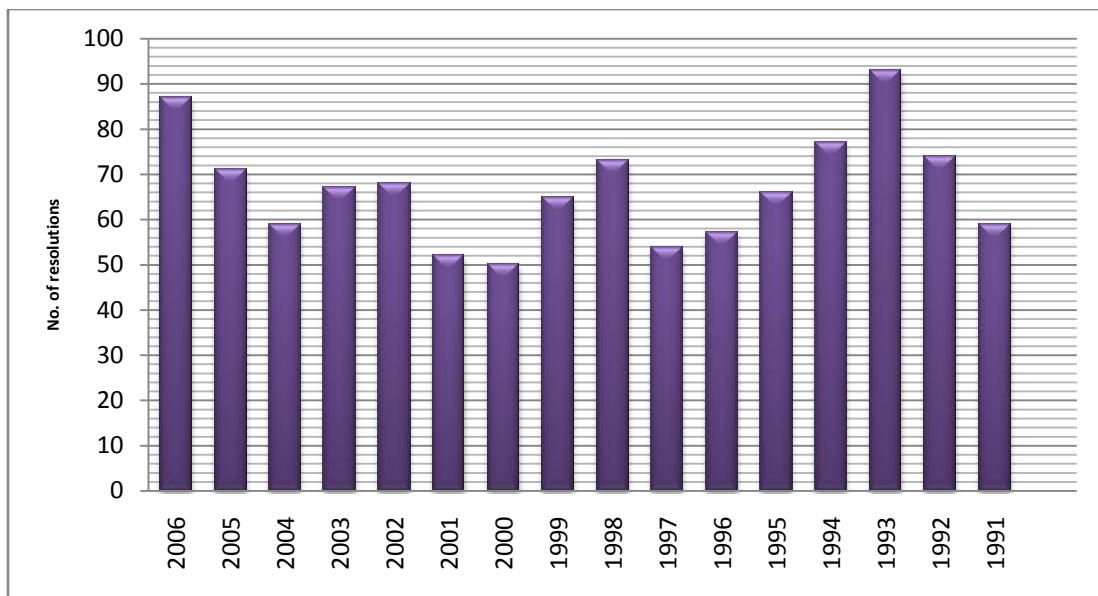
Chart 3.6: UN Security Council Resolutions in the Post-Cold War Period
Source: compiled by the author from UN Security Council website

The research thus far demonstrates that despite fluctuations in the annual number of UN Security Council resolutions during the post-Cold War period, the UN had definitely taken on a more proactive role compared to that of the previous Cold War period.

The consolidated information in Table 3.7 and Chart 3.7 below clearly demonstrates the contrast in the number of resolutions in the periods before and after the end of the Cold War. From 1946 to 1990, there were only 683 resolutions whereas in the sixteen years since 1991 there had already been 1055. I contend that these statistics demonstrate that the actions taken by the UN Security Council during the post-Cold War period was heavily influenced by the US, as it successfully used the UN Security Council to push forward resolutions important to US foreign policy goals and interests.

Period	Total Resolutions
1946-1990	683
1991-2006	1055
1946-2006	1738

Table 3.7: Total Number of UN Security Council Resolutions, 1946-2006

Source: compiled by the author from UN Security Council website
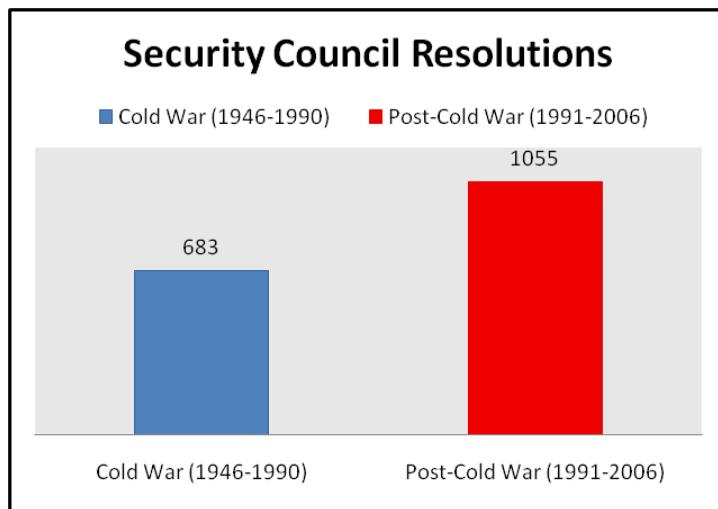
Chart 3.7: Number of UN Security Council Resolutions Before and After the Cold War Period
Source: compiled by the author from UN Security Council website

An unprecedented forty resolutions had been adopted by the UN Security Council over a decade and a half (1990-2006) following Iraq's invasion of Kuwait in 1990. Branch (2005) notes that the UN Security Council reacted to Iraq's invasion of Kuwait 1990 within several hours (Branch, 2005). From August to December 1990, the UN Security Council adopted twelve more resolutions that progressively applied elements of Chapter VII of the UN Charter against Iraq (Buzan and Pelaez, 2005). Alnasrawi (2001) emphasized that, after condemning the Iraqi invasion of Kuwait and demanding its withdrawal in the 1990 Resolution 660, the UN Security Council then decided, in a follow-up Resolution 661 to impose further US-supported economic sanctions against it. Zunes (2001a) notes that the position of US officials was that sanctions

would remain in place even if Iraq were to comply with UN inspectors. This led to the Iraq regime having no incentive to comply with the UN resolutions. In order for sanctions to be successful, they should have small and measurable objectives which should be communicated clearly to the targeted country. During this period the US simultaneously blocked sanctions against allied countries in the Middle East allies such as Turkey and Israel.

3.5 SANCTIONS POLICY

Sanctions are a vital foreign policy instrument available to the UN Security Council under Chapter VII of the UN Charter to be instituted in the event of any threat to the peace, breach of the peace, or acts of aggression. Addis (2003) and Thakur (2006) both write that sanctions offer the UN Security Council an important instrument for enforcing UN decisions and for exerting pressure in order to bring about a change in the behaviour of a specific state or regime that poses a threat to international peace and security.

Economic sanctions have become a regular feature of the international system in the post-Cold War era. The UN Security Council only had occasion to impose sanctions twice during the Cold War (Happold, 2003). However, since then the Council has actively imposed economic sanctions countries including Afghanistan, Libya, Haiti, Iran, Iraq, Myanmar (Burma), and the former Yugoslavia. Addis (2003) and others international scholars have referred to 1990s as the 'sanctions decade'. Paul and Akhtar (1998) generalise that the sanctions policy had been considered by the international community to be a peaceful and effective means of enforcing international law. However, they also pointed out that sanctions became increasingly criticized as being unnecessarily cruel and unjust for the impact they have on civilian populations. There are no international set of standards for sanctions or sufficient means of limiting their destructive impact (Paul and Akhtar, 1998).

An important question relevant to this particular study is to what extent UN Security Council sanctions have actually been imposed in accordance with the Articles of the UN. Sanctions are imposed multilaterally through passing a UN Security Council resolution. Sanctions imposed by the UN Security Council include comprehensive economic and trade restrictions, interruption of relations by air and sea, travel bans, financial restrictions, the severance of diplomatic relations, and arms embargoes. However, there always exists the risk that economic sanctions could be ineffective due to permanent members having ties with the target countries being sanctioned. For example, Russia and China both have economic ties to Iran, and so far, economic sanctions have proved ineffective at ending Iran's nuclear programme.

Vines (2007) and Debiel (2000) identified two occasions where the UN Security Council had used sanctions in accordance with UN Charter Articles. The first case was against the white minority regime in Southern Rhodesia (now Zimbabwe) in 1968 and the second against the apartheid regime in South Africa in 1977. The UN Security Council only used this type of sanction, from the end of the Cold War until 2006, in eleven further cases. In the post-Cold War period (1990-2006) a number of UN Security Council sanction meetings were held, in which, compared to other countries, the Arab World (particularly Iraq, Libya, and Sudan) were targeted most frequently, as we will explore further in the next chapters. Precedence was set when the sanctions were applied against Libya following the Lockerbie bombing, for it represented the first time the UN Security Council had sanctioned a country over a criminal offence before the case had been considered in the International Court of Justice (ICJ).

Chart 3.8 provides a comparison, by country, of the number of sanction meetings held between 1990 and 2007, which shows that the UN Security Council was more active in Arab world and Middle East. I would explain this to the fact that due to the imbalance in the international system,

by 1989 collapse of the Soviet Union with which the majority of the Arab countries had been aligned or maintained friendly relations with.
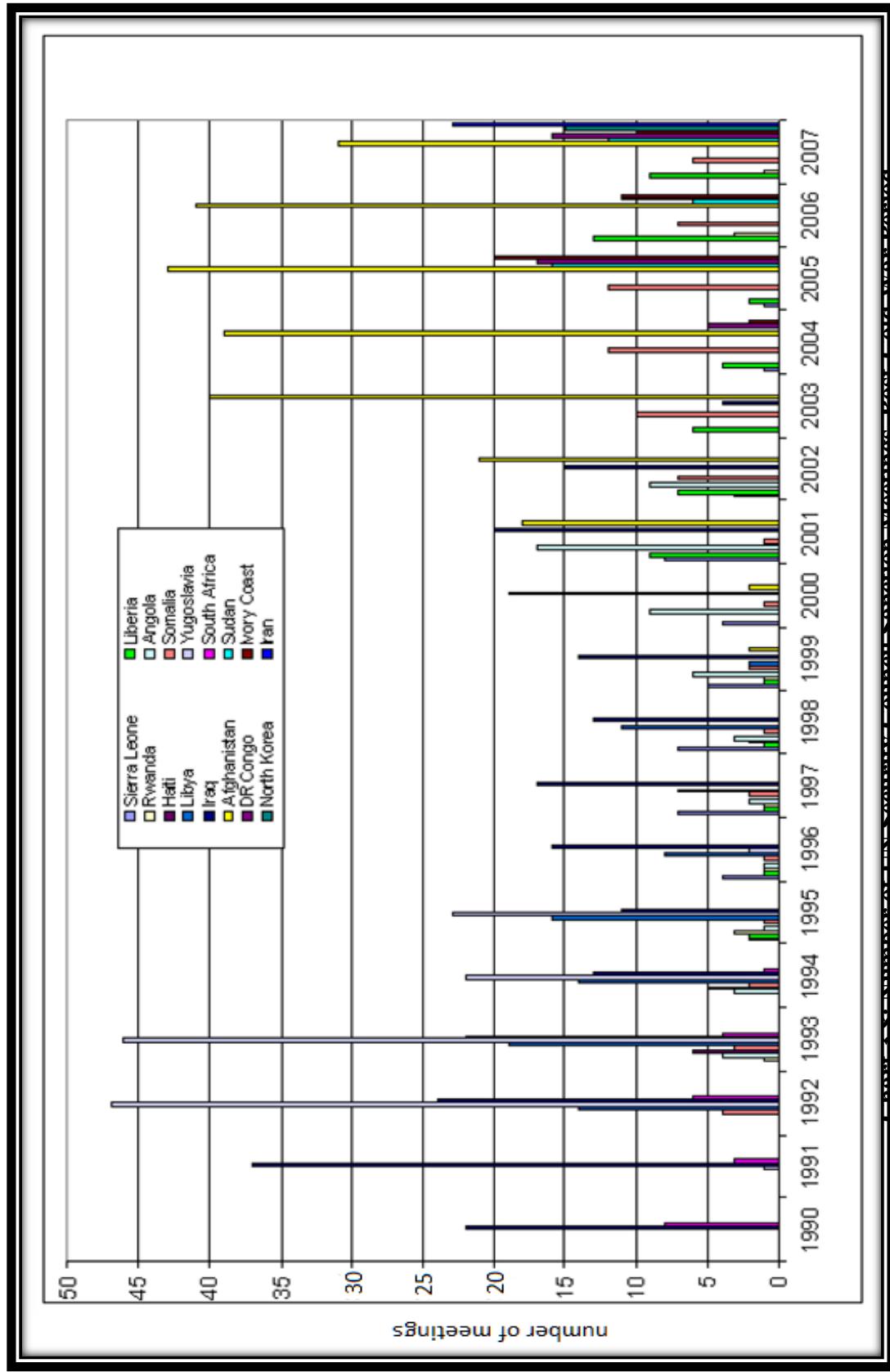
Chart 3.8: Number of UN Security Council Sanction Meetings, Post-Cold War Period

Some authors concluded that sanctions in general are losing their appeal for a number of reasons, but most especially where they have remained in place over long periods of time without seeming to resolve the issue that prompted them in the first place (Branch 2005; Marinov 2005; Browne 2003). For example, during the 1990s, Arab nations found it difficult to support continuing sanctions against Iraq, especially with regard to the procedures for the pilgrimage (*Hajj)* (Lyman, 2000; Baldwin 2000). There was a strong resistance to further sanctions, particularly among Arab countries, culminating in Egypt's outright refused to support US efforts to strengthen sanctions against Sudan in 1996 in the aftermath of the assassination attempt against Hosni Mubarak.

Other problems arose, both with the concept of sanctions as an instrument of the UN and the way in which the sanctions process itself is conducted. There was a lack of accurate definitions in the relevant Articles, double standards employed by the UN Security Council, rule changes, accusations against permanent members of using sanctions to forward their own national interests or political agendas, and a lack of institutional memory in regards to the overall sanctioning process.

3.6 THE UN SECURITY COUNCIL RESPONSE TO THE EVENTS OF 11 SEPTEMBER

The UN Security Council responded swiftly to the 11 September 2001 attacks on the World Trade Tower and Pentagon, and acting under Chapter VII of the UN Charter, adopted Resolution 1373 which obliged all member states to take action against international terrorism. The original draft resolution was created by informal meetings within the UN Security Council and was adopted on 28 September 2001 in a public meeting that lasted no longer than five minutes. UN Security Council members did not speak on the draft resolution or explain their vote. In addition,

states that were not members of the Council were "neither consulted nor present" in the drafting process or the deliberations on Resolution 1373 (Talmon, 2005: 187). This resolution was the first to incorporate taking action against terrorism with the right to self-defence in addition to establishing the Counter Terrorism Committee (CTC) within the UN Security Council to monitor the progress of the so-called war against terrorism (Kramer and Yetiv, 2007; Stiles, 2006; Dreier and Hamilton, 2006; Patman, 2006; Wood, 2006; Chesterman, 2005).

UN Security Council Resolution 1368 (formulated just 24 hours after the 11 September attacks), as Weiss (2003) demonstrated, enhanced the legitimacy of certain US actions such as military operations in Afghanistan taken in accordance with the UN Charter. Norman (2004) writes that this was not the first time that the UN Security Council had imposed sanctions against terrorism. Economic and diplomatic sanctions had been imposed on Libya in 1993 in response to the Lockerbie bombing and on Sudan in 1996 in response to the preceding Sudanese government's support for Osama Bin Laden.

Kramer and Yetiv (2007) stress that the UN Security Council response to the 11 September attacks was actually much more forceful and comprehensive than any previous anti-terrorist response had ever been. Although, as Stiles (2006) notes, by 11 September it was evident that the UN Security Council and the General Assembly had now reached very different positions on the issues of terrorism and self-determination. The UN Security Council was now establishing for itself, case by case, the right to use force to intervene against states that sponsored terrorism (Wood, 2006). Albright (2003) makes an important comment when she says that it was mainly down to the US, UK, and France to lead the UN Security Council forces.

Chart 3.9 compares the total percentage of terrorism-related Resolutions passed by the UN Security Council, both before and after 11 September. Before 11 September, the Council had passed a total of thirteen terrorism-related resolutions, at an average of one per year. However, following the events of 11 September, there was a marked increase in terrorism-related resolutions. By the end of 2005, the UN Security Council had passed twenty anti-terrorist resolutions; 61% of the total number of resolutions passed dealt, in some way, with terrorism.
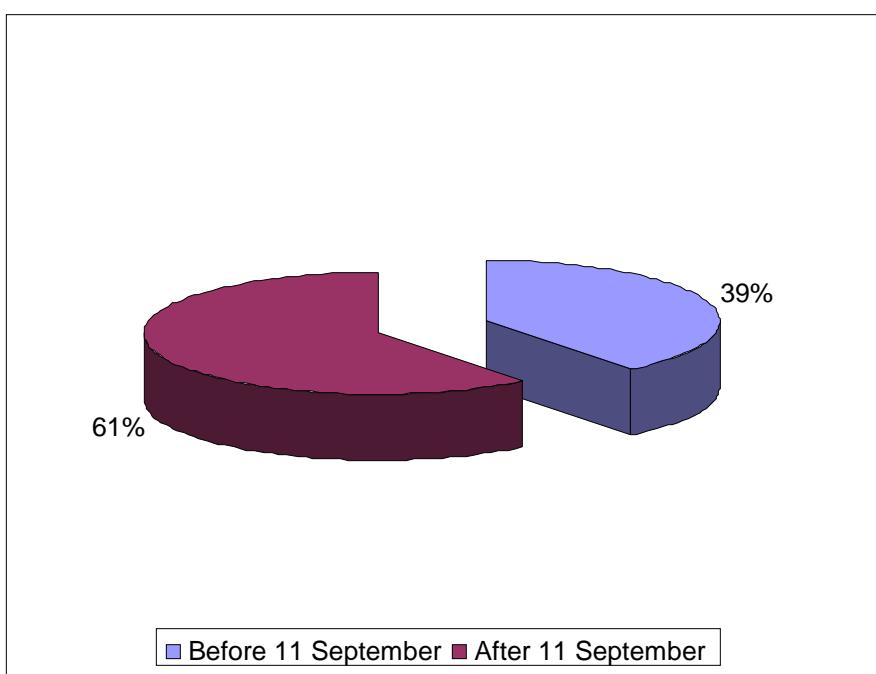
Chart 3.9 UN Security Council Resolutions on Terrorism
Source: compiled by the author from UN Security Council website

The UN Security Council's response to terrorism became notably stronger following the events of 11 September. I would contend that this was a predictable outcome as the US became more reliant on the UN Security Council for validation, legitimacy, and political support for its actions related to the war on terrorism. Branch (2005) makes an interesting point in his conclusion that, without a redefinition of self-defence, the US would have been prevented from launching the unilateral military operations and occupations that have characterized its foreign policy

objectives since 1999. As Cox (2002a) writes, the end of the post-Cold War period meant it was now reasonable to speak of a post-11 September world in which nothing would ever be quite the same again, leaving the US in a more dominant position than ever before.

3.6.1 IMPORTANT RESULTS FROM THE UN SECURITY COUNCIL RESPONSE TO THE EVENTS OF 11 SEPTEMBER

In order to punish those responsible for the 11 September attack, the US launched an aggressive campaign (Berdal, 2003). Forman (2006) describes the outcome of the 11 September events as the US becoming the leader of the 'war on terrorism', a term which soon became synonymous with US national interests (Debiel, 2005). Immediately, in response to the attacks, President Bush Jr. delivered a draft National Security Strategy on 12 September 2002. However, Franck (2005) argues that the National Security Strategy posits a far broader proposition, and Ehteshami describes it as "new grand American strategy" in which the US would attempt to supress three main threats to American security and interests. These include global terrorism, the acquisition of WMDs by either rogue states or groups and states enacting policies seen as being contrary or hostile towards the US (Ehteshami, 2006: 84).

In the minds of many, the so-called 'war on terrorism' is characterised primarily by the use of military force against terrorists and strong unilateral action on part of the US (Murphy, 2003). Furthermore, Lieven states that the events of 11 September 2001 drove the US towards becoming a "world hegemony" that was more interested in maintaining the status quo and maintaining the basic tenets of the already existing international order (Lieven, 2002: 245). Both Mansell (2004) and Patman (2006) write that the aftermath of 11 September 2001 led to some quite dramatic reconsiderations of international law, especially concerning the use of force, which had been underway in the US at least since the end of the Cold War. Following 11

September, Condoleezza Rice stated that "there is no longer any doubt that today Americans face an existential threat to their security a threat as great as any we faced during the Civil War, World War II, or the Cold War" (cited in Leffler, 2003: 1049). I argue that this is tantamount to a proclamation of war towards an unknown or ill-defined enemy and as such it creates a new form of strategy. It also means that in some respects the events of 11 September took the US back to the Cold War period when the US faced an equal power (the Soviet Union). The key difference between the previous enemies and the new enemies is that the American enemies of the Cold War era were known and identifiable while the new enemies are unknown and not immediately identifiable.

Following 11 September, the UN Security Council was rather vague in its treatment of the concept of the right to self-defence. Debiel (2005) argues that the careful allusion to the right of self-defence in Resolutions 1368 and 1373 can be interpreted as a cautious acknowledgement of a situation of self-defence, implying that the terror attacks of 11 September fulfilled the requirements of an armed aggression under the UN Charter. Wood (2006) proposed an alternative view: after 11 September, the UN Security Council began the far-reaching practice of determining which acts of terrorism constituted threats to international peace and security and which of these threats justified action under the UN Charter. He adds that UN member states were now closer in their views of international law than they were during the Cold War or indeed before 11 September.

During the previous decade, the US had regularly gone to the UN Security Council for authorisation of its military interventions, most notably in the cases of the Iraqi invasion of Kuwait, as well as those of Somalia, Haiti, and Bosnia. This time, however, the recourse to the use of force outside of the UN Security Council was further widened following the 11 September

attacks. Allain (2003) argues that this was the first evidence of the international community standing idly by as the US undertook its attack against Afghanistan with only the tacit support of the UN. However, the US failed to gain UN Security Council approval for a second resolution authorizing the use of force against Iraq in 2003 as it was rejected by France. Miller (2005) agrees that France's reaction was an indicator that the international community would vote 'no' on the resolution. At the same time, President Bush Jr. and Secretary of State Colin Powell worked continuously to alter the balance of power in the UN Security Council by coordinating with-permanent Council members. However, the US was unsuccessful, securing only four votes, while France succeeded in gaining the support of three non-permanent Council members—Cameroon, Guinea, and Angola (Xinnian, 2005). The Bush administration, however, simply walked away from the world organization and insisted on using force outside of UN consent.

3.7 CONCLUSION

Breaches or threats to international peace became a major concern to the UN Security Council in the post-Cold War period. In response, it made a major effort to reactivate its practice and made an attempt to push forward mechanisms that could be used to combat and control threats made by an aggressive state or nation. However, when Iraq invaded Kuwait in 1990, the cracks appeared in the supposedly smoothly running UN Security Council, leading to strong criticism from the international community.

Supporting evidence from International Relations and developmental studies have revealed a worrying imbalance between the level of conflict and the level of the UN's response to crises, painting a picture of a UN Security Council that reacted inconsistently to international conflict. The US subsequently took advantage of any opportunity created by the failures of the Council and weaknesses in the UN structure to legitimise its use of unilateral action and promote its own foreign policy agenda. This research has indicated that the mechanisms of the UN Security Council itself are the crux of the problem. UN members were disinclined to enact the original intentions of Article 43, leaving the UN with no standing international police or military force to enforce the decisions made by the UN Security Council. The one good thing to come out of this dilemma was the UN authorisation of force through coalitions formed by willing and able states.

Contributing to this impasse was the US which opposed the idea of the UN having trained and equipped standby forces that could be immediately deployed for peacekeeping missions or to monitor and enforce resolutions and sanctions imposed by the UN Security Council. However, as the UN Security Council's most militarily powerful and influential member, the US was ready to quickly step into the breach as it did in Iraq in 1990-91.

The evidence from the literature consulted has shown that the UN Security Council eventually began to function as it was originally intended to by taking restrictive measures and imposing economic sanctions. Statistics comparing the number of resolutions passed during both the Cold War era and the post-Cold War (1990-2006) have shown that the UN Security Council passed an extraordinary scope and number of resolutions. However, it was still only through the willingness of the UN Security Council's permanent members that the necessary properly trained and equipped forces could be provided to undertake the regulation of imposed sanctions.

The UN Security Council has commented on some of the major issues concerning its sanctions policy and its effectiveness in targeted countries. Many experts have concluded that sanctions affect ordinary people more than a targeted country's political leaders. They now recognize the negative side effects of sanctions, particularly the human hardship and suffering they can potentially bring about. Most importantly, they note that since sanction regimes differ greatly, the impacts of sanctions on targeted economies can often be quite varied.

Another dilemma that arose is the perceived domination of the UN Security Council by its permanent members, leading to questions about the UN Security Council's motives and actions as in the aftermath of Iraq's invasion of Kuwait in 1990 and the US invasion of Iraq in 2003. This has exacerbated the situation in regards to the UN Security Council's reneging on the US request to become more transparent. This, in turn, further contributed to developing countries' perception that Western domination of a UN Security Council only serves the interests of its Permanent Five members.

The biggest issue that the UN Security Council needs to address is that of veto procedures. Should the veto policy be reformed and made available to all members? Or should the UN

Security Council abandon it altogether? Are veto procedures as they stand still relevant, especially in light of the rise of new international economic superpowers such as Germany and Japan? As the situation currently stands, only the Permanent Five have sufficient veto rights with which hold veto over important issues concerning international security and peacekeeping. In the vast majority of cases where the veto has been used, the permanent members stood alone in their efforts to block a draft resolution.

The evidence that has been presented clearly demonstrates that UN members are placed in an untenable position through the persistence use of the 'hidden' veto in closed-door UN Security Council meetings in which draft resolutions and issues of importance are hashed out. At the end of the day, non-permanent members are given little or no opportunity to debate or even consider the implications of draft resolutions before their final vote and adoption. The permanent members often use the 'hidden' veto' or 'pocket veto' in order to quickly push through resolutions that are in line with their own interests.

I would conclude that if the UN Security Council is to deliver a well-reasoned and effective sanctions policy that is acceptable to all UN members, then the UN Charter needs to be adequately reformed to meet the demands of a 21st century world. Sanctions policies, as they stand, need to be assessed, and new policies, rules, and regulations should be drafted which will give the UN the ability to enforce and monitor sanctions effectively in its own right. Sanctions will be ineffective and continue to fail if they are not enforced properly. Since the UN has not been given a directive or the means to enforce and monitor sanctions in its own right, it is forced to rely on the compliance of all UN member states and by traders and business communities nationally and internationally to impose sanctions. At this time, the refusal to comply means the UN cannot impose penalties or even bring offenders to justice. Many recent sanctions have

shown scarcely any monitoring capacity on the part of the UN; much less the provision of the necessary military forces to interdict trade or the legal powers to make travel bans strictly binding.

Following the events of 11 September, it was obvious that the US needed the immediate support of the UN. At the same time, the UN needs the US since it is the UN's most financially and militarily powerful member, which can be relied upon to provide the necessary military power to support its decisions in times of crisis. The UN still has no means to effectively monitor or enforce any decisions made through the UN Security Council regarding the war on terrorism. Thus, the UN was compelled to give permission to the US through Resolution 1368 to enhance the legitimacy of its military operations. Under the broader interpretation of the concept of the right to self-defence, US policies after 11 September 2001 might be perceived by neorealists as both imperialist and hegemonic in nature.

In this chapter I discussed the UN Security Council and how the US is able to influence its workings through the use of veto power. Through qualitative evaluation I provided a critical analysis of how the priorities of the UN Security Council shifted in the aftermath of the 11 September attacks. Now that I have provided an overview of the ways in which the US has been able to leverage the mechanisms of the UN Security Council to meet its own interests, in the next chapter I will examine the UN Security Council's actions toward the Arab world in particular with an emphasis on how this institution has been vital to the US in its pursuit of meeting its own foreign policy objectives in the region.

CHAPTER FOUR
THE UN SECURITY COUNCIL AND THE ARAB WORLD

4.1 INTRODUCTION

In the previous chapter I gave an overview of the working methods of the UN Security Council most crucial for understanding how the US exercises influence over the institution including veto power. I qualitatively examined how the priorities dealt with by the UN Security Council shifted from its reactivation following the conclusion of the Cold War to the first years after the 11 September attacks. This chapter considers the procedures and working methods of the UN Security Council in regards to its actions towards the Arab world. Arab and Muslim nations make up more than two thirds of those in the Middle East, a region that is known to be both rich in natural energy resources and heavily militarized. Many countries in the region share similar economic characteristics and political problems, making it easier to see the influence that the institutions of the World Bank and IMF have exercised over the region. As one of the most well-known issues of the region, the Palestine question has had severe effects not only on the Arab world, world politics, and on the US, but on the UN itself. I will examine a number of ways in which the US has pursued its own interests in the Arab world through UN Security Council mechanisms. Firstly, the majority of total Council resolutions concern issues related to Arab countries such as the Palestinian-Israeli conflict, Iraq, and Somalia. Secondly, American involvement in this region during the post-Cold War period has fundamentally impacted the workings of the UN Security Council itself as the US was in a position to develop new ties with countries in the Arab world and to strengthen existing ones (Murphy, 1997). In this chapter I will analyse and discuss the influence of the US on the UN Security Council mechanisms in three

background historical perspective models: the Israeli-Palestinian conflict; Iraq; and humanitarian intervention in Somalia in the post-Cold War period.

This chapter will also critically examine how the US affected the actions of the UN Security Council by practicing its veto right towards issues in the Arab world. I will perform an analysis using tables and charts comparing the UN Security Council vetoes and resolutions towards the Arab world, both during and after the Cold War. The research focuses particularly on the post-Cold War period (1990-2006) in the Arab region as the two case studies for this research (Libya and Sudan) form part of the Arab world.

4. 2 VOTE-TRADING AND BARGAINING IN THE UN SECURITY COUNCIL

There is wide debate in the field of International Relations that countries trade votes and bargain with one another in international institutions on a wide range of issues, especially in regard to UN Security Council Resolutions. It is also some have seen that the US has used its aid budget to bribe some countries, especially those which have a vote in the UN Security Council. According to Stewart's (2006) figures, when the non-permanent members of the UN Security Council have a seat, they receive an average of more than $800 million extra in foreign aid from the US in addition to receiving an average of $800 million from the UN itself.

On the other hand, Kegley and Hook (1991) found little evidence of the correlation between US aid and recipient voting behaviour, however, Dreher and Sturm (2006) give further support regarding vote-trading, arguing that the permanent members of the UN Security Council have exerted pressure on some countries in order to persuade them to vote in a certain way in the General Assembly. One policy objective that has supposedly been pursued by means of influencing aid distribution is to alter the recipients' voting behaviour in the UN General

Assembly. It has been argued that "certain states in the Assembly are very susceptible to bilateral pressure" (Wittkopf 1973: 869). As a specific example of US pressure on General Assembly voting behaviours, Bennis (1997) describes US efforts to overturn the 1975 resolution identifying political Zionism as a form of racism and racial discrimination.

However, the non-permanent members may help but not hurt the superpower. Sometimes states which are not superpowers have less incentive to exclude challengers from joining a coalition. As a result, non-permanent members that have interests aligned with those of the superpower often vote at odds with the superpower on certain issues. In this way non-permanent members aligned with the superpower may "constrain the bargaining set in a way similar to that of a close ally". This may be to the advantage of the superpower if the voting patterns of the non-permanent member further constrains the bargaining (Voeten, 2001: 850). This suggests that superpowers such as the US can still achieve multilateral agreements without the support of its allies if they have enough support from aligned non-permanent members. This occurred during the Bosnian War when the weapons embargo was lifted against Bosnian Muslims. This particular measure was strongly supported by the US but not by its allies in NATO. With the support of the majority of non-permanent members which included many Muslim nations, the threat by the US to unilaterally lift the embargo led to a compromise in the UN Security Council on the matter. However, this situation does not often occur as there is often not enough non-permanent members with interests as closely aligned to the US as those of its traditional allies such as France and Britain (Christopher 1998).

Other permanent members of the UN Security Council such as China and Russia can potentially veto any proposal they would like. However, in the interest of maintaining cooperation, they should abstain from any issues where there is support from the US and its allies. During the Iraq-

Kuwait War both China and Russia abstained from multiple votes and from sanctions monitoring. China abstained in multiple cases of operations in Africa when the US and its allies had clear alternatives available including both Operation Turquoise (1994) in Rwanda and Eastern Zaire proposed by France and certain sanctions against Sudan proposed by the US in 1996. These particular sanctions forbade states from allowing aircrafts registered in Sudan or owned by the government of Sudan from taking off from, landing in or flying over their territories. (Voeten, 2001).

 It appears that with the existence of different outside opinions allows the US to shift the outcome of bargaining within the UN Security Council. This, in effect, creates a bargaining range that would not exist in the absence of such an opinion. These outside opinions can sometimes give the US strong bargaining power, however, the results of the bargaining set are not always equal for every member (Bailey and Daws 1998). Due to how power is distributed within the UN Security Council, in order to come to agreement, deals must first be struck between the US and either Russia or China at least. If the superpower and any opponents to a resolution come to an agreement during the bargaining stage then generally, all member states will vote in favour of the proposed resolution. Establishing a "credible outside opinion" can greatly facilitate a superpower in achieving a favourable bargaining set. However, it cannot be used as a strategic advantage during the bargaining process when there simultaneously exist Pareto-efficient compromises, or those arrangements which create mutual advantages without harming or 'worsening the position' of any of the parties involved (Brownstein, 1980: 93).

The logic behind this is that a superpower can only use this option when it also threatens to pursue the choice of action alone without the support of the other state, a threat that is only sound when the superpower would gain more from taking action alone rather than waiting to achieve

consensus through lengthy a bargaining process. If, at any time in the bargaining stage, the superpower chooses any one of the results from the bargaining process to the outside action then the outside action no longer gives the superpower any advantage in a set of Pareto-efficient agreements. On the contrary, "patience gives the challenger quite a bit of bargaining power" (Voeten, 2001: 851). These insights are contrary to those of Krasner, who argues that the dissimilarities in competences are only significant when bargains are made along the Pareto frontier. He claims that these differences in capabilities can form the frontier but make no difference when attempting to "gain leverage when bargaining along it". It is therefore very problematic for the US to gain any advantage when bargaining along this frontier. This situation played out in the Iraq-Kuwait War when the US experienced a decline in their overall bargaining position as a result of its eagerness to intervene compared to any other states with veto power (Krasner, 1991).

Ruttan (1996) and Zimmermann (1993) claim that US administrations have typically regarded financial aid as an important means to achieve their foreign policy objectives. Eldar (2007); Bright (2003); Rostow (1991); Martin (2003); Deen (2002); Eldar (2008) and Dreher *et al*. (2006) all note that the US made numerous promises to various nations: to Colombia, Cote d'Ivoire, Ethiopia, and Zaire for financial aid; to the USSR to block Estonia, Latvia, and Lithuania during the November 1990 Paris Summit conference; to the USSR, they arrange a pledge from Kuwait and Saudi Arabia to loan the Soviets money they needed to catch up on overdue payments to its commercial creditors; to China, the removal of pro-democracy protesters in addition to a loan of $114.3 million from the World Bank.

However, the US enjoyed less success in its attempts at vote-trading in regards to the Iraq-Kuwait War. Eldar (2007) asserts that the main issue actually concerns the US failure to pass

Resolution 1441 which authorized the use of armed force. According to Martin (2003) and Bright (2003), the US attempted once again to buy the votes of non-permanent members during negotiations, either by promising rewards or hinting at punishment for non-permanent members such as Angola, Guinea, Cameroon, Pakistan, Chile and Mexico. Despite having leverage over most of these countries, the US did not hesitate to use their Council membership as they saw fit and refused to vote for the resolution.

The US threatened Yemen to cut off its $70 million annual aid budget to Yemen largely as a result of its outspoken opposition to Resolution 678 and subsequent negative vote (Kuziemko and Werker, 2006). Consequently, Yemen saw its US aid cut when it refused to vote in favour of the Council authorization of the use of force against Iraq. Another example involved the 2003 invasion of Iraq when President George W. Bush, who intended to take the vote to the UN Security Council even though he knew the French were planning to veto, by promising rewards to some of the non-permanent members with aid packages in an attempt to win a simple majority in the Council. While this may not have been entirely consistent with the institutional rules of the UN Security Council, it could have served to "provide some legitimacy to the war for the US audience" (Dreher *et al.*, 2006: 11). From a different perspective, it's my point view that the failure of the US attempt to secure a second UN Security Council authorization to legitimise its actions against Iraq in 2003 was a clear example that the US influence within the mechanism of UN Security Council is, in fact, limited.

4.3 ANALYSIS OF UN SECURITY COUNCIL VETOES AND RESOLUTIONS IN ARAB WORLD

In the previous sections I dealt with the issues of vote-trading, focusing particularly on how this issue affects the outcome of events related to the Arab world. In this section I will analyse, through tables and charts, UN Security Council vetoes and resolutions towards the Arab world, covering the Cold War and the post-Cold War era.

Since the establishment of the UN Security Council, permanent members have issued a number of resolutions and used their power of veto in accordance with their national interests toward the Arab nations. In the period before the end of the Cold War (1946-1955) I have found that the majority of UN Security Council resolutions began in 1948 regarding the Arab-Israel conflict. Table 4.1 and Chart 4.1 show the fluctuation in the number of resolutions between 1946 and 1975 with a total of 102 resolutions passed, followed by a surge to seventy-nine resolutions during the years 1976 to 1985. This number then sharply declined to eight resolutions in 1986 and then fluctuated during the late 1980's, before rising again in 1990. In my view, this was largely a result of tensions within the UN Security Council during the Cold War period (1946-1989). Even when no resolutions were being passed, the UN Security Council did continue to function as normal. It simply meant that during this period the Council could not decide upon and was generally unable to pass resolutions. Following the conclusion of the Cold War period, the UN Security Council was able to return to its proper enforcement role and began to operate more proactively.

Year	Number of Resolutions Passed
1990	20
1989	7
1988	12
1987	6
1986	8
1976-1985	79
1966-1975	55
1956-1965	19
1946-1955	28

Table 4.1: Total UN Security Council Resolutions on the Arab World (1946-1990)
Source: compiled by the author from UN Security Council website
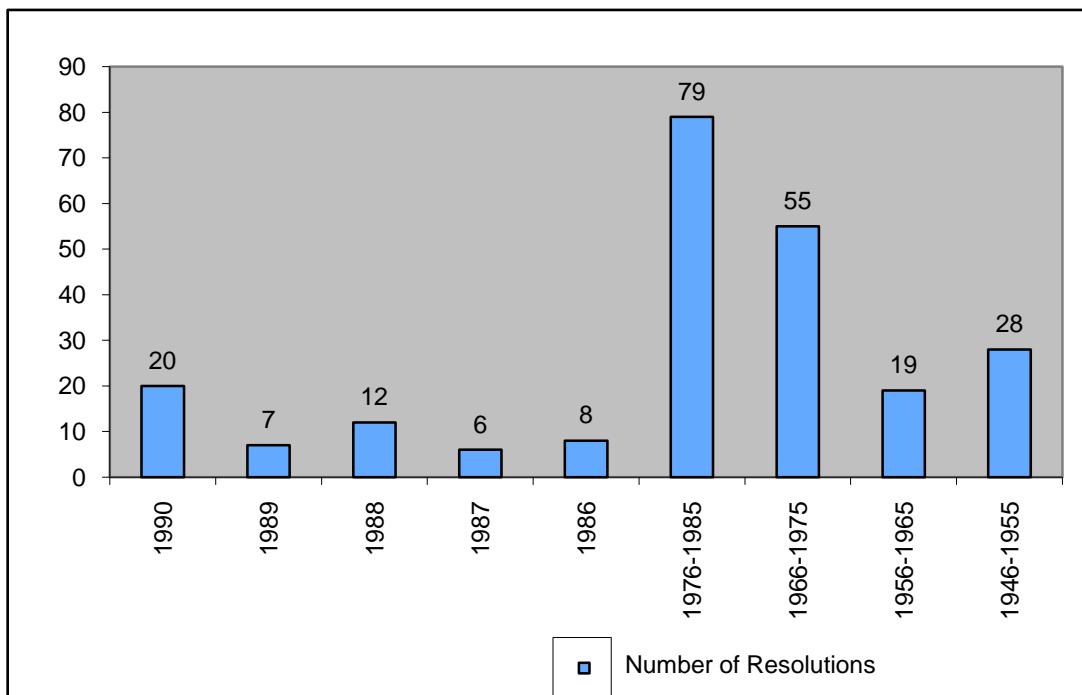
Chart 4.1: Total UN Security Council Resolutions on the Arab World (1946-1990)
Source: compiled by the author from UN Security Council website

The overall picture for this period, as shown in Table 4.2 and Chart 4.2 is very different from the Table 4.1 and Chart 4.1 as the total number of UN Security Council resolutions surrounding issues in the Arab World has increased dramatically. The average number of resolutions fluctuated around sixteen each year.

Year	Number of Resolutions Passed
2006	23
2005	20
2004	17
2003	19
2002	20
2001	12
2000	12
1999	17
1998	17
1997	13
1996	10
1995	6
1994	15
1993	14
1992	14
1991	20

Table 4.2: Total UN Security Council Resolutions on the Arab World (1991-2006)
Source: compiled by the author from UN Security Council website
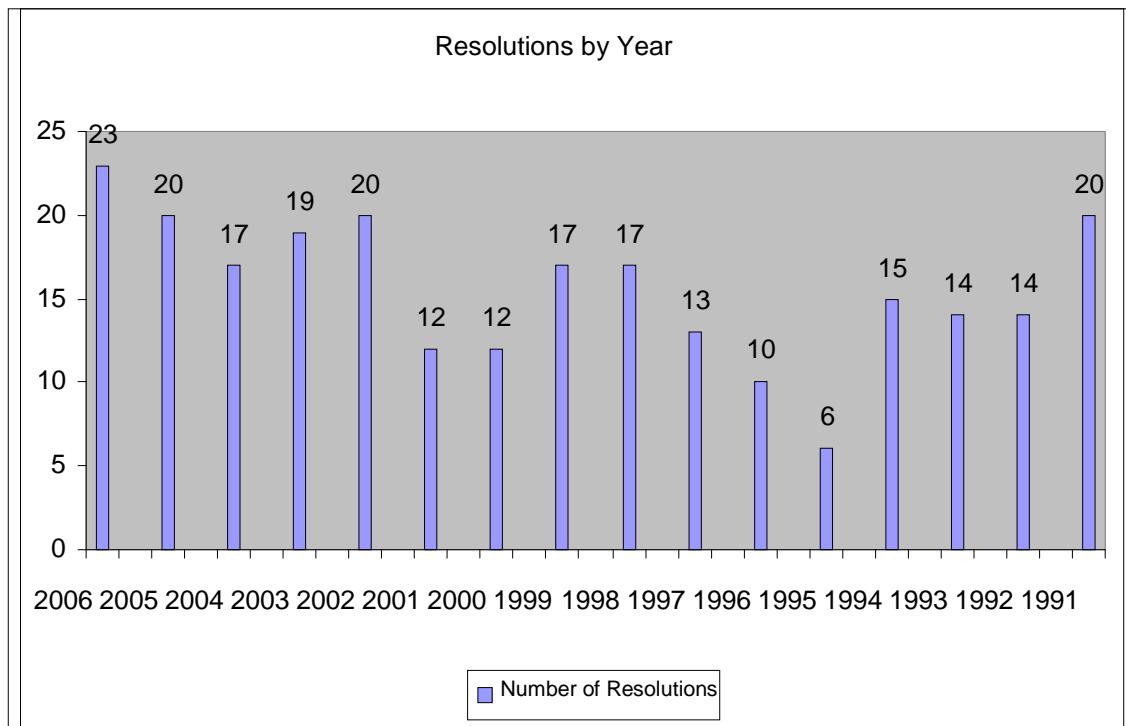
Chart 4.2: UN Security Council Resolutions on the Arab World (1991-2006)
Source: compiled by the author from UN Security Council website

In spite of the increase in the number of UN Security Council resolutions passed during the period following the Cold War, Table 4.3 and Chart 4.3 show that the number of UN Security Council Resolutions relating to the Arab world were fairly evenly distributed across both periods and that these resolutions amounted to about one third of the total number of resolutions across the whole period between 1946 and 2006.

Period	Total Number of Resolutions
1946-1990	234
1991-2006	249
1946-2006	483

Table 4.3: Total Number of UN Security Council Resolutions on the Arab World (1946-2006)

Source: compiled by the author from UN Security Council website
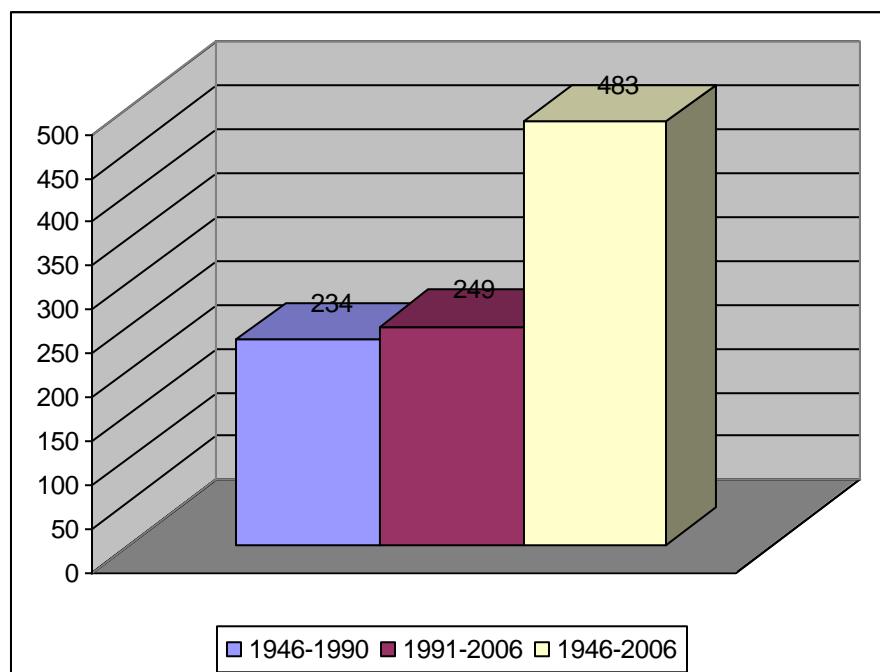
Chart 4.3: Total Number of UN Security Council Resolutions on the Arab World (1946-2006)
Source: compiled by the author from UN Security Council website

Table 4.4 and Chart 4.4 show the US veto percentage rate against the Arab world in the period prior to the end of the Cold War (1946-1990). The US used its veto sixty-nine times, with thirty-one of those vetoes affecting the Arab world. This represents 45% of the total number of US vetoes passed during this period.

US Total Vetoes	US Vetoes towards the Arab World	Percentage Rate
69	31	45%

Table 4.4: The US Veto Percentage Rate on the Arab World (1946-1990)
Source: compiled by the author from Global Policy Forum website

■ 55%   ■ 45%

■ Arab World ■ Rest of the World
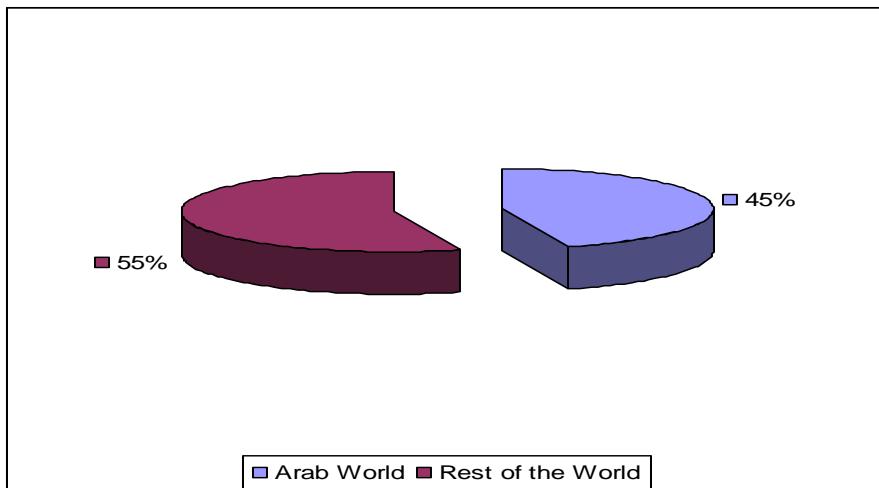
Chart 4.4: The US Veto Percentage Rate on the Arab World (1946-1990)
Source: compiled by the author from Global Policy Forum website

Table 4.5 and Chart 4.5 show the percentage rate of US vetoes against the Arab World in the post-Cold War period (1991-2006). During this time, the US used its veto thirteen times, twelve of which were in connection with the Arab World amounting to nearly 93% of the total number of post-Cold War US vetoes. The world during this period witnessed the dramatic events of the Iraq-Kuwait War, including the defeat of Iraqi forces by an allied command under UN auspices. This action was made possible by changes in the voting behaviour of the veto powers in the UN Security Council.

Total Number of US Vetoes	Total Number of US Vetoes Towards the Arab World	Percentage Rate
13	12	92.5 %

Table 4.5: The US Veto Percentage Rate Towards the Arab World (1991-2006)
Source: compiled by the author from Global Policy Forum website
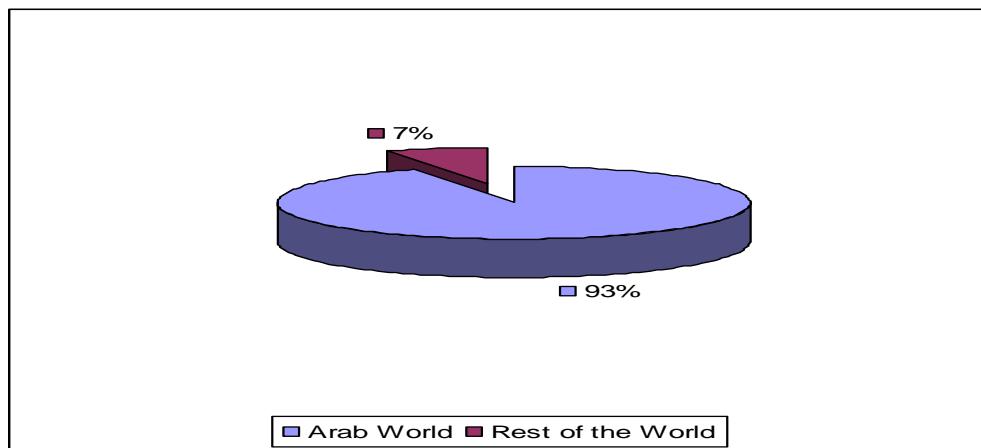
Chart 4.5: The US Veto Percentage Rate towards the Arab World (1991-2006)
Source: compiled by the author from Global Policy Forum website

In the next section I will analyse and discuss the influence of the US on the UN Security Council mechanisms in three background historical perspective models: the Israeli-Palestinian conflict; Iraq as rouge state; and humanitarian intervention in Somalia.

4.4 THE ARAB WORLD: FROM COLD WAR TO HOT PEACE

The Arab world has been one of the most persistent topics on the UN agenda. As we have already seen in the preceding section, the resolutions relating to the Arab world represent a large percentage of the total number of resolutions passed. Perhaps no issue has captured the attention of the international community over the past half century as much as the 'Question of Palestine', which has been debated by the UN since its earliest days. Yet, despite extensive efforts, the issue remains unresolved and continues to require urgent attention (Akasaka, 2008). Since 1948, when

the state of Israel was created, it has become even more of a central issue for the UN as both Arab countries and the US are key players in the Israeli-Palestinian conflict. Martin (2003b) places the role of the US in the context of restraining the Israelis in order to balance its relations with the Arab states. He argues that during the Cold War era the US attempted to boost its own image and contain Soviet influence in the Middle East by supporting means of ending the Arab-Israeli conflict. In one instance President Johnson took immediate action following Israel's victory in the Six Day War in June 1967 by making a public declaration on the principles of peace. Subsequently, along with US Ambassador to the UN Arthur Goldberg, Johnson drafted Security Council Resolution 242 which was approved in November 1967. His successor, President Nixon, took part in discussions among major powers about possibilities for settling the conflict in 1969 and endorsed a plan proposed by Secretary of State William Pierce Rogers, which came to be known as the Rogers Plan. Following the outbreak of the Yom Kippur War in 1973, Secretary of State Henry Kissinger planned UN Security Council Resolution 338 that supported Resolution 242 and allowed for direct negotiations between the opposing parties involved in the conflict (Martin, 2003b). However, Schwenninger (2003) summarizes that all US Presidents up to George W. Bush have followed essentially the same three-part strategy: the subsidization of the defence of Israel; the promotion of some kind of peace process between Israel and its neighbours; and promoting a peace process between the Israelis and Palestinians.

The Iraq-Kuwait War in 1990-1991 was seen as the first test of the new sense of willingness among superpowers to cooperate with each other in order to preserve world peace and stop aggressor states through collective security, an idea that included the dream of peace in the Middle East. There are different perspectives regarding the actual outcomes of the 1990-1991 Iraq-Kuwait War. Branch (2005) argues the authorization of force by the UN Security Council

was facilitated by the American interest in driving Iraq from Kuwait. While the US massed its forces in the Arab Gulf, it sought Council authorisation as a means of establishing the anticipated invasion's legality. However the clearest outcome is the liberation of Kuwait. Ghali (1996) saw the Iraq-Kuwait War as the first step on the path to a more proactive UN whose armed forces would be permanently ready to conduct UN Security Council authorized interventions. Waage (2007) contends that the Iraq-Kuwait War left its mark on the region's political landscape. Nye (2003) and Gendzier (2002) both emphasise that the link between the Iraq-Kuwait War and the Israeli-Palestinian conflict materialised in Madrid where the US and its allies supported negotiations between Israel and Palestine.

With the conclusion of the Iraq-Kuwait War, the peace process between Israel and Palestine became the major foreign policy initiative concerning the US within the region (Erdem, 2004). Shannon (2003) and Pubantz and Moore (2003) write that the UN victory in the Iraq-Kuwait War directly resulted in an effort by the Bush administration to reach a comprehensive peace settlement of the Israeli-Palestinian dispute. These developments were perceived by Israel as a "window of opportunity" to be exploited in order to re-examine the conflict with the Palestinians (Tov, 2007). The issues of the Iraq-Kuwait War and Israeli-Palestinian conflict eventually become intertwined with the approval of the US and the UN Security Council. While it did offer hope for achieving peace, it also put the UN in the risky situation of being perceived solely as a means of achieving American foreign policy objectives in the region (Pubantz and Moore, 2003).

The proof for this may be seen through the fact that American sponsorship of the Madrid Peace Conference (sometimes referred to as the 'Madrid talks') outweighed the contributions of other countries including those of individual EU member states and Russia without substantive participation of the UN (Nye, 2003). The Madrid Peace Conference led to the covert planning of

what emerged as the Oslo Accords in 1993, leading to a series of pacts premised on the continued Israeli control over the occupied territory. Gordon (2003) contends it was the Palestinian decision to accept the peace process was brought about partly by defeat of Iraq in Kuwait and the collapse of the Soviet Union.

Following the Madrid Peace Conference, and after more than a decade of negotiations based on ever-changing ground rules, the Arab League forged a new dynamic in the Israeli-Palestinian conflict by involving the UN Security Council to restore peace and security to the region (Ezzat, 2006). Amer Moussa, former Secretary-General of the Arab League, declared that the central aim was to directly engage the UN Security Council and force the Council to accept that Arabs were no longer prepared to play the game of endless negotiations with Israel. He stated that: "[we] are not going to the UN Security Council to get yet another 'unimplemented' resolution on the Arab-Israeli conflict, nor are we going there in the naïve thought that our mission is easy or can necessarily be accomplished" (cited in Ezzat, 2006: 5).

The peace process was revived in late 1998 and following eight days of US-sponsored talks in Maryland, Israel and the PLO signed the Wye River Memorandum in Washington, D.C. on 23 October. The agreement was signed by Israeli Prime Minister Netanyahu and Palestinian President Arafat in the presence of President Clinton and King Hussein of Jordan. As part of the agreement, Israel would withdraw its troops from 13% of West Bank land and transfer 14.2% of this land from joint Israeli-Palestinian control to Palestinian control. In addition, both sides would immediately resume permanent status negotiations and the Palestinian Authority pledged to take action to combat terrorism. The memorandum was praised by Secretary-General Kofi Annan as a promising development in the Israeli-Palestinian peace process. On 2 December, the

General Assembly adopted a resolution expressing its support for the peace process and its hope that the memorandum would be implemented in full (Akasaka, 2008).

Although Arab members of the UN encouraged the Bush administration to include the Palestinian Authority in renewed peace talks, Washington sent Special Representative Anthony Zinni to the region to declare Arafat no being longer suitable as a peace partner since officials linked him to terrorist organizations, thereby painting him as an enemy in the "war on terrorism". In December 2002 a proposed UN Security Council resolution sponsored by Egypt and Tunisia condemned Israeli occupation of Palestinian towns, the excessive use of force, and established a UN "monitoring mechanism" in these territories in accordance with the Mitchell Report. This measure was swiftly defeated by a US veto. US Ambassador John Negroponte said the resolution made no "meaningful contribution" to the peace process, and ignored President Arafat's failure to arrest those responsible for terrorist attacks on Israeli civilians. That veto symbolically ended the era of close UN-US cooperation on the Israeli-Palestinian peace process (Pubantz and Moore, 2003).

Haas and Indyk (2009) have both attributed the US with bringing stability to the Arab region and state that it has been the most influential power involved in the Middle East. However, its power decreased following the failure to reach an acceptable resolution for the Arab-Israeli conflict, the war in Iraq and the persistence of Arab authoritarian regimes which remained impervious to any attempts at democratization. Perhaps the US was overlooking some of the principle concerns for the region while it developed a reputation for "arrogance and double standards" among countries in the Arab world. On the contrary view, Curtis has shown that there often exist double standards in regards to evaluating how Israel conducts its foreign affairs. The state of Israel has often been subject to strong levels of criticism from the international community whilst atrocities or unjust

conduct elsewhere is overlooked or "regarded with indifference or apathy". He argues that the criticism directed towards Israel has gone "beyond legitimate criticism" (Curtis, 2012: 345).

4. 5 THE ARAB-ISRAELI CONFLICT AND THE UN SECURITY COUNCIL

Security Council Resolution 242 remains the UN blueprint for a settlement of the Arab-Israeli conflict. Perry (1977) argues that following protracted negotiations on 22 November 1967, the UN Security Council unanimously adopted resolution 242, calling for 'a just settlement of the refugee problem' "was not equally flexible in anticipating the future" (Buehrig, 1979: 439). Resolution 242 also set forth several principles for a peaceful settlement in the Middle East. These included the withdrawal of Israeli armed forces from territories occupied in the recent conflict, respect for the territorial sovereignty, integrity, inviolability and political independence of every state in the area, as well as the right to live in peace within secure and recognized borders (Akasaka, 2008). Resolution 242 has been the basis for most international plans for peace in the region since 1967 (Shalim, 2011).

The issue of the Israeli-Palestinian conflict has always been a convergence point among leaders of the Arab world, which affected the Israeli attitude surrounding the peace process for years, as Israeli officials accused the Arab nations standing in solidarity with the Palestinians. The Arab world largely supported the Palestinian side of the issue and introduced numerous resolutions to the UN Security Council condemning Israeli actions. From the Israeli perspective, however, the UN is sometimes misused to subject Israel to punitive laws based on the principle of universal jurisdiction. According to this perspective, Arab nations including Palestine and those who support them attempt to make Israel's responses seem disproportionate and unjustified in an attempt to "weaken international support for the Jewish state" (Curtis, 2012:12).

Egypt and Jordan both accepted resolution 242 in 1967. Israel also accepted it, but stated that the questions of withdrawal and refugees could only be settled through direct negotiations with the Arab states and a comprehensive peace treaty. Syria rejected the resolution, maintaining that it linked the central issue of Israeli withdrawal to concessions demanded by Arab countries. The PLO, formed in 1964 to further Palestinian interests, strongly criticised the resolution, which it claimed reduced the Palestinian question to a refugee problem alone (Akasaka, 2008). However, different parties attempted to leverage Resolution 242 to their own advantage and the challenge presented by Soviet policy became a "constant preoccupation" for the US. This led to the two competing superpowers attempting to supply arms to the opposing sides. The UN did not provide enough of a unifying force to proceed with the original plan, but this can be understood given the nature of the Arab-Israeli conflict and the competing powers in such a critical location as the Middle East (Buehrig, 1979).

In October 1973, war broke out between Israel and Egypt in the Suez Canal and the Sinai, and with the Syrian Arab Republic on the Golan Heights. After a joint request made by the Soviet Union and the US for an urgent meeting of the UN Security Council, Resolution 338 was adopted on 22 October. This reaffirmed the principles of resolution 242 and called for negotiations aimed at 'a just and durable peace in the Middle East'. This resolution was itself reaffirmed in Resolution 339, adopted on 23 October, following which the Secretary General was asked immediately to dispatch UN observers (Akasaka, 2008).

However, Mréjen provides a historical background of the UN resolutions that had been taken to in favour to the Palestinian due to the admission of many new member states following the formation of new states following decolonization movements in the 1960s, many of which were either Arab states or generally supportive of or share many of the issues faced by the Arab

world. For the first time since its founding, the number of developing countries in the General Assembly represented a majority, which proved to be advantageous to many Arab states (Mréjen, 1998). Holloway and Tomlinson describe the situation that emerged in the following terms: "The formation of the largest bloc of Third World States can be roughly simplified as a bargain between Arab and African states: the Arab states voted with Africa to condemn South Africa and in return the African states voted with the Arab states to condemn Israel" (Holloway and Tomlinson, 1995: 230).

A coalition formed between Arab states and the Soviet Union in the 1970s successfully led to convincing international organizations to label Israel as a racist state. The justification behind this label was based on the idea that the conflict was based on one racial group committing "inhumane acts for the purpose of establishing and maintaining domination…over another". Many Arab and Soviet bloc states sought to convince other Muslim and developing nations to condemn the actions of Israel using the UN General Assembly as a forum for their discontent. Perhaps the most extreme example of this movement was when the Resolution 3379 was passed by the UN General Assembly in 1975. This resolution effectively declared that: "Zionism is a form of racism and racial discrimination" and passed with a vote of 72 to 35 with 32 votes in abstention (Curtis, 2012: 345).

On the platform of UN General Assembly, Palestinian leader Yasser Arafat, in an impassioned plea, pointed out Israel's defiance of principles of international legitimacy and community in his speech at UN General Assembly in 13 December 1988 by comparing it to Palestinian compliance. He implored members of the General Assembly to remember that the Arab-Israeli peace process was based on the legal framework of the UN and reminded the audience of their compliance with the 1974 Vance-Gromyko declaration and Brezhnev's peace plan along with

many others that were put forth. He continued: "What was Israel's reaction to all that? Please note that all these peace initiatives, plans and statements to which I have referred were even-handed. None of these initiatives ignored the demands and interests of any of the parties involved in the Arab-Israeli conflict. Israel reacted to all that by building more settlements" (Arafat, 1988).

Murphy traces the reason back to the instance when Yasser Arafat confirmed at a press conference in Geneva on 14 December 1988 that he supported the existence of a "peaceful and secure" Israeli state and formally renounced international terrorism. This effectively removed major impediments to reaching direct and open dialogue with the US (Murphy, 1997). In December 2000, the UN Security Council took the first of two of its most dramatic actions in the new millennium on the Arab-Israeli dispute when it came within one vote of a majority approving a standing military force and policy observers for the occupied territories (Pubantz and Moore, 2003). The first action would have simultaneously handed the Palestine Authority President Arafat a huge diplomatic success and inevitably triggered an American veto on behalf of the embattled government of Ehud Barak. The second action occurred when President Bush declared to the UN General Assembly on 10 November 2001 that "we are working toward a day when two states, Israel and Palestine, live peacefully together within secure and recognized border as called for by UN Security Council resolutions" (Bush, 2001: 88). The idea of the states was formalized on 12 March 2002 with the passage of UN Security Council Resolution 1397.

Although the UN Security Council has shown great interest in maintaining peace in Arab-Israeli conflict and the Middle East in general, little of its work has brought about any major changes in the situation. Miftah (2002) argues that the implementation of the UN Security Council resolutions has proven difficult, as the use of violence by both sides continues. Zunes (2001b)

contends that the main reason for Israel's defiance of UN Security Council resolutions is due to the unconditional support the country has been given by the US. However, while the US has indeed offered "quasi-unconditional support" for Israel, it has also served as an intermediary in Israeli-Palestinian peace negotiations and sought comprehensive peace in the Middle East (Cameron, 2005).

4.5.1 THE US VETO AT THE UN SECURITY COUNCIL TOWARDS THE ARAB-ISRAELI CONFLICT

Furthermore, in addition to a long list of UN General Assembly resolutions that Israel has not complied with, there is also a long list of UN Security Council resolutions that the US blocked to protect Israel from criticism by the international community. The US cast its first veto in 1970 to support the UK, which was under UN Security Council pressure to end the white minority government in Southern Rhodesia (now Zimbabwe). Since that time, the US has used the veto repeatedly. For the purposes of critically analysing the importance of these issues within the UN Security Council, I have compiled information data on resolutions arranged by date. In the next section these will demonstrate that the UN Security Council has adopted eighty-seven resolutions since 1948 that have dealt with Palestine, seventy-four of which were adopted during the Cold War period while only thirteen were adopted in the post-Cold War period. This count excludes those dealing with other aspects of the Arab-Israeli conflict such as the lack of compliance with the Armistice Agreements of 1949 and with several Israeli attacks against Arab targets including Gaza (the Egyptian Army), Lake Tiberias (perhaps better known as the Sea of Galilee), Beirut Airport and other parts of Lebanon, as well as the Syrian-occupied Golan Heights.

The US has vetoed eighty-two UN Security Council resolutions since the founding of the UN, almost half of them cast, by all appearances, on Israel's behalf. Whereas the US vetoed eighteen

times during the Cold War period, and twelve times in the post-Cold War period. The Israeli-Palestinian conflict has accounted for nearly half of all vetoes exercised by the US in its determination to block UN Security Council actions perceived to be critical of Israel. Through qualitatively analysing the data on the use of veto power by the US, I have found that nearly 93% of the US vetoes in regards to this situation have been cast to support Israel and to oppose Palestine.

In addition, the Israelis have refused to comply with at least thirty-four UN Security Council resolutions by not only persisting in building new settlements in violation of international law, and refusing to withdraw from Palestinian territories, but also by its military occupation which violates the wording and intent of the Fourth Geneva Convention. Zunes (2001a) also supports the view that the US blocked the enforcement of UN Security Council Resolutions which called for Israel to withdraw its settlements from Palestinian land. Moreover, the US has not opposed the expansion of existing settlements, effectively placing the US in direct violation of UN Security Council Resolution 465, which prohibited states from providing Israel with assistance that could be used directly towards settlements in occupied territories.

Moreover, recent US vetoes have been more difficult to directly link to the Israel-Palestine conflict because they appear to be more generally concerned with quite different issues and situations. However, some American officials such Secretary of State Warren Christopher, raised the American official view regarding how the US still use its permanent seat in the UN Security Council when he stated "we are using our permanent seat on the UN Security Council and bringing our considerable weight to bear to make sure that the UN more effectively responds to crises in a manner consistent with US interest" (Christopher, 1995: 14). Nonetheless, the UN has still been ineffective at resolving the ongoing Israel-Palestine conflict.

4.6 THE IRAQ SCENE

For more than fifty years, US relations with Iraq have been one of the most critical aspects of US foreign policy in the Middle East (Haass and Indyk, 2009). The US has frequently intervened in Iraq and the amount of influence the US has had in regards to the country has been broad, due to Iraq's strategic location in the Middle East and its oil resources. Perhaps the most notable example is the instance when Iraq invaded the small nation of Kuwait (which at around 18,000 sq. km is slightly smaller than the state of New Jersey) on 2 August 1990 and the US subsequently took great measures to work through the UN to expel Iraq from Kuwait. Pubantz and Moore (2003) write that the UN Security Council, encouraged and passed strict resolutions demanding the withdrawal of Iraq from Kuwait. Thompson (2006) notes that the US sought UN Security Council resolutions at every stage of the conflict. However, the use of force was only allowed after twelve resolutions with Resolution No. 678, which authorized the Council 'to use all necessary means'. Some analysts argue that, by convincing the UN Security Council to authorise the use of force, the use of force by the US was legitimised and it achieved greater support for its aim to secure the oil resources throughout the whole region.

4.6.1 THE IRAQ INVASION OF KUWAIT

The Iraq invasion of Kuwait which began on 2 August 1990 was a standard template for the US to lead international military action with contributions from over thirty countries, ten of which were Arab nations. Dunne states that President Bush Sr. stated two main objectives to be achieved through successful military force in Iraq. Firstly, the Americans would forge a "new world order" and secondly the nation would "kick the Vietnam syndrome once and for all" after it had achieved military victory. The realist interpretation of these actions would be that the US wanted to ensure that Hussein's regime from gaining control over Kuwait's underground oil

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reserves which represented 9 per cent of all known oil reserves, the 26 per cent in Saudi Arabia and 11 per cent in Iraq, representing 46 per cent of the global oil supply in total (Dunne, 2003).

When news of the Iraqi invasion arrived in Washington, officials reached a consensus to proceed with drafting a UN Security Council resolution and called an emergency meeting. Wilkinson and Sullivan (2004) note that calling an emergency meeting most likely prevented a number of members from communicating with their governments in order to obtain instructions. The fifteen UN Security Council delegates began informal consultations at midnight, a slight delay of two to three hours than the usual one hour normally allotted for an emergency meeting. In this meeting, US Ambassador to the UN Thomas R. Pickering presented a strongly worded draft resolution. The Council's review of this US draft resolution offered no serious disagreement (with the exception of Yemen) on its substance, and the delegates adopted Resolution 660. This resolution stated that under Articles 39 and 40 of the UN Charter, the international community condemned Iraq's invasion of Kuwait and demanded that Iraq immediately and unconditionally withdraw all its forces from their positions. Internally, Washington had declared a national emergency in the US in order to mobilize American public opinion to actively support the UN Security Council in adopting further resolutions against Iraq. As Wright (2005) adds, the US adopted Executive Order No. 12722 which blocked all Iraqi assets in the US. The following Executive Orders, No. 12724 and 12817 were put into effect to ensure compliance national with UN Security Council Resolutions 661 and 778 (Wright, 2005).

It can be reasonably argued that the Iraq-Kuwait War provided a standard template for Security Council action in the post-Cold War period. One point that is especially relevant in this context is that the war led to a broader consensus than ever before on the use of 'all necessary means' as the principal expression authorizing the use of force. It marked the first time when all five

permanent members of the Council were clearly in agreement on the use of force. It also expanded the concept of threat in three new directions: WMDs; terrorism; and human rights (Hikaru, 2005). Despite the fact that the liberation of Kuwait in 1990 had UN approval, some still regard it as the Bush administration's manipulation of a multilateral instrument to carry out an essentially unilateral war. According to this argument, the US did not consider negotiations or sanctions to end the Iraqi occupation of Kuwait because it felt the need immediately to assert its global military power in the post-Cold War era. Although Kuwait's oil was undeniably important, 'the real goal was the reaffirmation of US strategic power in the oil-rich Middle East' to show the world that the collapse of the Soviet Union would not make the US relinquish its goal of hegemony in the region. Indeed, Bush distorted the message of the Carter Doctrine which was designed to keep 'any outside force' from dominating the Arab Gulf by asserting the right of the US to control it. Since the Soviets needed Western economic aid, this effectively guaranteed Mikhail Gorbachev's cooperation and prevented him from deploying Russia's Security Council veto. In order to avoid concerns in Congress about going to war before first imposing sanctions against Saddam Hussein, Bush did not request approval for Operation Desert Storm until he had committed over 500,000 troops, put together an international coalition and obtained UN Resolution 678 authorizing the use of force (Joan, 2008).

The US was working within the UN Security Council team and international coalition. However, Youngs and Bowers (2002) argue that although the US had moved towards a policy of supporting regime change in Baghdad, the UK had indicated only a general level of support for such a policy and continued to insist on maintaining UN sanctions pending a full investigation. The other permanent members expressed their opposition to an enforced regime change, indicating a loss of cohesion among them. The French government for example, did agree that

Iraq should work with the United Nations Special Commission (UNSCOM) and "dismantle all of its WMDs" per UN Security Council Resolution 687. However, it was against the intention of the US to maintain comprehensive economic sanctions against Iraq until regime change had finally been brought about (Pia, 1998). In the French view, Saddam was unlikely to be ousted for quite some time and that sanctions ought to be lifted as soon as Iraq had complied with the relevant UN Security Council resolutions.

There is a substantial debate surrounding the utility of the economic sanctions that were adopted by the UN Security Council against Iraq. Certainly they do not work quickly and they may not always work effectively (Pape, 1997). But at times they can have enormous impact and lead to successful regime change or political reform. The sanctions imposed on Iraq after 1991, though often criticised for the devastating consequences they brought about for the civilian population and largely unsuccessful in toppling Hussein, nevertheless had a huge impact on Iraq. This impact was, ironically, one that contributed to the difficulties of reconstructing Iraq after the Hussein regime eventually fell in 2003 (Miller 2006). This issue divided the UN Security Council throughout the years since some members wanted to change the sanctions when it became clear that it was the civilian population that was affected most devastatingly. Other members backed the idea of gradually loosening the restrictive measures as a reward for the cooperation of the Hussein regime (Sponeck, 2005)..

Arab support for the 'liberation of Kuwait' in 1991 decreased sharply following the US for the attack of Iraq in 1997 focused on two main points: that it was a violation of the territorial integrity of a sovereign Arab state, and that it increased the suffering of the Iraqi people, already hard hit by the economic sanctions imposed following the Iraq-Kuwait War 1990-1991 (Watkins 1997). However, following years of disagreement between the UN Security Council and Iraq

about how to best shield the civilian population from the devastating effects of sanctions; the UN and Iraqi government signed a memorandum in May 1995 which created humanitarian provisions through the Oil-for-Food Programme (OFF) (Sponeck, 2005). The US also sought to limit the impact of economic sanctions in response to criticism along humanitarian lines when Washington backed UN Security Council Resolution 986, establishing the controversial Oil-for-Food Programme (OFF) which allowed Iraq to sell its oil in order to purchase food, medicine, and humanitarian items. The US and its allies had taken steps through the UN Security Council to protect Iraqi communities from Saddam's regime. Byman (2001) points out that Washington backed UN Security Council Resolution 688 which demanded that Iraq respect fundamental human rights. It also enforced a no-fly zone in Northern Iraq and later in Southern Iraq to protect Iraq's communities.

In the case of Iraq, it is much less clear if and how the UN Security Council has failed. To some, such as Mréjen, (2007) who use the example of the disintegration of the Soviet Empire and the active role played by the UN Security Council in the liberation of Kuwait from Iraqi invasion in 1991. However, some believed the UN Security Council had failed in that it did not prevent the US intervention in Iraq in 2003. In situations such as Iraq, the UN can only realistically pursue two options. The first option would if multilateral compromise failed, then failure should "be perceived as costly by the offending state" and the UN should increase the cost for states taking strong unilateral action in the future. The second option would be if a multilateral compromise were achieved then more states would have a say in how the intervention would be conducted which could be seen as either a success or failure. However, despite this, the institutional design in the case of Iraq differs greatly from that of Sudan. For instance, despite certain changes in how China conducts itself within the UN Security Council, it has not generally been instrumental

in taking collective action although it is critical in determining how quickly such actions can be taken politically (Voeten, 2001).

4.6.2 UN SECURITY COUNCIL AND IRAQ IN THE POST-11 SPETEMBER ERA

During the Cold War, the UN Security Council's decisions on terrorism, the position that was generally adopted was that terrorism was a domestic or "local" problem to be solved by the state that was afflicted by it (Luck, 2006). In the post-Cold War era, the UN Security Council took a tougher stance against terrorism. For example, it identified Libya and Sudan as "rogue" or "pariah" states (Cortright and Lopez, 2000). However, this was somewhat symptomatic of a pattern of counteracting terrorism that continues through the post-11 September period in which a general strategy is adopted through the Security Council which must then be implemented "individually and independently" by member states (Messmer and Yorda, 2011).

In the post-11 September context, Iraq was constructed by members of the Bush Jr. administration such as Rumsfeld and Wolfowitz as a potential protagonist in the 'war on terror' with an alleged capacity and will to give terrorist groups access to WMDs. Pubantz and Moore (2003) note that following the events of 11 September, Washington regularly commented on the irrelevance of the UN in the Middle East. Wilkinson and Sullivan (2004) draw attention to President Bush's in a speech on 12 September 2002 to the General Assembly in which he said: "We will work with the UN Security Council for the necessary resolutions. But the purposes of the US should not be doubted. The UN Security Council resolutions will be enforced - the just demands of peace and security will be met – or action will be unavoidable. And a regime that has lost its legitimacy will also lose its power" (Bush, 2002b: 146). It is my opinion that Bush's speech indicated a decisive shift by the US government towards obtaining international legitimacy to simply force Iraq to comply with UN resolutions. This flippant approach to gaining

international legitimacy came to fruition less than one year later when the US invaded Iraq in March 2003 despite its failure to secure UN Security Council authorization to use force.

Diplomatically, the US and UK launched joint diplomatic efforts to receive endorsement for the use of force against Iraq in 2003. Although the diplomacy itself may have been flawed and failed at achieving certain objectives, it does speak to the importance ascribed to the "legitimising role" of the UN Security Council itself. In addition, the US and UK both sought to justify the use of force and justify military action through the resolutions of the UN Security Council. This does demonstrate to some degree that neither the US nor the UK believed they could pursue certain action without a certain level of endorsement and legitimacy bestowed by the UN (Berdal, 2003).

Although the administration argued that it deserved credit for the absence of further terrorist attacks on US soil during Bush Jr.'s time in office, critics claimed that his approach had actually radicalized many in the Middle East and made resisting terrorism much more difficult. This was compounded by the administration's propensity to manipulate information for political effect, most dramatically demonstrated by Colin Powell's presentation to the UN on the case for war against Iraq. When, subsequently, no WMDs were found, America's intelligence advantage in the world was severely weakened (Joan, 2008). Powell's faulty information is consistent with the viewpoint of Dunne when he argues that many members of the Bush Jr. administration were "determined upon another US-led invasion of Iraq" regardless of whether Hussein agreed to comply with UN Security Council resolutions (Dunne, 2003).

The Iraq War in 2003 raised many questions in the minds of the public, especially those in the Arab world. According to Edwards and Hinchcliffe (2004), never before in the history of the Arab region had so many Arab countries pursued collective military action against another

fellow Arab nation. In addition, never before had the UN authorized the use of force against a member state with the consenting votes of two superpowers (the US and Soviet Union). In my view, the perspectives of many Arab leaders were somewhat different toward international community action against Iraq during the 1990's and most of them are joined or support the action at list. However, when the US invaded Iraq in 2003 the perspective of the Arab leaders came together and they criticized the war which they generally perceived as being not only morally wrong, but illegal according to international law. For instance, former President Mubarak listed a few, in his speech to Egyptian officers from the 3rd Field Army in 2003 including "the credibility of the international system of collective security represented by the UN; the ability of the Arabs to create a strong system of collective security among themselves; and the feasibility of trying to achieve a minimal level of consensus among the Arabs built on mutual trust". He asserted that these main principles would be critical in meeting the unique challenges faced by Arab countries (cited in Khalil, 2003: 3).

Mubarak also said that Egypt and other countries worked hard to prevent the war, that military confrontation should never have been an option and that the standoff should have been resolved peacefully. However, he said that despite the American and British attempts to rally international support for the use of military force in Iraq, Egypt would remain "in opposition to this war and it will not take any part in military operations against brotherly Iraq" cited in (Khalil, 2003: 3). Mubarak claimed that the war would have serious repercussions for the national security of Arab countries, as well as on overall international peace and security and the effectiveness of the UN's global role. Surveying the damage the war will cause, Mubarak stressed that "the tensions on the international and regional arenas will have dire political, economic and social effects, which will be difficult to deal with in the short term." Additionally, he cautioned that the war will spawn

"one hundred more Bin Ladens" and continued to warn that "when this war is over, if it's over, it will result in horrendous and immense consequences," stressing that "terrorism will rise and it will never be safe again" (cited in Khaill, 2003: 3).

Gadhafi also described the invasion of Iraq in 2003 as a fatal mistake made by the UN Security Council permanents members and a "violation of the UN Charter" that was undertaken without proper justification from the superpowers involved and permanent members of the Security Council involved. He continued to point out that "Iraq is an independent country and a member State of the General Assembly. How could those countries attack Iraq? As provided for in the Charter, the UN should have intervened and stopped the attack" (Gadhafi, 2009: 20).

The Iraq crisis was multifaceted in that it was a struggle between a superpower and certain members of the Security Council seeking to contain its power. As such, the diplomatic skirmish between the US and France can be interpreted as a disagreement "between two geopolitical approaches in which the UN role is just a pretext". Perhaps it was not the role of the UN and the Security Council that were at stake in these diplomatic disputes, but the relevance of American power itself in the post-11 September era (Berdal, 2003: 34). Another construction is to see a clash between geopolitics and international law. On one hand the US was "invincible but not invulnerable" and remained to take any possible measures and bear any costs necessary to protect its own national interests. On the other hand, were the legal and political aspects of the UN that as the embodiment of international rules and norms exerted a certain level of constraint on the US. With regards to Iraq, the US did demonstrate its readiness to be constrained by the UN, but did express certain limitations and boundaries in terms of preserving its critical national interests (Glennon, 2003).

In the past, the failure of the five permanent members of the UN Security Council to reach consensus in the past and the bipolarity of the international system made it more difficult and less likely that the US would be able to gain enough multilateral support to go against its opponents. The post-Cold War era represents a departure from this in that countries must rely on rallying multilateral support through international institutions such as the UN. Courses of action such as gaining support or forming coalitions is more acceptable than taking unilateral action in the international community. The cases of the Iraq-Kuwait War in 1991 and the War in Iraq in 2003 demonstrate the changes in international support for US international military intervention. In both instances the President relied on the legal authority of the War Powers Resolution in order to deploy troops in the region without either gaining prior Congressional approval or formally declaring war, a tactic which was not warmly welcomed by the international community. Also, both cases share multiple factors including the inherent interest in securing access to oil resources, seeking regime change and acting against what was perceived as a rogue state aspiring for regional hegemony based on Saddam Hussein's invasion of Kuwait and the regime's interest in acquiring WMDs. However, these cases are different in that President Bush Sr. and Bush Jr. used the war powers based on their own discretion. During the Iraq-Kuwait War, President Bush Sr. secured international support from the UN Security Council in order to adopt Resolution 678 which authorized "all necessary means" to expel Iraqi forces from Kuwait. In compliance with the reporting requirements contained within the War Powers Resolution, President Bush Sr. made it a priority to report to Congress on the activities in Iraq and publicly expressed his willingness to pursue multilateral action to resolve the conflict. In addition, he made sure not to allow boots on the ground in Baghdad prior to receiving UN approval or multilateral support. This was done to ensure that any US military action would first gain

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international legitimacy by seeking multilateral cooperation and approval for its actions taken within the "acceptable parameters" of the international community (Schiffer and Currier, 2008). In contrast, President Bush Jr. did not gain the support of the UN Security Council prior to the 2003 War in Iraq. This course of action was unilateral in two ways, firstly, at the international level in that he did not seek to gain support for his actions with the US's allies and domestically since Congress was not adequately consulted prior to taking action (Dumbrell, 2002).

4.7 THE SOMALIA SCENE

With the termination of the Cold War, it is often asserted that international relations no longer have a basic logic or common thread. A contrary view holds that many analysts' confusion about world politics stems from the irrelevance of the traditional realist paradigm (Gibbs, 2000). The controversial humanitarian intervention in Somalia in 1992 was a paradigm of the 'new world order' as it was called by President Bush. However, it was not the order expected by President Bush and others in the West. It was the first time since the end of the Second World War that the US had intervened militarily to safeguard the lives and welfare of foreign citizens rather than in the interest of national security (Patman, 2006). In addition, it was the first instance of the Security Council authorising humanitarian intervention based on Chapter VII without prior approval from the sovereign government itself (Melvern, 2001).

4.7.1 SOMALIA AND THE UN SECURITY COUNCIL

The Somalia Crisis became a severe threat to the UN following the announcement issued by the UN Security Council on 31 January 1993 which outlined new factors that would be considered as potential threats to international peace and security. Nabeel (1993) argues that the declaration—the absence of military conflicts and wars between countries—was not in itself a guarantee for international peace and security. However, non-military services caused instability

in economic, social, and human spheres and could therefore pose certain threats to international peace and security. It was important that the member countries of the UN unanimously formed priorities to solve these issues by working through the appropriate UN establishments.

The UN Security Council resolutions issued in response to the Somali crisis considered the volume of human sorrow, grief and distress resulting from the crisis as a threat to international peace and security. Adamor (2004) notes that UN Security Council Resolution 733 confirmed the contents of the report submitted by the former UN Secretary-General Boutros Ghali which stated that the continuation of the Somali situation threatened international peace and security. The second paragraph of the resolution requested that the UN Secretary-General seek out the necessary procedures to increase the humanitarian assistance that could be provided by the UN through its specialist agencies in co-ordination with other human rights organizations.

In response to this resolution, the UN Security Council issued Resolution 746 which confirmed that the situation in Somalia threatened international peace and security and requested that a committee be sent to Somalia to put a quick resolution in place. However, Adamor (2004) contends that Resolution 767 of August 1992 actually requested the deployment of 750 soldiers in the four regions into which Somalia had become divided.

Following the American offer to provide military leadership in Somalia, the UN Security Council issued Resolution No. 794 which specified concentrating on the humanitarian catastrophe and providing a safe environment for humanitarian aid caravans. Although the UN Security Council gave consent for an official delegation of mainly American forces to initiate a military action in response to humanitarian considerations in another country, this military action had not been requested by Somalia. As a result, US Congressmen sought to reduce the country's

contributions toward UN peacekeeping efforts in "direct response to the perceived failures in Somalia" (Clarke and Herbst, 1996: 71). In addition, as Ali (1995) notes, the crisis was to be considered a priority, which had never before occurred in the history of the UN. In both the pre- and post-Cold War eras, the UN Security Council has consistently mandated peacekeeping operations as the primary mechanism for restoring peace and security and protecting civilians. Indeed, although the efficacy of UN peacekeeping missions in restoring lasting peace remains debatable, Cox (1999) argues that the credibility of the UN in the future is largely dependent on its ability to successfully conduct peacekeeping operations.

In the eyes of the international community, the US appeared to be supportive of the UN efforts to provide humanitarian relief and achieve a nationally amicable solution to the Somalia crisis. Barnett (2008) supports that the Bush administration's action in Somalia in 1993 was in response to a civil war and the perceived inability of the UN to protect the aid agencies that were delivering food (Masoud, 2008). However, I disagree with Clarke and Herbst who raise the opposite view that the US, through the Pentagon primarily, drafted "all the major Security Council resolutions on Somalia" and then passed them along to the UN "as a *fait accomplis*". They claim that the efforts in Somalia were, for the most part, led by the US and in 1993 it tried to extricate itself entirely from the situation. They point out the criticism of one international civil servant who said that "[the UN] was seduced and then abandoned" by the US, left to handle the situation on its own (Clarke and Herbst, 1996: 73).

President Bush actually used the opportunity to build his international reputation and to promote the success of American foreign policy in the handling of the crisis when he issued the order to send troops to Somalia. Internationally, this action was seen to be another example of the US wanting to manage a 'new world order'. It is also important to note that China questioned

whether the US had the ability to fulfil the role of a successful administrator in this situation. Al-Fawal (1993) argues that after the leaders of the coalition forces obliged Iraq to withdraw from Kuwait, President Bush's decision to intervene in Somalia was plainly criticized by his successor President Bill Clinton, who foresaw an attenuation of the US's national power through its leadership in the effort to provide humanitarian relief to the Somali people.

Military intervention began immediately as the US moved soldiers to Somalia to provide security for international humanitarian aid workers. In September 1992, military ships transported 2,400 marines to Somalia to protect the international relief troops (Masoud, 2008). This military intervention was welcomed by the temporary Somali leader Ali Mahdi Mohammad and by his opponent Eided as a matter which allowed the US to prepare itself for a wider intervention. In December 1992, the UN Security Council issued Resolution 794 authorizing military intervention under the UN umbrella, although by that time the conflict had entered into a new stage, which the US named the 'restitution of hope'.

When the Soviet Union disintegrated in 1991, so too did the polarization of the world between communist and capitalist powers. As a result, the US no longer had any real need for Somalia in light of the conclusion of the Cold War competition for national allegiances. Some scholars such as Finnemore (2002) and Gibbs (2000) argued that there were no significant American strategic or economic interests in the Somalia intervention. Finnemore (2002) continues to elaborate upon this by explaining that it is perhaps the most pertinent example of any military action pursued despite the target country being of "little or no strategic or economic importance to the principal intervener" (Glanville, 2006: 166). Similarly, various articles and state officials have described their perception that President Bush's concern for the human suffering Somalis was indeed genuine. Some scholars such as Gibbs support this idea that the humanitarian intervention in

Somalia was in fact taken out of an "altruistic motivation and was not substantially influenced by US or other national interests" (Gibbs, 2000: 43). Whereas Wolfowitz clarified that "The mistake in Somalia was not the original decision to intervene. The initial success of Operation Restore Hope demonstrated that the US had the means to save tens of thousands of innocent lives at almost no risk to American forces; to have done nothing would have placed the US in the position of people who witness a murder that they could prevent simply by picking up the phone. The mistake was first to allow the UN, with much less military capability than the original US intervention force, to pursue the much more ambitious, if not impossible, goal of nation-building" (Wolfowitz, 1994: 32).

There were no clear significant American strategic or economic interests in pursuing the Somalia intervention. However, I agree with a number of reasons impacting on Bush's decision to intervene and why the US felt their leadership was needed in order to end the riots in Somalia. Certainly, the heightened level of media coverage of the situation following Bush's announcement in August that the US would provide relief to Somalia and "subsequent Congressional pressures" played a major role in the decision to intervene (Glanville, 2006). However, I disagree with Makki (personal interview, 2 June 2007) that the humanitarian crisis in Somalia provided an opportunity for Islamic movements to develop, a concern which was always on the US radar. US foreign policy-makers advocated intervention as the best method to control or eliminate the burgeoning Islamic movement, the greatest threat to US interests in the Horn of Africa (Masoud, 2008). In addition, the Iranian role in the region was growing, especially following the signing of a military cooperation agreement between Sudan and Iran in December 1991.

Another factor was the US intention to secure the return of the Barbara Air Base and maritime port. The Assistant Minster of Foreign Affairs Herman Cohen noted this in June 1991, confirming that the US needed facilities available in Barbara Port to help protect the heavily used trade and commerce routes between the Arab Gulf and Europe and between Europe and Asia (Al-Fawal, 1993). The significance of the country was primarily its geographic location – close to Red Sea shipping lanes and, most importantly, the Bab-el-Mandeb straits. Its strategic importance was confirmed through a testimony made before the Senate by General Norman Schwarzkopf and throughout the post-Cold War, securing security in the region was a substantive goal for the US Central Command (CENTCOM). He stressed that the Red Sea, bordered on the north by the Suez Canal and on the south by the Bab-el-Mandeb straits, remains a major shipping link between Europe and the Pacific. In addition, as any US CENTCOM force would have to travel by sea, it is in the immediate interests of the US that these passages remain open and protected (Gibbs, 2000).

4.8 CONCLUSION

There is little evidence to support that the permanent members of the UN Security Council have traded and bargained using votes and more specifically that the US has used its aid budget to bribe non-permanent members, especially following the Iraq-Kuwait War in 1990. During the Iraq crisis, the US used its prominent position in the UN Security Council to pursue its own foreign policy objectives. Although it was veto power that largely prevented Security Council action during the Cold War, it would perhaps be misleading to argue, in light of the recent Iraq crisis, that the veto power has also been largely responsible for more recent inaction. Over the last decade, the veto has been used with ever-dwindling frequency, thus bringing to the foreground the selectivity of Council action. Member states have been unwilling to initiate or even contribute to effective executive action or diplomacy efforts in certain countries. However, the temptation to use the veto as a tool of power politics occurs only when the interests of a permanent member are at stake such as in instances when the member is more or less involved in, and thus a party to, a dispute.

While the UN Security Council showed great interest in maintaining peace and security not only during the Palestine-Israel War, but throughout the Arab world in general, little of its work has had any major effect on the situation in the region. UN Security Council resolutions relating to the Arab world increased and were then evenly spread across the period of 1946-2006. The research data that I compiled for this study shows that nearly half of more recent US vetoes were related to a limited number of attempts and resolutions to mediate the Israeli-Palestinian conflict. The UN Security Council has affected the struggle between Arabs-Israeli and the policies of governments in important ways. Outside the Arab world, the US has been the government most heavily involved in the Arab world and within the UN as well. While initially mutually

reinforcing, the UN Security Council and the US have subsequently drifted apart, perhaps to the detriment of both.

The growing pressure exerted by the US over the UN Security Council was maintained as it used the threat of veto against any UN Security Council actions that were critical of Israel. While Israel ignored the many resolutions issued by the UN, the US continually used its influence to keep the Israel-Palestine conflict off the UN Security Council agenda, repeatedly using its veto on Israel's behalf. Council resolutions critical of Israel almost certainly failed, irrespective of the will of other Security Council members and regardless of international law and the magnitude of any violations committed.

It is reasonable to argue in retrospect that the Iraq-Kuwait War in 1990-91 provided a standard template for Security Council action in the post-Cold War period. As such, the Iraqi invasion was condemned almost universally by the UN and economic sanctions were imposed, bringing about Hussein's defeat. The Iraq-Kuwait War presented a positive image of the UN and resulted in an enormous increase in its military operations. Following the conclusion of this conflict, the UN has launched a succession of peacekeeping operations of which Somalia was the first. However, the case of the Somali humanitarian crisis demonstrated that the US was entering a new age of its leadership in which it would take international action within the framework of the UN or outside of it entirely without the institution's support.

Since the end of the Cold War and up to events of 11 September there had been a marked decline in the unilateral use of force by the US without the authorisation of the UN Security Council. The US clashed with the Security Council over the Iraqi invasion of Kuwait, thereby giving it an advantage in making the UN Security Council the centre of its own foreign policy

agenda. On the other hand, although Bush stressed had that there would be a decisive shift by the US government toward obtaining international legitimacy in the handling of the Iraq War, the US instead took the decision not only to force Iraq to comply with UN resolutions but to occupy it forthrightly. Consequently, the failure of the US attempt to secure a second UN Security Council authorization to legitimise its actions against Iraq led it instead to bypass procedures for gaining legitimacy within the framework of the UN in order to invade Iraq in March 2003.

There were no clear significant American strategic or economic interests in the Somalia intervention. However, this situation set the stage for the UN Security Council to enlarge to the scope of what would from then on be considered situations which could be considered as a potential threat to international peace and security. However, confusion over what might guarantee international peace and security and what might cause instability in economic, social, and human arenas could generate threats to international peace and security, thus making it imperative for UN members as a whole to solve these issues by working through the appropriate UN establishments. Various UN Security Council resolutions considered the volume of human sorrow, grief and distress resulting from the situation in Somalia.

The UN Security Council decided that the situation did pose a threat to international peace and security, thereby establishing that there was a need for appropriate procedures to provide humanitarian relief through its own specialized UN agencies in co-coordination with various human rights organizations. Although the UN Security Council gave consent for mainly American forces to enter Somalia to resolve the situation, various arguments and concerns raised by China questioned the suitability of the US as an administrative leader using military intervention as a means to provide humanitarian relief and find an amicable solution to the crisis.

Finally, according the Patman's (2006) study, it is possible to draw seven key aspects of the new, post-Cold War world order: 1) Most threats arose from the instability of failed or weak states; 2) The absence or inadequacy of legitimate governance in these states often caused civil wars; 3) These wars were often fought between people of different ethnicities, tribes or religions; 4) These wars led to calls for the spread of democracy; 5) Internal conflicts could now be internationalized thanks to the globalized mass media (the so-called 'CNN effect'); 6) The old distinction between domestic and foreign security policy became blurred as a result of the potential for economic and military overspill from internal conflicts; 7) As the sole superpower, the US largely determined the ability of the international community to respond to major security threats.

Now that I have discussed the institutions of the UN relevant to my study and critically assessed how the US has influence on these institutions sometimes towards the pursuit of its own foreign policy objectives, I will move on to seeing how these ideas are put into practice in the contexts of my cases studies (Libya and Sudan). The cases of these countries share similarities in terms of their often tumultuous relations with the US and as countries rich in natural energy resources. Both countries were subject to unilateral measures by the US before they were subject to UN sanctions, often at the behest of the US itself. I will explore the role that the US had in the UN reaction to these two cases, beginning with the next chapter that presents Libya as a case study.

CHAPTER FIVE
LIBYA CASE STUDY (1)

5.1 INTRODUCTION

Researchers, political analysts, and scholars in the field of International Relations have reviewed the complex relations between Libya and the US. The majority of these studies focus on Libyan relations in connection with US interests, especially since the discovery of oil fields in the 1950s. Some of these studies also focus upon the impact of Muammar Gadhafi's leadership and his ideology after 1969.

Libya was chosen as a case study for a number of reasons: (1) It had been deemed by several US presidents to meet the criteria for a 'rogue state', and had been treated accordingly; 2) It was involved in ideologically motivated acts of terrorism against US citizens and interests; (3) It had established its own chemical weapons program; (4) US influence and strategy spanned multiple administrations from Reagan to Bush Jr., thus allowing for an analysis over time; and (5) US policy towards Libya in terms of ending its support for international terrorism and removing its chemical weapons capability was both successful (in the long term) and unsuccessful (in the short term).

This chapter will examine US efforts throughout four US presidential administrations (1980-2006) to convince Libya to cease its support for both international terrorism and the production of WMD. In this particular case, the US was attempting to convince the target state, Libya, to stop an action that was already underway (support for terrorism and/or develop of WMD in existing facilities and with existing resources), and also deter future support and production.

From the official US perspective, the influence of US strategy needed to be combined, at a minimum with compellence (efforts to stop an action already underway) and deterrence (efforts to prevent future action).

This case study will be organized as follows: a brief introduction to the historical and political context of the case study; the free officer's movement; sources of tension between Libya and US; the nationalization of Libyan oil; Libya and Islam; Islamic Groups in Libya; Libya and US Foreign Policy; The Lockerbie Incident and UN Security Council Resolutions; The legal basis of the UN Security Council resolutions in the Lockerbie case; The legality of the sanctions against Libya; Libya's Response to the UN Sanctions; Libya and the development of WMDs; and Conclusion.

5.2 FREE OFFICER MOVEMENT

The 'Free Officer's Movement' developed 10 years before the 1 September 1969. Afterwards, it came to be known as the Revolutionary Command Council (RCC) (Blanchard, 2007). The RCC announced that it would henceforth direct the activities of a new regime. At the same time, it made a statement affirming Libya's Arab and Islamic identity. Niblock (2001) notes that the statement included the immediate expulsion of US forces from the Wheelus Air Base as well as British military forces from the base at l-Adem since it was one of Gadhafi's main concerns to intensify dialogue until the US was forced to withdraw from the Wheelus Air Base (Warriner, 1988). Many scholars suggest that the movement consisted of a group whose pan-Arabism and socialist ideologues were espoused by the Egyptian leader Gamel Abdel Nasser who was regarded by many as a hero fighting against western imperialism (Alterman, 2006; Jentleson and Whytock, 2005; Ronen, 2004; Crocker and Nelson 2003; O'Sullivan, 2003; Vandewalle, 1995). Elwarfally describes the instructions given by Gadhafi to his envoy, Heikel, whom he sent to

Egypt only hours after his government's accession to power on 1 September 1969 with clear instructions to tell President Nasser: "this is his revolution: we are his men, and all Libya's capabilities are under his disposal for the battle" (Elwarfally, 1988: 46).

According to Abodabos (1996), under Gadhafi, Libya became 'the land of revolution and revolutionaries'. Ohaegbulam (2000) on the other hand, presents a different picture of Libya and acknowledges that although there were known revolutionary and terrorist groups around the globe serving as a conduit for Soviet arms, especially in Africa, Libya's main goal was to aid the Soviets expand their influence into Africa. In the early 1980's, when the antagonism between the US and Libya started, Libya needed the Soviet Union as a powerful ally to support it against American threats and to provide Libya with the necessary armaments.

Initially, the RCC presented an anti-Soviet side, and as Blanchard (2007) writes, perhaps because of this, the US did not oppose the initial 1969 movement. O'Sullivan (2003) notes that Libya shunned Soviet influence in the Arab world whereas many of its Arab counterparts had welcomed it. Zoubir and Ait-Hamadouche (2006) point out that it was not until the early 1970's that Libya, though non-aligned, took on a leading and increasingly vocal anti-American role, at least from an ideological and political perspective. Despite the visibility of this aspect of the 1969 Revolution, freedom was the first goal and principle of this movement (Lahwej, 1998).

Perhaps the Libyan-Soviet relations were seen in the same light as American-Soviet competition in the Middle East. For example, when President Sadat came to power in Egypt, the US became the main source of economic aid, a pattern that accelerated following the peace settlement between Egypt and Israel (Lahwej, 1998). However, this did not appear to be the case when the

Soviet Union tried moving closer to Libya by offering Libya the necessary munitions to continue its revolution.

Thus, Libya became in the subject of accusations of international terrorism. However, did Libya's foreign policy patterns represent a significant departure from those of other "revolutionary states" to such a degree that it would merit be widely labeled a pariah state? Bahgat (2005) notes other examples of revolutionary states from the region including Egypt under former President Nasser (1954-1970) and the Iranian Revolution (1979). Libya was also not unique for an Arab or Muslim country in supporting Palestinian issues.

5.3 PRIMARY SOURCES OF TENSION AND RAPPROCHEMENT BETWEEN LIBYA AND US

5.3.1 NATIONALIZATION OF OIL COMPANIES

The economic base for Libya has long been the oil revenue it has generated (Metz, 2004). During the 1970s, Libyan oil revenues grew rapidly, resulting in a 10% annual growth of the Libyan economy from 1975 to 1979 (Jentleson and Whytock, 2005). Until the early 1970's, oil revenues were generally under the supervision of American companies, which had been operating in Libya since the early oil explorations of the late 1950's (Bahgat, 2006). Libyan oil commanded a high price on the international market because of its high quality and low sulphur crude (Metz, 2004; Eizenstat, 2004; St John, 1987; and Elwarfally, 1988). By the early 1970's, Libya had created a significant role for itself in the international economy as it helped to bring about major rises in the price of oil (Niblock, 2002).

In 1973, Libya nationalised approximately 59% of the US oil companies interests operating in Libya. It also nationalised other foreign oil interests and gained a regulatory control in all

petroleum companies operating in Libya through a series of demands and threats (Mehren and Kourides, 1981). By February 1974, the remainder of these companies were also nationalized (Warriner, 1988). This nationalisation ranged from 51% to 100% government ownership of the foreign companies' concessions (Mehren and Kourides, 1981). Both St John (2008) and Ohaegbulam (2000) note that Gadhafi pursued policies to increase Libyan government oil revenues at the expense of resident US oil companies. Elwarfally (1988) writes that Libya coordinated its efforts with some of the other Arab petroleum-producing countries in an expression of solidarity directed towards the American companies, eventually leading up to Libya participating in the Arab Oil Embargo in 1974.

Undoubtedly, both the US and Libya took steps in using oil for political purposes (Vandewalle, 2006). However, this meant there was increasing pressure placed on US oil companies to review their investments in Libya. As Lahwej (1998) explains, the nationalisation of the oil companies created operational difficulties for the Libyan oil sector. Moreover, the lack of trained technical personnel raised doubts over the success of nationalization. However, Libya did manage to solve this problem with the support of oil experts primarily from Algeria and Kuwait.

A key dilemma for the US in Libya was how to gain access to its large reserves of oil. Prior to 1971, US oil companies in Libya enjoyed operating with relative freedom. However, after that date, Gadhafi increasingly used them as a bargaining chip in order to deter any decisive US response to his international activities. He ordered a 20% increase on the tax reference price of Libyan crude. When the oil companies refused to comply, he ordered the most vulnerable, Occidental, to reduce its Libyan production by 300,000 barrels a day. Since there were few options elsewhere, Occidental had no choice but to yield to Gadhafi's demands. Similar tactics

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were used on the Oasis Group, Exxon, Texaco and Standard Oil of California, in addition to controlling the local marketing operations of Shell, Esso and Agip (Cooley, 1981).

In December 1971, Gadhafi nationalized the share of the large Sarir concession held by British Petroleum (BP), but left that of its US partner, Nelson Bunker Hunt, alone. He announced that this was a punishment for Britain's "collusion" with Iran to allow Shah Mohammad Reza Pahlavi's forces to occupy three strategic Arab Gulf islands in the Strait of Hormuz. This was a fulfillment of his 1980 threat to use oil as a weapon against Western countries whose actions in the Arab or Muslim world displeased him, particularly in the event of US military intervention in Iran (Cooley, 1981).

However, under both the Nixon and Ford administrations, there was little protest and even less desire to intercede on behalf of US oil companies. As a result, Libya controlled about two-thirds of its production by mid-1974. The country also benefited from the Iranian Revolution; when Iranian oil exports were suspended in 1979, Libya imposed surcharges beyond the price increases previously set by OPEC. By alternately bullying companies and encouraging them to invest heavily in his oil industry, Gadhafi ordered cutbacks of up to 18% in the oil normally offered at favorable rates to companies. Despite claiming this was for technical reasons, it in fact enabled the Libyan National Oil Corporation to glean new and unprecedented levels of profits on the world spot market. Nevertheless, oil is exempt from the worker control measures applied to other businesses, since Gadhafi needed foreign technical expertise and marketing skills. This also explains why he had refrained from nationalizing Libya's oil entirely (Ettalhi, personal interview, 12 September 2012).

From the point of view of the oil companies, being able to retain overall ownership of about 30% equity in their Libya operations was relatively generous in comparison with the total nationalizations invoked by Iraq, Algeria and Syria. As such, they were inclined to pressure the US to maintain good relations with Libya. However, Gadhafi's increased support for global revolution and terrorism from the mid-1970's onwards meant that, when Ambassador Palmer retired in early 1973, Nixon's administration decided not to replace him. From that point until the US Embassy in Tripoli was closed in 1980, official US-Libyan relations were conducted at the *chargé d'affaires* level only (Ettalhi, personal interview, 12 September 2012).

Meanwhile, the Soviet Union was taking opportunities to repair its own relationship with Gadhafi, starting with oil. At a Libyan oil auction in January 1974, Moscow encouraged purchases from governments in Eastern Europe, leading to several long-term contacts for more than 3 million metric tons of oil per year. Subsequently, the media in both countries soon began to drop their mutual hostility. On 4 May, 1974, Gadhafi explained that the emerging friendship between the two countries was based on their shared interest in opposing US foreign policy. In Libya's case, this was part of an effort to defend itself from the diplomatic offensive that was beginning in the Middle East (Cooley, 1981). For the Soviets, the US was their major long-term enemy throughout the ongoing Cold War tensions.

Political games regarding the oil sector aside, the pertinent issue regarding the presence of US and British military troops had also arisen. Alterman (2006), Judson (2005) and Lewis (2001) all write that Libya made demands for the US and Britain to withdraw their forces from the military bases in country that they had been using since World War II. Libya perhaps added insult to injury when it declared the days that the British and American forces withdrew from Libya completely as national holidays (Blanchard, 2007).

The Arab Oil Embargo was primarily targeted at the US following the October 1973 Arab Israeli War (Metz, 2004), revealing that the Arab-Israeli conflict was another major source of tension between the US and Libya. Libya opposed negotiation or reconciliation with Israel throughout the post-Cold War era. Niblock (2001) and Elwarfally (1988) argue that Libya's policies toward other Arab countries were determined by those countries' conduct toward the Arab-Israeli conflict. Moreover, Gadhafi was vehemently opposed to the US acting as a negotiator in resolving the conflict and eventually led up to his "public condemnation of the Camp David accords" (Vandewalle, 2006: 132). O'Sullivan (2003), Vandewalle (2006) and Ohaegbulam (2000) explain that Libya maintained its opposition and radical attitude by boycotting the Middle East peace process. Lahwej reminds us of Libya's ongoing opposition to the Middle East process and the Madrid Conference unless its rather unconventional, yet oddly visionary ideal was satisfied in which "a state of Palestine was re-established where Jews and Palestinians could live together just as they did before 1948" (Lahwej, 1998: 154).

The impasse in US-Libyan relations cannot be understood without considering other important international developments in the Arab world, which were followed by a general weakening of US relations with a number of other Arab countries. The rapid deterioration of US-Libyan relations was partly a result of change in the regional and international political environment—both within American policy regarding the Arab world itself as well as in attitudes towards the Israeli-Palestinian conflict. The continued US support of the Israelis would always be an issue that would top Libyan foreign policy priorities.

5.3.2 LIBYA AND ISLAM

Since September 1969 both Islam and Arab nationalism have been influential in the organisation and determination of Libyan relations with other countries. Niblock (2002) argues that Gadhafi

succeeded in blending anti-imperialism, Arab nationalism, and Islamic radicalism. Ohaegbulam (2000) describes the decline in America's regard for Libya's government following Gadhafi's accession to power in 1969.

Lahwej (1998) contends that the 'free officers' movement' represented a significant reformulation of the monarchy system which was, up until their intervention, was heavily influenced by and aligned with Western ideas. The movement was perceived to reject the modernized form of Islam which tolerated the so-called 'Western lifestyle' in Libya in which people could openly engage in activities such as drinking and gambling (Joffe, 1995). In an effort to eradicate this influence, the free officers' movement closed nightclubs and burned Western books and musical instruments. This life-style was forbidden to members who joined their secret movement, for they were strict Muslims who were known to even practice strict *Ṣalāh* (the ritual prayers performed five times daily) (Vandewalle, 2006).

Gadhafi also centralized control over religious life, thereby stripping the traditional religious establishment of its power. He downgraded the role of the *ulama* (religious scholars) by making them consultants to the courts rather than being able to issue binding decisions on the application of *Sharia* (Islamic law). The Spetember change was underpinned not only by the principles of Arab nationalism and Third World socialism, but also Gadhafi's unique take on Islam, complete with his own doctrinal changes and innovations (Joffe, 1995).

In the early 1970s, Libya adopted a political system that has been described as a combination of socialism and Islam which raised anxieties among pro-liberalists in the West. In the September Declaration, Gadhafi promoted himself as the defender of Islamic ideals in the face of Western imperialism (Bowen, 2006a). He reinstated the *Sharia*, or Islamic law (Lahwej, 1998); and

enacted a new form of *Zakāt* whereby the state must be the only one responsible for collecting the Islamic alms tax (St John, 1987). With all of this in mind, it is understandable how some perceived these political declarations as being borderline religious acts (Makki personal interview, 2 June 2007).

However, some historians argue against this perspective. Joffe (1995) and Lemarchand (1988) claim that Article 2 of the September Declaration declared Islam as the religion of the state and Arabic as the official language. However, it also guaranteed the freedom of religious expression and as previously noted, freedom was the first goal and principle of the 1969 Revolution. It is difficult, therefore, to argue that the September change was a distinctively religious act. Islamic fundamentalism was not one of the driving principles of the Libyan Revolution. However, Islamic groups who held similar interests with groups such as the Muslim Brotherhood in Egypt gravitated towards the September Revolution in its early years, before the Libyan regime eventually forbade them from exercising their political activity in Libya during the mid-1970s.

Although Gadhafi claimed to have created the first Islamist state in 1973 by replacing existing laws with *Sharia* law derived from the Koran and other Islamic sources, he faced mounting opposition from Islamists. This is mainly because he posed a threat to the traditional role of Islamic clerics and jurists; according to Zoubir (2011), they faced "relentless repression", and some imams were even executed under the new government. The Muslim Brotherhood and other groups were forced underground or into exile (Makki personal interview, 2 June 2007).

I would therefore argue that the change of regime did not lead to the adoption the concept of a radical Islam in its most widely understood sense. The antagonistic relations between the US and Libya did stem, in part, from the popular American misunderstanding that Libya might become

another Iran, especially in the mid-1980s, so shortly after the 1979 Iranian Revolution. A further argument is that the emergence of Islamic movements in the early 1990s presented new challenges to Libya itself. Maybe they were the best evidence that the Libya was indeed against the activities of Islamic groups.

Although Libyan social norms are relatively conservative and most Libyans support a prominent role for Sunni Islamic traditions in public life, they differ in their personal preferences and interpretations of their faith. These differences have previously led to violence between the government and armed Islamist opponents (Blanchard, 2012). In the mid-1990s, the regime defeated a strong challenge from various Islamist movements, mostly in the east of the country that was comprised largely of *mujahideen* who had returned to Libya after the Soviets were forced out of Afghanistan (St John, 2011).

5.3.3 ISLAMIC GROUPS IN LIBYA

One of the *mujahideen* groups returning from Afghanistan was the Libyan Muslim Brotherhood, whose members established the "Islamic Group – Libya" in 1980 and published a magazine entitled *The Muslim* (Abu Kitef, 2012). However, some leading figures of this group also co-founded the National Front for the Salvation of Libya (NFSL), an ideologically diverse nationalist front seeking regime change. This caused a schism in the movement between those who believed the group should maintain its ideological purities and organizational independence, and those who argued for a broad-based political umbrella group. In any case, the NFSL's attempts to overthrow the regime by force failed, beginning with the "Bab al-Aziziya Battle" in 1984 and followed by the US-backed "Project Algeria" in 1985 and "Project Chad" between 1986 and 1990. Another group with historic links to the Libyan Brotherhood was the Islamic Rally Movement (IRM), established in 1992 by a significant number of those who had left the

Brotherhood. Like the NFSL, this movement sought regime change via Islamist political and armed activism (Ashour, 2011). However, many of its leading figures were killed in the 1996 Abu Salim prison massacre.

This brutal repression sustained against the Libyan Brotherhood and its affiliates continued throughout the 1980s and 1990s, peaking during the armed insurgency of the Libyan Islamic Fighting Group (LIFG) (1995-1998). Over the next two years, more than 150 members of the Libyan Brotherhood were arrested, including the head of the organization and his deputy (Abd al-Qadir, 2009). Dialogue with the regime began in 1999, bolstered in 2005 and 2006 by initiatives led by Saif al-Islam, Gadhafi aimed at co-opting and neutralizing opposition groups including those of Islamists in particular (Makki personal interview, 2 June 2007).

The LIFG was established in 1990 and modeled along the lines of the Egyptian organization, *al-Jihad* in that it was intended to be secretive, elitist, exclusively paramilitary and aimed at overthrowing the regime (Franco, 2011). Its existence was publicly confirmed for the first time on 18 October 1995 after it had been uncovered by the Libyan authorities. The group made three assassination attempts on Gadhafi (Ashour, 2011). According to Saif al-Islam who was the former president of the Gaddafi International Foundation for Charity Associations, in his speech at a press conference entitled 'National Reconciliation in Libya', "The enemy of yesterday is the friend of today, it was a real war, but those brothers are free men now," by which he was referring to the leaders of LIFG. In the ensuing crackdowns and confrontations with the regime, 165 Libyan officials, officers and soldiers, mainly from the intelligence and security apparatuses, were killed, along with 177 LIFG members, including the group's top commander in Libya and four Consultative Council members (Saif al-Islam, 2010). By 1998, the Council decided to impose a three-year ceasefire. This should have been reviewed in 2001, but the events of 11

September abruptly changed certain priorities of the government. As a result of US-Libya co-operation the US acted under Executive Order 13224 passed in September 2001 to freeze the LIFG's assets within the US in addition to officially designating it as a terrorist organization (Blanchard and Zanotti, 2011).

Regionally, the relationship between *jihadis* in Algeria and Libya dates back to the 1980s, and was strengthened by both the Algerian and Afghan conflicts. In Afghanistan, *jihadis* from the two countries fought side-by-side, and some of them would go on to play key roles in the establishment of the Armed Islamic Group (GIA) in Algeria. A splinter group within the latter, the *Salafi* Group for Preaching and Combat spawned the group Al-Qaeda in the Islamic Maghreb (AQIM). In the 1990's, the LIFG saw strategic advantages in allying with Algerian *jihadis,* since if the Algerian regime were toppled or GIA seized control of parts of the west of the country, the LIFG would have a continuous border across which it could launch attacks on Libya. The move of trained fighters from Afghanistan to Algeria was described by LIFG members as the "leap" (*al-wathba*). However, this move would ultimately prove disastrous (Ashour, 2011).

In Sudan, Osama Bin Laden established the "Islamic Army of Shura" to serve as the coordinating force for his alliances between international militant forces. The group was composed of leaders and representatives from independent terrorist organizations, including approximately twenty members of the LIFG. Their tasks included protecting Abd Allah al-Turabi and Bin Laden within their complex of villas in Khartoum and giving conferences on military theory, intelligence, as well as general tactical and security issues. The LIFG members in Sudan maintained regular contact with their counterparts in Libya (Franco, 2011). According to Benotman, (2005) who was a former member of the LIFG in Sudan, they were all members of the same group although the Libyan groups had their "own military and organization structure".

The LIFG also deepened its contacts with *Al-Gama'a al-Islamiyya* in Egypt (Makki personal interview, 2 June 2007).

Furthermore, the international environment of the time provided fertile ground for the growth of Islamic groups in the region. Additionally, domestic factors within Libya itself, including difficult economic conditions brought about by harsh economic sanctions imposed on the country by the UN in the early-1990s, widespread unemployment and diminished job opportunities in addition to a period of low productivity in Libya's oil sector all contributed to a dismal economic situation that further exacerbated the challenge these groups posed to the regime. The LIFG and the Libyan Martyrs' Movement launched attacks on the government that killed 600 people between 1995 and 1998. In May of 1998, Gadhafi sent approximately 1,000 troops into Benghazi, which had become a major stronghold for these groups, in an effort to flush them out (Jentleson and Whytock, 2005). Also in the same year, Libya issued the first Interpol arrest warrant against al-Qaeda leader Osama bin Laden, accusing him of being involved in the murders of two German counterterrorism agents in Tripoli. Al-Qaeda was often vehemently opposed to Gadhafi's regime and regarded it to be no better than the Saudi government (Bhattacharjee and Salama, 2003).

After 11 September, US and Libyan interests in fighting terrorism converged rather unexpectedly. In the aftermath of 11 September, the US and Libya were presented with a new context in which to explore possible avenues for cooperation (O'Sullivan, 2003). Thus, Libya expressed sympathy for the US and made a point of reminding the world that it had been the first country to call for the prosecution of Osama bin Laden (Anderson, 2003). Gadhafi openly condemned the attack of 11 September and stated that the US had the right to respond militarily. He even took measures as far as instructing his intelligence services to share information with

the American government on the LIFG (Lawless, 2007). As an extremist group, al-Qaeda posed a threat not only to the safety of Americans, but also to Libya. Members of the country's Islamist opposition, who Gadhafi had often publicly characterized as "heretics", have been linked to al-Qaeda and other foreign jihadist organizations. As a result, he has described his willingness to cooperate with US authorities on counterterrorism as "irrevocable". Libya has also taken direct action to limit the activities of known Al-Qaeda associates within its borders and is a party to all of the major twelve international conventions and protocols relating to terrorism, including the International Convention on the Suppression of the Financing of Terrorism (Blanchard and Zanotti, 2011). The events of 9/11 and the changed political landscape it left behind did present a perceptible occasion for Libya to start shedding its long-held pariah status through cooperative efforts (Zoubir, 2006).

5.3.4 LIBYA AND THE DEVELOPMENT OF THE WEAPONS OF MASS DESTRUCTION (WMD)

Although the term "rogue state" only became common parlance in the 1990s, it is an apt description of Libya's foreign policy in the years after 1969, especially its pursuit of WMDs and providing support for international terrorist movements (Vandewalle, 1998). According to a document that was declassified at an International Atomic Energy Agency (IAEA) board meeting on 13 March 13 2004, Libya signed the Nuclear Non-Proliferation Treaty (NPT) shortly before September 1969. The government then ratified it five years later, yet within the regime's first year in power Gadhafi was seeking to develop Libya's nuclear capability. He first attempted to acquire nuclear weapons from China and Pakistan in 1977, then from India in 1979, but was rebuffed by all three countries. He then turned his attention to developing an indigenous nuclear weapons programme using key equipment and technology from the Soviet Union, including a 10

megawatt research reactor built in Tajura and importing more than 2,000 tons of "yellowcake" uranium ore concentrate.

Over the next twenty years, the regime clandestinely pursued its own uranium enrichment programme. Despite having joined the Biological Weapons Convention in 1982, Libya also engaged in research and development in pursuit of advancing its biological and chemical weapons capability. A 1976 CIA report perhaps rather aptly described Gadhafi as "one of the world's least inhibited practitioners of international terrorism" (CIA, 1976: 20).

When Libya decided to abandon its WMD program and open its facilities for inspection in 2003, the US claimed that this was a result of the invasion of Iraq in 2003. It was argued that the War in Iraq played a critical role in bringing about a change in behaviour from the Libyan regime (Calabrese, 2012). However, the severe economic situation in Libya had already forced Gadhafi to make the same offer in 1999, also stating at that time that Islamic fundamentalism posed a threat to both countries. As a result, Libya cooperated in the war against al-Qaeda and endorsed US peace efforts in the Middle East. This gesture was not, however, enough for the US, who wanted Gadhafi to admit culpability for the Lockerbie bombing and compensate victims' families in the total sum of $2.7 billion as a precondition to the development of bilateral ties (Mateos, 2005).

The first clear signal of change in the US approach towards Libya came from Deputy Secretary of State Ronald Neumann during a speech at the Middle East Institute on 30 November 1999 stating that Libya's behavioural shift was most notably characterized by its dwindling sponsorship of international terrorist organizations. He also expressed that the US government

acknowledged and welcomed the fact that Libya had made substantial efforts in reducing "its support for terrorist groups and activities" (Neumann, 2000: 143).

I have presented both the Libyan perspective and the US perspective on Gadhafi's decision to abandon Libya's WMD programme. For Libya, the US had not adequately rewarded it by helping it to transform its military arsenal for civilian use or guaranteeing its national security; for example, by prohibiting the use of nuclear or chemical weapons against it (Tarek, personal interview, 21 October 2012). From the US perspective, Libya could be labeled a 'rogue state turned good fellow' or a 'sponsor of terror turned to example partner', and perhaps overoptimistically expect that the same tactics could be applied to other so-called 'pariah states' including Iran and North Korea. A warning could be issued to other states aspiring to possess WMDs that they do not ultimately ensure 'influence or prestige – they only bring isolation and other unwelcome consequences" (Ettalhi, personal interview, 12 September 2012).

However, Gadhafi's desire to reorient Libyan foreign policy towards Africa, where he saw more opportunities for regional leadership, and to shed his pariah status, led him to soften his attitude towards WMDs. He also took measures to settle foreign claims over the Lockerbie incident by establishing a program for compensation in the total sum of $2.7 billion (Tucker, 2009). In the end, there are advantages for both Libya and the US in seeking a rapprochement. US companies have an interest in investing in Libyan oil, and Libya needs foreign investment in order to more fully develop its oil, natural gas, tourism and communications sectors. Libya has also decided to profit from its location as a bridge between Africa and Europe by allowing transit trade in newly established free trade zones. Furthermore, cooperation on counterterrorism could supply the US with vital information, given Libya's longstanding support for radical groups (Mateos, 2005).

When the US State Department announced that Libya's designation as a state sponsor of terrorism would be rescinded (the first time in history that this had happened without a change of government), marked a remarkable turning point. Previous US attempts to change Libya's threatening behaviour included military strikes, unilateral and multilateral economic sanctions, criminal prosecutions and direct diplomacy, including taking collective measures through the UN (Schwartz, 2007). However, there was nothing inevitable about the choice of methods, or indeed their results. US officials had to make tough decisions, taking into account not only the chances of success for each option, but also the possible reactions of both domestic and international audiences to them and how each decision would possibly affect other foreign policy objectives. Consequently, several other options, such as international dispute resolution, the banning of oil exports, the confiscation of assets and invasion, were all rejected (Tarek, personal interview, 21 October 2012).

According to some observers, Libya had abandoned its WMD programme because its potential benefits did not justify the costs it incurred and because they believed it could possibly be destroyed by pre-emptive military action, as had occurred in Iraq. Therefore, the most logical decision was to give up the programme voluntarily, while also inspiring some international goodwill and preserving the regime. However, a broader economic interpretation stresses that Libya needed Western investment, technology and advisers, particularly in its oil sector, to improve its economy and avoid domestic unrest. Others point to Gadhafi's authoritarian nature and his unique ability to take the country in dramatic and often unpredictable new directions; he may have seen the need for a reversal of the WMD program and subsequently spearheaded a new vision of how best to advance Libya's national interests in a changing international environment (Schwartz, 2007).

Libyan officials expressed an interest in attending talks regarding their abandonment of unconventional weapons. These secret talks took place in 1999, in the midst of the failed Iraq talks, and the Libyans again offered to surrender their unconventional weapons. Eventually, the Clinton administration opened negotiations aimed at resolving the Lockerbie issue while postponing talks related to unconventional weapons to a later date. The White House made this decision on the correct assumption that Libya's unconventional weapons programs did not pose an immediate threat to US security (Ettalhi, personal interview, 12 September 2012).

This surprising rapprochement was sparked by the announcement on 19 December 2003 by Gadhafi that Libya would unilaterally renounce its extensive program to develop WMDs. There are two rival theories to explain this sudden policy shift after decades of hostility, and what insights it can provide about how to persuade other 'rogue states' to disarm. For the Bush Jr. administration and its supporters, Gadhafi was simply afraid of an American attack. This theory was backed up by the fact that his decision to renounce WMDs took place immediately after the US invasions of Afghanistan and Iraq, which had proven to the world that America had both the power and inclination to forcefully remove unfriendly regimes. Gadhafi feared that he could be next if he did not comply with US demands (Newnham, 2009). This view is consistent with Makki (personal interview, 2 June 2007) that Gadhafi's position changed when President Bush Jr. used unilateral military force against Saddam Hussein, in spite of widespread opposition from many of his European allies and the Iraqi president's strategy of stalling. This motivated Gadhafi to perhaps pre-emptively offer to forfeit his WMD program. President Bush Jr. himself clearly believed this, as he stated in a 20 January 2004 speech credits American actions with influencing Libya to voluntarily abandon its WMD and uranium enrichment programme and that Gadhafi might have felt threatened by American pre-emptive force elsewhere (Bush, 2004).

However, other analysts believe that other, more long-term factors had greater bearing on Gadhafi's December 2003 announcement. The most significant of these factors was the impact that decades of economic sanctions had on the domestic economy, and more recent economic incentives from the UN and other Western countries as well as the US. Indeed, the American government had made it clear to Gadhafi that it was not seeking regime change in Libya. As one critic noted, Libya's disarmament was due to the Bush administration disregarding its 'new rules' for aggressively confronting rogue states, rather than following them (Newnham, 2009). Whereas under pressure from both long-term economic and diplomatic isolation, the Libyan regime began to make concessions. This process was facilitated by the decision, made at the end of the Reagan administration and continued under the leadership of Presidents George H. W. Bush and Bill Clinton that the US no longer sought to overthrow Gadhafi, instead it merely provided incentives in an attempt to cajole him into changing his behaviour.

Furthermore, efforts to bring about Libyan disarmament had begun not just before Gadhafi's announcement, but even before the start of the Bush Jr. administration. This involved years of diligent diplomacy, backed up by economic linkage [See Appendix 2]. In contrast, military force was used by the Reagan administration in the 1980s, but proved largely ineffective. I will subsequently present the argument that fears of any possible US military intervention did not play a significant role in Gadhafi's decision to abandon the weapons program (Alzawe, personal interview, 15 May 2007). This signaled a step away from the regime's support of international terrorism. The change in behaviour also brought with it certain advantages such as "obtaining outside support in the fight against its own Islamist opposition" (Zoubir, 2006: 59), and having the US add the Islamic Combatant Group to the international list of terrorist organizations Some scholars place a larger emphasis on the role that diplomacy may have had in Gadhafi's decision.

Assistant Secretary of State under Clinton, Martin Indyk, who led the secret talks (regarding disarmament) in 1999-2000, concluded that: "Libyan disarmament did not require a war with Iraq". Deputy Secretary of State under Bush, Richard Armitage, said that the capture of Saddam Hussein was completely unrelated to Libya's concessions. Finally, British Prime Minister Tony Blair argued that the problems posed by international nuclear proliferation could best be tackled through discussion and engagement with countries that took initiatives to abandon their programs voluntarily and peacefully (Winkler, 2007).

5.4 LIBYA AND US FOREIGN POLICY

Despite the overt anti-Western sentiments being espoused by Libya, it was not until 1973 that the US finally withdrew its ambassador from Tripoli, citing Libya's widespread support for international terrorism as the main reason for its action. US-Libyan relations worsened following the attempted assassination of the US ambassador to Sudan in 1976 and again in 1979 when a mob stormed the US Embassy, marking the end of an already reduced diplomatic presence. From the early 1980s on, the antagonism between the US and Libya resulted in both military and diplomatic confrontations (Makki, personal interview, 2 June 2007).

In 1981 Libya's government in Tripoli antagonized the US's right to seafaring navigation when Gadhafi declared the entire Gulf of Sirte, threatening death to anyone who violated his 'red line'. This edict served as a major point of contention between the two countries during the 1980s, and often ended in direct military engagement. Niblock (2002) describes the conflict as one between sovereign nations in which there was a direct confrontation between US and Libyan forces. The contention laid between the US's claim to have a right to access the Gulf of Sirte on one hand, and Libya claiming "territorial sovereignty" on the other.

Even though Libya's response to the US could technically be deemed legal, Libya had to make a huge effort to emphasize its rights according to international charters by providing evidence in a special report, which was presented to the UN Security General (Al-Damor, 2004). Over the next five years further confrontations resulted in the downing of several Libyan fighter planes and the loss of Libyan coastal patrol boats. Up to this point, Libya had only indirectly affected US interests (Judson, 2005).

When Ronald Reagan became President in January of 1981, Libya became a major focal point of American foreign policy as it attempted to pursue and establish its own nuclear weapons programme, and completed construction of the Rabta plant in 1988 (Jentleson and Whytock, 2005). Secretary of State Shultz confirmed the Reagan administration orientation toward the Libyan project at a press conference, stating that the US would take every action possible and "throw every conceivable monkey wrench we can find into his machinery" in light of Gadhafi's efforts to set up facilities for producing chemical weapons that either his regime could use itself or supply to international terrorist organizations (cited in Calabrese, 2012: 38). Libya's efforts to acquire nuclear weapons went through different stages, indicating their intent to become a nuclear weapons state (Hegghammer, 2008). Lahwej (1998) contends that Reagan took advantage of Libya's endeavours to establish itself as a nuclear state during the last year of his presidency in order to fuel the US-Libya confrontation.

However, I propose that the establishment of a Libyan nuclear weapons programme in the mid-1980s, in the early days, was a direct consequence of growing Libyan-Soviet relations: it was this developing relationship that was the major source of antagonism between the US and Libya. According to Hegghammer (2008), the Libyan nuclear weapons programme initially emerged in the aftermath of the American attack on Libya in 1986 when Libya had become acutely aware of

a growing sense of insecurity, especially when US power grew while that of the Soviet Union simultaneously diminished.

Libya's friendly relationship with the Soviets wasn't the only factor which made it seem like an undesirable country with which to have dealings. Judson (2005) believes that Libya presented an attractive target because of its global activities. As a result, it was a target of the executive branch of the US government. Viorst (1999) and Ohaegbulam (2000) claim that President Reagan's imposition of economic sanctions and application of military pressure against Libya led to an economic crisis throughout the country [See Appendix 2]. Libyan exports went into a severe decline, as illustrated in Charts 5.1 and 5.2. In 1980 the US was the largest importer of Libyan goods with 34% of Libya's exports going to the US. After Reagan's economic sanctions were imposed, Libyan exports to the US ceased entirely.
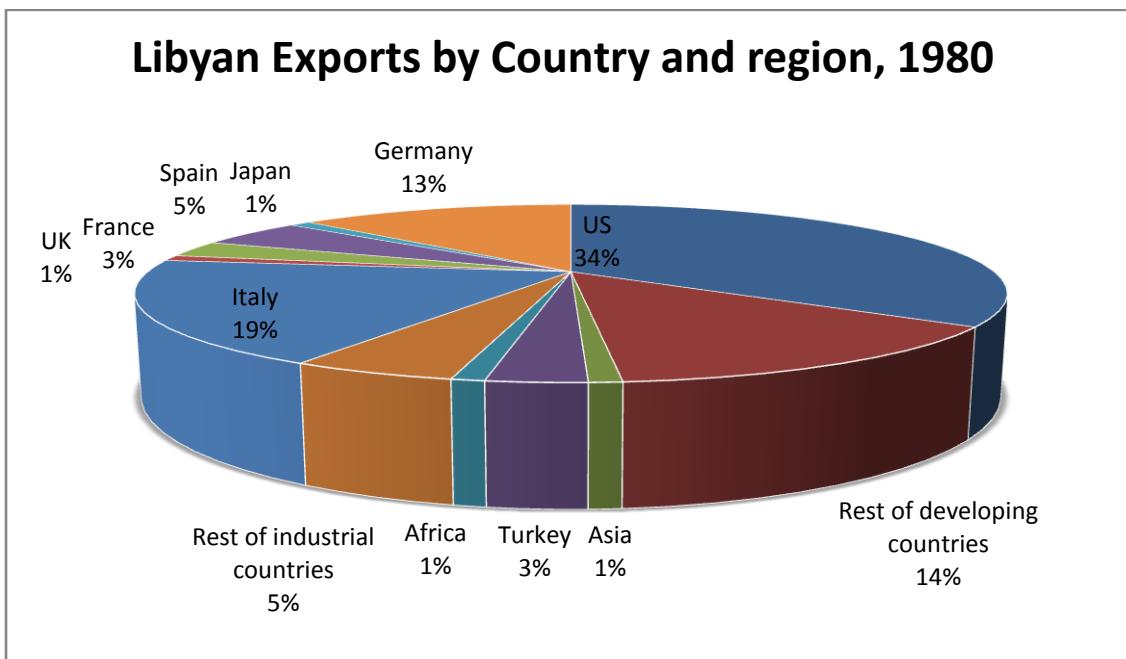
Chart 5.1: Libyan Exports, by Country and Region, 1980

Source: O'Sullivan, M. (2003) *Shrewd Sanctions: Economic Statecraft in an Age of Global Terrorism*, Washington, Brookings Institution Press.

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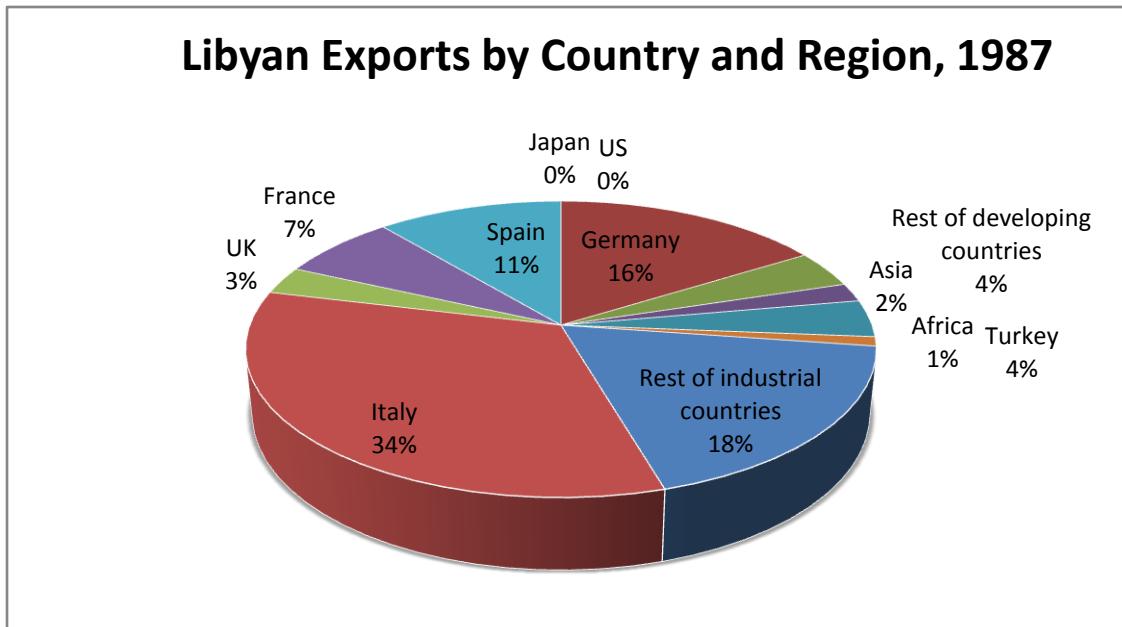
Chart 5.2: Libyan Exports by Country and Region, 1987

Source: O'Sullivan, M. (2003*) Shrewd Sanctions: Economic Statecraft in an Age of Global Terrorism,* Washington, Brookings Institution Press.

Katzman (2003) points out that the Reagan administration took several steps towards dealing with the rich Libyan oil resources. On 30 June 1986, to avoid handing Libya a large windfall from its own oil resources, Reagan stated that American oil companies could no longer operate in Libya and authorised some of these companies to enter into a 'standstill agreement' with Libya, enabling local management of frozen assets including the rights to almost one-third of Libya's total oil production.   It was also recognised that if unilateral US sanctions were maintained, Libya would almost certainly seek to make up for the gap in income by taking more assertive measures to market to foreign competitors the oil and gas reserves which it had formerly been holding in the interests of US petroleum companies.

Many Western European countries were reluctant to follow Reagan's policy against Libya (Lahwej, 1998). In fact, European oil companies stood to gain from the American companies' absence, thus undermining American policy. This became more noticeable following the

agreement of UN resolutions placing sanctions against Libya. Schumacher (1987) asserts that Reagan offended some European countries by carrying out the attack on Libya in April 1986, just hours after the European Community had voted for diplomatic sanctions against Libya. However these measures were ultimately deemed to have failed in changing Gadhafi's international behaviour or remove him from power (Jentleson and Whytock, 2005; Ogunbadejo, 1983). As the US explained, placing an embargo on both importing Libyan oil and the exportation of American higher technology to Libya was necessary because Libya had violated acceptable international norms of behaviour [See Appendix 2].

Further tensions developed in 1985 when, according to Crocker and Nelson (2003), Libya was suspected of the dramatic terrorist attacks on both the Rome and Vienna airports which resulted in the deaths of several US citizens. O'Sullivan (2003) argues that the Reagan administration chose to respond to these incidents by imposing economic sanctions rather than engaging in military action. While military measures were not likely to elicit much support from the international community, sanctions, on the other hand, provided a starting point for the US's subsequent efforts to gain 'multilateral cooperation' for economic restrictions against Libya. This view is very much in line with economic and normative theories that generally conclude that no state alone has enough economic influence over another to cause significant harm and that greater levels of international cooperation would also convey a sense of legitimacy than offensive unilateral measures (Pape, 1996). In addition, unilateral sanctions imposed by the US are more likely to fail than those with a broad coalition of international support (Elliot, 1998).

By 1986, however, US action towards Libya took a distinct turn from multilateral economic coercion to the use of pre-emptive force. On 5 April 1986, the West Berlin *discothèque*, La Belle was bombed, killing one American serviceman and injuring fifty others. The US immediately

pointed the finger at Libya as the main suspect of the incident. However, Nafaa (1999) notes that there was no clear evidence creating a direct link to official Libyan responsibility. This view supported by Judson (2005) who writes that the news initially broke on a US morning news talk show and escalated from there. The US Ambassador to West Germany, Richard Burt, made a statement on *The Today Show* three days later: "There is very, very clear evidence that there was Libyan involvement". Two days later an official with the German domestic intelligence unit admitted that they did not have any concrete evidence to substantiate the claims made against Libya (Judson, 2005: 79). Despite the lack of substantial evidence at the time, nine days following the bombing, President Reagan ordered sixty six American fighter jets to attack Libya, killing over a hundred people.

 The US air strike has generated numerous conflicting reactions and opinions. For instance, Lewis (2002) points out that the US faced international criticism over this incident because the The US defended its action as legitimate self-defence against the state-sponsored terrorism of Libyan leader Muammar Gadhafi (Warriner, 1988). Paradoxically, both Herman (2007) and Laham (2008) note that the US air strike itself could be seen as both an act of state terrorism and a violation of the UN Charter.

However, Crocker and Nelson (2003) argue that the heavy-handed US response was not necessarily directly provoked by the bombing of *La Belle*, instead it was actually related to the Libyan policy of the 1970s and mid-1980s. Additionally, O'Sullivan (2003) argues that growing Libyan radicalism and its strengthening relationship with Moscow made Libya an immediate target for the Reagan administration. In the wake of the Soviet invasion of Afghanistan and following the aftermath of the Iranian revolution, Reagan most likely viewed a confrontational

approach as the best way forward by applying continuous pressure against Libya and for protecting US interests in the Middle East region.

The bombing of Libya occurred two months after the Reagan administration publicly announced its decision to use pre-emptive force as outlined in the *Public Report of the Vice President's Task Force on Combatting [sic] Terrorism*, published in February 1986. Although the report only briefly mentioned pre-emptive force as an option in response to terrorism, the administration had covertly embraced this strategy (Simpson, 1995). In July 1985, Reagan's National Security Policy Group planned Operation Rose, a covert pre-emptive military strike on Libya carried out with the help of allies such as Egypt (Woodward, 1987). According to Winkler (2007), Vice President Bush Sr. summed up the approach in a private letter to Reagan in 1987, writing: working unilaterally or with our friendly we took pre-emptive action to stop possible terrorist acts against American interests.

One the other hand, some may also believe that Reagan's military strike against Libya was not a pre-emptive act, but rather a retaliatory one. However, Reagan publicly claimed to have evidence that Libya had planned further attacks on US citizens, which the White House's internal public affairs strategy used to justify the action as a pre-emptive strike against terrorism justified by the claim that there was concrete information about no less than thirty-five "planned terrorist actions" against Americans both at home and abroad (Reagan, 1986a).

According to Reagan's claims, the US government had evidence proving that Libya was hosting both terrorist training camps and giving refuge to Abu Nidal, the terrorist leader responsible for the airport attacks (Reagan, 1986b). The latter was reported by the State Department to have met senior Libyan officials three times from 1984-85. Reagan insisted that Gadhafi was training and

financing terrorism through US and European banks. Libya was also suspected of having helped Abu Nidal in his attacks on Rome and Vienna by using its diplomatic missions to supply passports and logistical assistance. However, this allegation was questionable and not fully substantiated. The only Rome bomber to have survived the attacks claims to have trained in Syrian-occupied areas of Lebanon and planned the attack in Damascus. Indeed, many officials and analysts in the US believed that Abu Nidal's safe haven was in fact in Syria instead of Libya (Winkler, 2007).

It is worth pointing out, however, that all US attempts to overthrow Gadhafi failed and that unilateral sanctions imposed by the US during the 1980s were ultimately ineffective in bringing about either policy or regime change in Libya (O'Sullivan, 2003). Perhaps, the US decided to strengthen its action against Libya by adopting an approach of combined sanctions. When this also failed in bringing about the desired policy changes, the US decided to try using a strategy of "limited and incremental conditional engagement" (Calabrese, 2012: 7). Even after the 1986 air strikes on Benghazi and Tripoli, Libya did not significantly change its behavior, but rather retaliated by supporting liberation movements that openly espoused anti-American ideology and opposed the US expansion of power within the region. In this respect, it could even be argued that the US attacks in fact strengthened Gadhafi's internal power and domestic support by allowing him to present himself as a bulwark against imperialistic superpowers. Perhaps more often than US foreign policy officials would care to admit, economic sanctions have the unintended consequence of further entrenching the target government as they adjust their internal politics and patterns of trade to adapt to trade restrictions (Selden, 1999). Gadhafi perhaps also felt threatened by Israel's arsenal of nuclear weapons and long-range delivery capability, which

in turn may have initially prompted him to pursue the development of his nuclear programme (Ronen, 2003b).

Calabrese described three possible reasons for Gadhafi's continued resistance to change Libyan behavior. Firstly, Gadhafi was still operating under the old parameters of violence as a legitimate means of fighting against colonial powers and in his personal views of what constituted legitimate liberation movements versus terrorism. Secondly, Gadhafi viewed UN sanctions against Libya as illegitimate. Thirdly, Gadhafi did not want to make any concessions as he believed that the US and its allies wanted no less than a complete regime change (Calabrese, 2012). Indeed, in attempting to acquire nuclear weapons, Libya was indirectly seeking to "deter external aggression" (Bowen, 2006b). In other words, Libya wanted to acquire nuclear weapons in order to guarantee the regime's survival and reinforce its revolutionary actions, which were against the interests of not only the US, but other regional and international actors as well.

Gadhafi inexplicably saw the end of the Reagan era as yet another opportunity for improving diplomatic ties with the US. In early January 1989, he invited the Bush administration to talks aimed at resolving some of the long-term issues in US-Libyan relations. Shortly thereafter, Libya had the body of a US airman shot down during the April 1986 American raid repatriated. However, the US nonetheless expanded its sanctions regime and helped orchestrate a UN Security Council resolution imposing an embargo on Libya in order to apply pressure on the country to abandon its chemical weapons programme (Klare, 1996). Calabrese (2004) describes that the international sanctions which were almost unanimously adopted by the international community, presented only one option to block the continuing Libyan behaviour in disregard of international peace and security, whereas the US policy of compellence and deterrence policy was enhanced by UN sanctions.

When President Bush Sr. was inaugurated in January 1989, Gadhafi erroneously believed that yet another possible opportunity had arisen whereby to improve American-Libyan relations. However, his overtures were met with increased diplomatic and military pressure, particularly on the issue of chemical weapons development (St John, 2004). Under the umbrella of the so-called Rogue Doctrine, the basic template for US military strategy in the post-Cold War era, the Bush Sr. administration broadly linked the issues of state-sponsored terrorism and WMDs to Libya among other states (Alzawe, personal interview, 15 May 2007). These policy themes were to characterize US policy toward Libya for most of the following decade (Tarek, personal interview, 21 October 2012). There were no exchanges of force between the US and Libya during this period, although the former did conduct Desert Storm, its largest and most successful military operation in the post-Vietnam era. The most significant event was diplomatic instead in the form of UN sanctions imposed on Libya. Security Council Resolution 731, adopted largely at the behest of the US and the UK, formally called on Libya to support investigations into Pan Am 103 and UTA 772. Libya's refusal to comply with this demand led to multilateral sanctions pursuant to Resolution 748, which were also reinforced by unilateral US sanction (Calabrese, 2012). The US took action mainly by imposing economic sanctions through Executive Orders 12543 and 12544 in addition to limiting air traffic between Libya and the US. Additionally, it froze "an additional $260 million in Libyan assets", bringing the total amount of frozen "Libyan assets to $950 million" (Calabrese, 2012: 47).

Gadhafi misread the American political landscape once more by welcoming the election of Bill Clinton, believing that a Democratic administration offered a fresh opportunity for improved US-Libyan relations. In a speech in late December 1992 to Political Science students at al-Fateh University, in Tripoli, Gadhafi strongly condemned the Republican Party, together with the

previous Reagan and Bush administrations, grandiloquently lauding and extolling the Democratic Party and the incoming Clinton administration (St John, 2002b). However, US policy towards Libya at the beginning of the Clinton administration was virtually indistinguishable in direction, tone and content from that of its predecessor. Although a bottom-up foreign and defence policy review was aimed at adopting radically new policies in the wake of the Cold War, it in fact conformed to the Rogue Doctrine, thereby solidifying opposition to 'rogue' or 'backlash' states, such as Libya, a *leitmotiv* of foreign policy (Lake, 1994).

The first step towards this strategy was taken by the Clinton administration in late 1998. In an effort described by Secretary of State Madeleine Albright as "a way to call the Libyan government's bluff", the US acceded to Libya's demand that the Pan Am 103 trial be held in a neutral third country – the Netherlands – in exchange for handing over the suspects (Albright, 1998). This handover took place in April 1999, resulting in the suspension of UN sanctions. Later that same month, US sanctions were modified, but not lifted entirely. The Clinton administration argued that Libya was still required by the UN to renounce terrorism, cease support for terrorist activities, and comply fully with the Pan Am and UTA investigations. Furthermore, the US demanded that Libya accept responsibility for the Lockerbie bombing and provide compensation in the amount of $2.7 billion to the families of the victims.

In addition to handing over the Lockerbie suspects, Gadhafi closed the training camps run by the infamous international terrorist Abu Nidal, which the Clinton administration perceived as a concrete step towards the renunciation of terrorism (Lancaster, 1999). For its part, as well as modifying its own sanctions, the US allowed four of its oil companies to travel to Libya to assess the status of their holdings.

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US officials had gradually realized that Clinton's attempts to impose an oil embargo on Libya would not receive support at the UN, and that they risked losing international support for sanctions in the UN Security Council, which would undoubtedly have weakened their usefulness (Ettalhi, personal interview, 12 September 2012). The second Clinton administration took a more relaxed approach toward the Gadhafi regime, due to a combination of 'sanctions fatigue' and its failure to convince its European allies to accept the rationale behind its policy in light of Libya handing over of the two suspects. Thus, in mid-1999, the US opened secret talks with Libyan officials. As Indyk (2004) reported, these talks were made possible by Libya acquiescing to US conditions — that 'Libya cease lobbying in the UN to [permanently] lift the sanctions' and that 'the bilateral dialogue be kept secret'. In their first meeting with US officials in May 1999, Libya's representatives led by intelligence chief Musa Kusa said that Gadhafi had realized that the two countries faced a common threat presented by Islamic fundamentalism (Tarek, personal interview, 21 October 2012). In that context, it was discussed that Libya would actively cooperate in the fight against al-Qaeda and would end all support for Palestinian 'rejectionist' groups in addition to endorsing US peace efforts in the Middle East and playing a part in resolving conflicts in Africa.

Policy on Libya was as tough during Clinton's administration as it was during the previous administration, partly because Clinton's election campaign had included a promise to the families and victims of Pan Am 103 that he would strengthen international sanctions against Libya. As early as March 1993, the US sought to impose a worldwide oil embargo on Libya (Greenberger, 1993). However, historical review indicates that the Clinton administration made significant efforts to normalise, albeit slowly, ties with Libya (Zoubir, 2012). The Clinton administration sought to gradually stabilize connections with Libya while also trying to avoid

provoking the families of the victims as they could be quite vociferous and enjoyed the support of much of Congress (Zoubir, 2006).

Despite this tough rhetoric, US pressure on Libya remained fairly limited; it failed to secure the handover of the suspects or muster enough support from its allies to launch punitive military actions. The reason for this was the widespread conviction that the administration was in fact targeting the regime itself, rather than the indicted men. For Libya, US foreign policy offered little incentive to support the Middle East peace process, sign the Chemical Weapons Convention or renounce its links to international terrorist groups. Officials in the country believed that the US had only pushed for sanctions because it knew that Libyan and Arab public opinion would not allow for Gadhafi to extradite the suspects under the conditions determined by Britain and the US (Zoubir, 2002).

In addition to bringing about the threat of trade wars between the US and Europe at the WTO and the Organization for Economic Co-operation and Development (OECD), these sanctions failed to achieve the overthrow of the Gadhafi regime, despite their negative impact on Libya's economy and living standards. It became increasingly obvious that unilateral economic sanctions as a means of achieving foreign policy objectives adversely affected the US as well as the targeted countries, with various sources claiming that businesses lost billions of dollars. In 1997, US companies and trade associations formed a coalition called USA Engage and lobbied Congress to at least limit the duration of sanctions (Laurence, 1999). In May 1998, with UN sanctions on Libya were beginning to crack, the Clinton administration reached a deal with European leaders to ease certain US restrictions on multinational companies doing business with Libya. Two months later, the State Department announced that a special court would be created

in the Netherlands by the UK and the US to try the two Libyans suspected of involvement in the Pan Am 103 bombing (Lindsay, 2000).

US economic sanctions were imposed against Libya in addition to third parties dealing with that country. As a designated state sponsor of terrorism, Libya was automatically subject to numerous US sanctions which were increased progressively by Congress over the years (Alzawe, personal interview, 15 May 2007). In 1996, the sovereign immunity of countries designated as supporters of terrorism was abrogated, allowing private damage actions to be brought in US courts by US victims (Schwartz, 2007). As 'sanctions fatigue' increased notably in the late-nineties, the Clinton administration gave up on its longstanding request that the Lockerbie trial take place in either Scotland or the US. It made the offer of holding the trial in a third country, and Libya offered to accept this compromise in 1999 as long as UN sanctions would be dropped immediately (St John, 2004).

The early days of the George W. Bush administration promised an expansion of the policies towards Libya initiated by President Clinton. The long sought-after goal of Libyan behavior change was finally achieved by the Bush Jr. administration. In August 2003, the Libyan government accepted formal responsibility for the actions of convicted Lockerbie bomber Abdel Basset Ali al-Megrahi and agreed to pay compensation to the families of those killed in the attack. In 2003 and 2004, Libya abandoned its pursuit of WMDs, acceded to the Chemical Weapons Convention, and announced a stop to all military-related trade with countries suspected of proliferating WMDs, namely North Korea, Iran and Syria (Miller, 2004). This change in Libyan behavior was achieved with the help of diplomatic efforts by British intermediaries to facilitate communication between Washington and Tripoli (Tyler 2004).

Having established that Bush Jr. did not single-handedly bring Libya to the negotiating table, it is important to recognize that he did make a few unique contributions. Firstly, his strong rhetoric and decisive action against other 'rogue states', including two major military operations in the global 'war on terror', had a certain amount of coercive effect on Libyan behavior. Secondly, his willingness to maintain conditional engagement, despite this hardline stance, ensured continued dialogue between the two states. Bush's hardline stance was given credibility by the sea of change in US foreign policy following the 9/11 attacks and the country's subsequent resolve in fighting terrorism and the spread of WMDs. Nonetheless, when Libya proved that it was willing to move forward in its rehabilitation into the international community, the Bush administration offered rewards and assurances that relations would improve further if these positive steps continued (Calabrese, 2012). Colin Powell expressed hope about Libya's behaviour as it had settled the Lockerbie bombing case, surrendered its WMDs. He also stated that the US had set out a plan by which the US and Libya could "move toward full normalization of relations" and that it would be in the national interest to have Libya as part of the broader international community once again (Powell, 2004).

In order to fully understand the extent to which US foreign policy affected Libya's behavior, we must consider the concept of "coercive diplomacy". Alexander defines this as a form of forceful persuasion based on a credible threat of punishment that forces an adversary to comply with a given demand by either stopping what he/she is doing or undoing what he/she has already done (Alexander, 2005). Zoubir (2011) argues that coercive diplomacy, mostly in the form of sanctions, caused Libya to abandon its WMD program in 2003 and become a key US ally in the fight against terrorism. Both Democratic and Republican administrations have adopted this policy at the expense of the promotion of democracy and human rights.

5.5 THE LOCKERBIE INCIDENT AND UN SECURITY COUNCIL RESOLUTIONS

The explosion of Pan Am Flight 103 on 21 December 1988 over Lockerbie, Scotland left 270 people dead and presented a serious dilemma to the UN itself since the UN Security Council's actions in response to the Lockerbie bombing created significant tension between the UN Security Council and the International Court of Justice (ICJ) (Alzawe, personal interview, 15 May 2007).

There were different schools of thought on who was in fact responsible for the Lockerbie incident. Several scholars (Matar and Thabit, 2004; Lahwej, 1998) proposed that the suspects even included a member of a drug-smuggling operation who had connections to the CIA. For two years following the Lockerbie incident, American officials continued finger-pointing at different suspect groups including the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) under the leadership of Ahmed Jibral who was then based in Syria (Herman, 2007; Niblock 2001; Naffa, 1999; Rollo, 2001).

The original Lockerbie investigation gradually shifted suspicion from the usual suspects, Syria and Iran towards Libya, which had declared its opposition to US attitudes towards the Iraq-Kuwait War in 1990-1991. Even though the US sought better relations with Syria, Lahwej (1998) contends that Syria was dismissed as a suspect because the US and Britain had maintained close contact with the Syrian authorities following the hostage crisis in Iran. Herman (2007) proposes that the improvement in US-Syrian relations stemmed from the shift in the Syrian attitude during the Iraq Kuwait War in 1990-1991 which supported the US and coalition forces against Iraq. However, Rollo (2001) concludes that justice was sacrificed to obtain the support of both Iran and Syria for the Desert Storm operation. This line of thinking is also acknowledged by Matar and Thabit who write that the improved relations between Syria and Iran

and the US were a reward for participating in the Desert Storm operations in the case of Syria, and "for standing aside" in the case of Iran (Matar and Thabit 2004: 8).

It is Zoubir and Ait-Hamadouche's (2006) opinion that the Lockerbie incident could be seen as a form of Libyan retaliation for the US air strikes on Libya in April 1986. Saad (1998a) writes that Libya immediately denied any involvement and refused to comply with the extradition demands made by the US and Britain, arguing that the two countries could not be both prosecutor and judge. Libya was the first country to suggest that the trial of its citizens take place in a third country. Although both Washington and London initially rejected the Libyan proposal, third party involvement was finally conceded to Libya.

The US and Britain began a campaign to obtain the UN Security Council's agreement for the legal trial of the two Libyan suspects to be held in a neutral country, but found that gaining member support for the cause was difficult. The situation within the international environment was particularly fragile at this juncture. France was the only permanent Security Council member who could become involved as the Soviet Union was on the brink of collapse and China was more focused on insulating itself from the fallout from this collapse (Matar and Thabit, 2004).

Since France already had its own difficulties with Libya over Chad and in Africa, Matar and Thabit (2004) explain that it was not difficult for the US to convince France to support its claim that Libya was also responsible for downing a UTA flight over the Niger in September 1989. Hurd (2005) adds that Britain and later France were both pressured to cooperate in the casting of two UN resolutions imposing sanctions against Libya.

White (2002) writes that Libya's response was to appear before the ICJ under Article 14 of the Montreal Convention. Libya justified its belief that its opponents were breaching the provisions

set forth by the convention. Graefrath (1993) comments that any opportunity for the International Court of Justice to make an independent ruling was thwarted by a UN Security Council decision to adopt Resolution 748 against Libya. Whereas Resolution 748 mandated that Libya extradite the suspects, an order that violated the sovereign rights bestowed upon it by the Montreal Convention (Happold, 2003).

The resolution was implemented one day before a decision by the International Court of Justice could be made. Thus, Libya lost its opportunity for an independent ruling. This raises certain questions such as: could the US now exert pressure on the UN Security Council for sanctions against Libya? Could US policy successfully push for the UN to endorse American interests and political objectives in its handling of the Lockerbie incident? Ghali (1999) makes an interesting point when he writes that the Lockerbie saga aptly captures all of the facets of Gadhafi's changing approach to terrorism and how powerful countries are able not only to go against the UN, but also "violate international law" in the process.

Reisman (1993) notes, unfortunately, that the Lockerbie crisis involved two very different sides—Libya, belonging to the group of developing countries with limited wealth, and the combined forces of the US, Britain, and France of the industrialized world that have not only vast wealth and resources, but also a great amount of influence within the UN Security Council as permanent members. As Graefrath (1993) points out, in the meeting of the UN Security Council which led to the adoption of Resolution 731 against Libya, the US, Britain, and France each cast their votes without any regard for the procedures of the International Court of Justice by using their position as UN Security Council members. In contrast, the greatest international legal sway that Libya could attempt to rely on was the Montreal Convention.

Alzawe (personal interview, 15 May 2007) affirms that the Lockerbie crisis and the resulting sanctions made it is clear that there was no possibility left for the UN and all its members, and UN Security Council members in particular, to reject any claims made by the US, thus effectively leveraging the authority and apparati of the UN with all its components and institutions into supporting American foreign policy goals. He believes that the general feeling now is that there was no longer any place for member countries of the UN to effectively raise their causes rather ineffectively with the General Assembly, an institution which in practice holds very little real, political, legal or moral influence. Twenty years after Lockerbie, the weaknesses and imperfections of the General Assembly still remain deeply entrenched. Even today, it can still be seen as a pure formality in renewing sanctions once their end date comes about.

5.5.1 THE LEGAL BASIS OF THE UN SECURITY COUNCIL RESOLUTIONS IN THE LOCKERBIE CASE

The adoption and imposition of sanctions against Libya by the UN Security Council represented a special case. They do not apply to the internal situation of any other country or imply aggression against another state. Instead, they imply compliance with a specific demand of the Council, which had determined that any terrorist activity against international aviation constituted a threat to international peace and security.

Hurd (2005) argues that in UN Security Council Resolution 731 which called for Libya to 'immediately provide a full and effective response', there was no mention of further action should Libya fail to comply. It also did not specify which Charter provisions it was relying on for its legal authority. Graefrath, (1993) comments that no sponsor introduced any legal reasoning nor gave any explanation as to why Libya would be obliged to surrender its citizens or pay

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compensation for an act which, at that time, had not been attributed to Libya by any formal legal procedure, and that Resolution 731 was made too hastily.

The US had resisted all efforts to delay passing Resolution 748 until after the ICJ had ruled, thus putting the court in a difficult situation. Matar and Thabit (2004) argue that a quick vote on the procedures of the resolution was sought and that China was threatened with dire consequences if it used its veto power in this case. The US also threatened to take away China's trading status as a most-favoured-nation "if it had vetoed the Libyan-related resolutions" (Joyner and Rothbaum, 1993: 16).

Following the imposition of sanctions by the UN Security Council in 1992, Libya became even further enmeshed in a politically and economically degenerative dispute with the West. Reisman and Stevick (1998) and Ronen (2002b) both argue that the effect of these resolutions on Libyan domestic affairs, particularly in the economic area, grew steadily. According to Martinez (2006), Ohaegbulam (2000), and Saad (1998a), the sanctions were estimated by a Libyan survey submitted to the UN Security Council to have cost approximately $24 billion (between 1992 and 1997) and have led to more than 18,000 deaths. Jentleson and Whytock (2005) similarly show that Libyan economic problems had steadily worsened from the 1980s into the early 1990s. Libya's gross domestic product dropped 30% in 1993 compared to the previous year, and averaged less than 1% growth annually from 1992 to 1998. By 1994, Hegghammer (2008) notes that the Libya inflation rate had reached a record 50%.

There is certainly no doubt that the UN sanctions against Libya affected the Libyan economy. The sanctions in Libya also had other tremendous effects that took nearly a generation to be seen (Lieven, 2008). It is important to note the extent to which the economy relied on its oil resources.

Oil prices had dropped steadily in the mid- nineties as it had also done in other petroleum rich countries. According to OPEC data, this period witnessed a decline in oil prices comparable to the 1980's which had in turn affected the Libyan economy as a whole.

However, the votes in UN Security Council resolutions were not unanimous for the initial resolutions regarding Libya. Matar and Thabit (2004), Simons (1994; 2003), and Ohaegbulam (2000) give two examples: 1) UN Security Council Resolution 748 was passed by only ten of fifteen members; and 2) only eleven members voted on 11 November 1993 to pass the resolution to renew and expand sanctions against Libya. By the end of 1991, before the UN Security Council adopted any new resolutions on Libya, the US and other Western nations were putting the finishing touches to a new package of sanctions to be used against Libya if it refused to hand over the two Libyan suspects for the Lockerbie bombing. According to Alzawe, (personal interview, 15 May 2007), there were hints that sanctions might even begin before the issue had initially been brought to the UN Security Council.

Graefrath (1993) asks whether the fact that Libya took the floor in the UN Security Council debate or not was of little or no consequence, since the results of that meeting and judgment had already been decided on long before by means of 'private consultations' amongst the permanent members of the UN Security Council (as previously discussed). According to Joyner and Rothbaum (1993), Resolution 731 urged the Libyan authorities to immediately 'provide a full and effective response' so as to contribute to the elimination of international terrorism, and coerce Libya into complying with international demands. Similarly, Mastanduno supports that these sanctions against Libya throughout the 1990's were meant to serve as a deterrent for other countries "from supporting international terrorism" (Mastanduno, 2008: 174).

Hovi, *et al*. (2005) write that, in contrast to Resolution 731 (1992), Resolution 748 (1992) which imposed international sanctions against Libya, also included an embargo on aircraft and arms sales, air travel restrictions, and staff reduction in Libyan diplomatic missions abroad. The biggest issue with this resolution, adopted under Chapter VII of the UN Charter, was that it made provisions for action with respect to threats to the peace. The UN Security Council Resolutions 731 and 748 were the first examples of the UN requesting that a state extradite its own citizens to go to trial in another country. Additionally, it was the only time that a country faced universal sanctions in the case of noncompliance (Joyner and Rothbaum, 1993).

5.5.2 LIBYA'S RESPONSE TO THE UN SANCTIONS

During the 1990s, Libya searched continuously for a way to put an end to UN sanctions. It made several arguments to undermine the sponsors and pressed hard to free itself from sanctions (Hurd, 2005). Libya repeatedly claimed that punishment, in the form of sanctions, was imposed before the issue had been fully investigated, and the US and the UK should be required to present 'supporting evidence or proof' (Simons, 2003). Libya also raised the point that the legal basis upon which it relied, the Montreal Convention on Safety of Civil Aviation, had been bypassed and violated by Resolution 748.

Schweigman (2001) observes that Libya instituted parallel proceedings at the ICJ against both the US and the UK. The Libyan government submitted that it had taken all the necessary steps to try its own nationals in accordance with the Montreal Convention (1971). However, the UN Security Council had adopted Resolution 748 (1992) three days after the oral hearings on the request had closed. Hurd (2005) also notes the Libyan contention that it had fulfilled its obligations under the Montreal Convention. Through Libya's own investigation of the accused,

and that the Lockerbie incident constituted a dispute under the terms of the Montreal Convention.

Judson (2005), Joyner and Rothbaum (1993), and Oxman (1998) explain that Libya, in compliance with the Montreal Convention to suppress the Act of Violence against Civil Aviation (1971), submitted the two accused Libyans to its own competent legal authorities. Under Libyan law, the government appointed an investigating magistrate and requested to see evidence against the two in order to decide whether they should be tried in Libya or be extradited. The Montreal Convention of 1971, of which Libya, US, and UK had all been signatories, stated that under these circumstances the accused could be tried under the law of their own country, in this case Libya. In line with the previous arguments outlined in this chapter, Alzawe (personal interview, 15 May 2007) confirms that the sanctions against Libya intensified the pressure on the country to carry out the extradition of the accused. Libya continued refusing to comply with the extradition orders as it felt that the sanctions were not consistent with international conventions and because it believed that the Montreal Convention for Air Safety should have been used instead to judge such a crisis.

According to the text of Montreal Convention for Air Safety, there was no basis in international law for the demand that Libya should turn over citizens suspected of crimes to another country. Under codified international law, the Montreal Convention extends the right to prosecute its own citizens to Libya, and the US was fully aware that Libya was under no legal obligation to surrender its own citizens. There was also no existing extradition treaty between Libya and the US. However, it may have been that none of the interested parties were keen on Libya actually complying with it. As Graefrath contends, the governments of the US and Britain knew that

Libya was not legally obligated to extradite its citizens, but they did enjoy certain political benefits from spreading propaganda against Libya for not complying (Graefrath, 1993).

Libya was hoping that its appeal to the ICJ would further stall US plans for targeting Libya with further economic sanctions or military actions. The Libyan approach to the ICJ was aimed at delaying further UN Security Council resolutions (Lahwej, 1998). Theoretically, the ICJ decided on 27 February 1998 that it had jurisdiction to provide a forum in which Libya could voice its complaints against the US and UK over the Lockerbie incident. However, as Malone (2003c) notes, the US downplayed the ICJ's ruling and considered it as a technical decision. Libya, on the other hand, opposed the decision. In 1999 a diplomatic solution was reached to the long-term conflict between the Council and Tripoli, much to the chagrin of the member states.

Schweigman (2001) writes that Libya invited the US and the UK to nominate lawyers who could ensure the fairness and propriety of the enquiry, but this invitation was declined. Ronen (2002b) explains that Libya offered a further compromise in early November 1993: they would turn over the two suspects to Switzerland for trial. Despite this concession, the US and Britain were resolute in their demand that Libya must comply with UN Security Council resolutions. In early 1994 some Arab and Muslim leaders in a meeting in Jakarta, offered another proposal to solve the deadlocked dispute: the two Libyans could stand trial in an Islamic court before an Islamic jury (Makki, personal interview, 2 June 2007). Once again, the US and the UK ignored this proposal and indicated that Libya was simply trying to gain by breaking the sanctions and thereby prolonging the dispute.

Despite the UN sanctions, Libya was determined to make attractive offers for prospective international investors in its natural gas and oil industries from European industrial countries

who still dared to invest. Chart 5.3 shows that Libyan exports to Italy increased from 19% in 1980 as in Chart 5.1 to 38% in 1994 in Chart 5.3 and in Germany from 13% in 1980as in Chart 5.1 to 17% in 1994, in Chart 5.3 but with a decline in Libyan exports to the US from 35% in 1980 as in Chart 5.1 to no exports at all in 1994 in Chart 5.3.
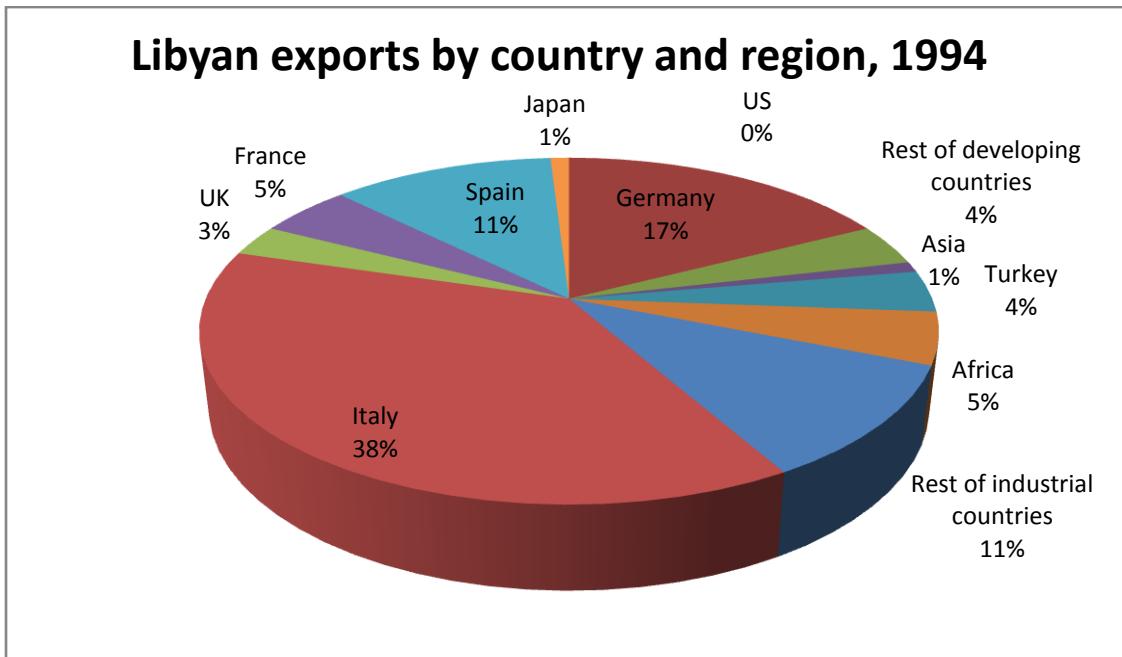
Chart 5.3: Libyan exports by country and region, 1994

Source: O'Sullivan, M. (2003) *Shrewd Sanctions: Economic Statecraft in an Age of Global Terrorism* Washington, Brookings Institution Press

5.5.3 THE LEGALITY OF THE SANCTIONS AGAINST LIBYA

Libya followed the necessary legal steps to resolve its complaints made over the handling of the Lockerbie crisis. St John (2002a) notes that the ICJ was working on the case, perhaps to the collective chagrin of the US, UK and France. The ICJ passed a ruling in 1998 that would allow Libya to have a "full hearing into its complaint" regarding the US and UK pressure into

extraditing the two suspects to Scotland. The court did in fact reject the cases made by the Britain and the US, ruling instead in favour of Libya (St John, 2002b).

The US resisted all efforts to delay the adoption of Resolution 748 as Washington upheld that all that was needed was to obtain the votes of permanent UN Security Council members. Russia was bribed into compliance by an offer of aid, and China was coerced into compliance by the threat of the withdrawal of its most-favored-nation status (Simons, 2003). As a result, the sanctions sent against Libya following the Pan Am 103 flight was the first incidence of the UN Security Council acting on a criminal offense before it was legally decided upon in a court of law (Lyman, 2000). According to Reisman and Stevick (1998), when UN Security Council Resolution 883 against Libya was adopted under Chapter VII of the UN Charter, there was a certain degree of concern from some of the Western European states, many of which were heavily dependent on Libyan oil, that the resolution would freeze any assets derived from the sale or supply of Libyan petroleum.

According to Calabrese (2012), the US has successfully managed to influence strategies of any kind requiring close coordination with allies. Allied support and the lack thereof can greatly enhance or diminish the strength or influence of any strategy. The imposition of UN sanctions on Libya for its refusal to comply with the UN was not used in place of unilateral sanctions.. As a result of this US strategy, European trade with Libya would have continued to significantly diminish both the impact of US sanctions and US bargaining power.

The US Congress made another important move by passing the Anti-Terrorism and Effective Death Penalty Act in August 1996. Eizenstat (2004) explains that this bill not only banned all financial transactions with Libya, but also revoked the sovereign immunity of Libyan lawsuits in

US courts. Other financial restrictions included US opposition to loans from the World Bank and IMF fund to Libya (O'Sullivan, 2003). In a similar vein, Vandewalle (2006) notes that there was substantial US pressure placed on international lending agencies in order to avoid extending loans to Libya. In fact, Libyan oil wealth was portrayed by some as making Libya too affluent to need such forms of assistance.

The families of the victims of Pan Am 103 had been putting pressure on the US administrations for years and demanded justice, which effectively mobilized both domestic and international public opinion to find out who was responsible for the Lockerbie incident. As a direct result of this pressure, subsequent US administrations had been pushed to escalate sanctions against Libya even further. Shenon (1998) and Vandewalle (2006) write that the US and Britain were both under pressure from the Lockerbie victims' families to have Libya placed on the UN Security Council agenda. The relatives of the victims did exert "formidable political pressure" that forestalled taking action on "any other issues on the agenda with Libya" (Jentleson and Whytock, 2005: 65). However, these hardline domestic attitudes pushed Congress and the Clinton administration to unsuccessfully rally support for more strict UN measures in an international environment where overall "attitudes toward the sanctions were softening" (O'Sullivan, 2003: 182).

I would argue that it should be considered that US foreign policy is made in a democratic system, and US administrations have the right to pursue those responsible for the Lockerbie incident and to protect its citizens' rights. Perhaps the outcome of the efforts made by successive US governments have improved after a decade, on 13th August 2003, when Libya signed an agreement to pay approximately US $2.7 billion in compensation to the families of the 270 victims of the 1988 Pan Am Lockerbie bombing. This action was followed by a letter to the UN

Security Council on 16 August in which Libya formally accepted responsibility for the atrocity, renounced terrorism and agreed to take practical steps to ensure effective cooperation in the so-called 'war on terror'. Consequently, UN sanctions against Libya were finally lifted (Lawless, 2007).

At the same time, Hurd (2002) comments that as a way to end the UN sanctions, Libya made an effort to demonstrate to the international community that the sanctions were illegitimate. During its many contacts with the General Assembly and the UN Security Council, Libya constantly presented the theme that it was being punished in advance of any judicial finding placing the responsibility over the Lockerbie incident and that this violated basic Western and international judicial norms.

I would contest that the impetus of American policy illustrates the ability of the US to mobilize the international community as demonstrated through its use of UN sanctions as one of the possible means of gaining international legitimacy for its own unilateral sanctions. This tactic was used against Libya during the dispute over the Lockerbie bombings. O'Sullivan (2003) supports this contention by claiming that the UN and US sanction play a large role in how American foreign policy opposes certain actions taken by Libya (O'Sullivan, 2003). Vandewalle (2006) argues that the multilateral sanctions from April 1992 to April 1999 proved to be much more damaging than the US unilateral sanctions, but that both forms of sanctions complemented each other.

As the US and Britain continued to put pressure on Libya following the Lockerbie bombings, Libya received information regarding claims that British intelligence was plotting to assassinate Gadhafi in 1996. Both the Libyan media and Gadhafi demanded an immediate investigation into

these claims. In an interview with Al-Jazeera television (5 November 1999), Gadhafi's reaction was adamant. He called for the incidents of the 1986 US bombing of Libya and Britain's alleged assassination attempts to be dealt with in the same way as the Lockerbie bombing. As Gadhafi's reaction seemed to politicize the Lockerbie incident, I asked Alzawe, who was the Libyan representative to the UN at the time of the Lockerbie crisis, whether the Lockerbie incident was considered by Libya to be a political issue or a legal issue. His response was that the Lockerbie crisis had, in his opinion, been treated as a political issue, but should have been a legal issue governed by the Montreal Convention on Safety of Civil Aviation (personal interview, 15 May 2007).

5.6 CONCLUSION

This chapter has analyzed three distinct phases of US coercive diplomacy towards Libya: firstly, the Reagan administration (1981-88), which was characterized principally by sanctions and military force; secondly, the George H.W. Bush and early Clinton administrations (1988-98), which placed greater emphasis on multilateralism; and thirdly, the later Clinton and early George W. Bush administrations (1999-2003) which focused on secret direct negotiations culminating in the WMD agreement on 19 December 2003.

Coercive diplomacy failed in the first of these three phases, had mixed results in the second and succeeded in the third. Its eventual success can be explained by a combination of force and diplomacy; proportionality; reciprocity; coercive credibility; international and domestic constraints; and Libyan domestic politics and economic factors.

Major changes in US foreign policy towards Libya had to be implemented slowly. The latter's transformation from a chief sponsor of terrorism in the 1980s to an ally in counterterrorism efforts did not happen overnight; it took time for Libya to implement its new policies and for US officials to establish reliable channels of communication and build mutual confidence in the fragile new relationship. The American public also needed to be persuaded that significant change was underway that would advance their national interests. This gradual approach ensured that there was very little opposition to the rescission of Libya's designation as a pariah state. However, it may encourage other countries to see the US as slow and therefore to be reluctant to meet its demands.

During the Reagan administration, US-Libyan relations deteriorated significantly. Reagan was convinced that Libya was complicit in numerous terrorist attacks against US targets and interests

overseas. As such, his administration applied a strategy of deterrence and coercion in an effort to not only punish Tripoli for its ongoing support for terrorists such as Abu Nidal, but also to potentially deter future support. This strategy even included conducting air strikes against Libyan targets in Benghazi and Tripoli. The Reagan administration used a confrontational approach in attempts to isolate Libya internationally and promote the downfall of Gadhafi through economic embargo, subversion, sabotage, assassination plots, and demonstrating its willingness to use outright military force through bombing raids.

For Libya, much of the 1980s and 1990s constituted a period of political and economic isolation as the US successfully mobilized the international community and the UN Security Council into passing resolutions against it. The sanctions against Libya illustrate the character of the post-Cold War period. Consequently, when the antagonism between the US and Libya began in the 1980s, Libya sought support from the Soviet Union. The collapse of the Soviet Union had an enormous impact on Libya insofar as it lost its most important diplomatic and economic source of largesse.

Clinton continued applying both US and international pressure on Libya, which served to maintain the economic and diplomatic isolation of the Gadhafi regime. Although this was integral in achieving the US government's objective of limiting Libya's ability to sponsor terrorism, it did not manage, even over ten years (1988-1998), to force Gadhafi to comply with the Pan Am 103 trial, much less renounce terrorism. At best, the compellence and deterrence policy made conditions in Libya favourable to a strategy of limited conditional engagement. In addition, President Clinton's calls for tougher measures against Libya and concomitant Libyan intransigence led to the imposition of stronger UN sanctions. After this punitive approach, his

administration changed tactics and gradually began to pursue a policy of limited conditional engagement.

Libyan-US relations became more antagonistic as Libya was seen as a threat to American interests through the closure of the long-standing American and British military bases in the country, the nationalization of Libya's oil companies, the rejection of Western cultural influence, and Libya's decision to conspicuously re-embrace Islamic values. Libya's rejection of American hegemony and the challenge is presented to US foreign policy was labeled as 'international terrorism' and Libya was ostracised as a rogue state. Libya maintained its opposition and radical attitude by boycotting the Middle East peace process in addition to opposing the Madrid Conference. However, when America targeted one of the most important elements in the Libyan economy—oil—Western countries showed a reluctance to follow US policy in its unilateral sanctions against Libya and succeeded in temporarily undermining American policy by keeping their companies in Libya until they were forced to remove them through UN resolutions. British banks also remained, though ownership structures and control may have been altered to legally bypass the restrictions imposed by sanctions.

US unilateral and UN multilateral sanctions concerning Libya were often at odds with one another. The UN objectives focused narrowly on segregating Libya during the Lockerbie incident, while it was the goal of the US to pressure Libya into complying with UN resolutions. The US, as both a superpower and permanent member of the UN Security Council, has a great responsibility to ensure respect for international law. Despite the unilateral nature of US action against Libya, it was specifically designed to be complimentary to parallel actions taken by the UN rather than attempting to serve as a replacement for multilateral action.

The US-Libyan antagonism was a game of 'attacker and defender', as the impetus of American policy illustrates the ability of the US to mobilize the international community and to use UN sanctions and other financial restrictions including US opposition to loans from the World Bank and IMF facility to Libya as instruments to gain further international legitimacy for its own foreign policy measures including unilateral sanctions. Libya did manage to develop its regional relations and actively cooperate with its allies despite the UN sanctions, and decided to make attractive offers for international investment in its natural gas and oil industries to European countries so that the solution of the dilemma among the two parts did indeed become a reality. However, the economic and diplomatic sanctions alone seemed to have little effect on Libya at the time. Two major reasons can be cited for this. First, American sanctions were not followed by the rest of the world. Second, Libya's main export was and still is oil; this made it somewhat problematic for the international community to take multiple sanctions further without sacrificing access to Libya's oil sector.

Engagement, or the use of positive incentives in a targeted way to bring about desired behaviour had been used during the Clinton Administration and continued selectively, and only then after signs of willingness to change on the part of Gadhafi, with the Bush Jr. Administration. By December 2003, three decades after the initial establishment of US and UN punitive measures, the Libyan government had renounced its support of both terrorism and its WMD project. Furthermore, since the December 2003 announcement, the Libyan government had taken viable steps to demonstrate their commitment to the international community, and their actions had largely been met with combined US-UN sanctions.

Where "rogue states" are concerned, foreign policy debates can become especially intense. Influential lobby groups can seek to prevent the normalization of relations, or to delay them until

certain demands, such as payment of claims or regime change, have been met. A further problem is that the US is unlikely to have established significant ties with such countries or have any particular sense of insight into their decision-making processes. Indeed, it may be unclear whether bilateral engagement would be perceived as a sign of weakness, undermining any unilateral or multilateral pressure. Against this backdrop, US officials dealing with Libya in the wake of the Pan Am 103 bombing were faced with many alternative choices, each with their own set of persuasive proponents that were never pursued including; a military response, as with the La Belle disco bombing; taking the dispute to the ICJ, as with the Iran hostage crisis; calling for an oil embargo or working to overthrow the Libyan regime, as with Iraq; demanding compensation, as with many previous reconciliation processes; or insisting on further internal reforms before lifting bilateral sanctions, which Congress has done for some other targets of US sanctions.

In summary, this case study has identified the three distinct phases of US coercive diplomacy towards Libya and critically examined the dramatic pivot in Libyan foreign policy in regards to its WMD programme and cooperating with the West following the 11 September attacks. In the next chapter I will present Sudan as a case study, focusing particularly on the elements of Sudan-US relations that are necessary to consider in order to achieve a more complete picture of their development in the post-Cold War era. It will address the influence of Hassan al-Turabi on Sudanese politics, the shift in relations after the 11 September attacks and the Darfur crisis.

CHAPTER SIX
SUDAN CASE STUDY (2)

6.1 INTRODUCTION

The majority of the Sudanese studies covering the US-Sudan relationship focus on the US as a Western power and the role Sudan has played in terrorist activities. Sudan first became a country of interest to the US when it developed medium-scale oil exports which had the potential to lift Sudan from poverty to a better economic level. Some of these studies also focus upon the impact that the ideology of Hasan al-Turabi has had on modern Sudanese political movements as well as on the north-south civil tensions within the country.

Sudan comprises a multitude of ethnic, religious, political, and national identities, as well as various geographic, economic, and strategic components. Islam has been both directly and indirectly intertwined with the political development of Sudan. The involvement of religion in politics has long been a source of irritation to the US. Therefore, in this chapter we will first discuss the objectives and activities of Hasan al-Turabi, and then proceed to delineate and analyse the role that his ideology has played in Sudan. The US generally tends to equate Islamic fundamentalism with its more radical element that has come to be equated with terrorism, significantly influencing US policy towards Sudan.

This chapter will critically analyse Sudan-US relations with a major focus on relations with the Khartoum government of Omar Hassan al-Bashir. It will examine the following components as they are integral to understanding Sudan-US relations: the background to Hassan al-Turabi and

Sudan's foreign policy; relations between Sudan and the US; the shift in relations following 11 September 2001; and the Darfur crisis.

The second focus of this analysis centers on the role of the US and China, the two main foreign actors whose policies were and still are very influential within Sudan itself. The third and final focus examines the tactics and strategies used by Sudan to cope with sanctions sent from both the US and UN.

Sudan, which is approximately a third of the size of the US and has a population of 36 million, is the largest country in Africa. It has Arab and Islamic ties to the Middle East to the north, but also borders the Sahel to the west, the Horn to the east and the Great Lakes to the south. Due to its cultural, racial and religious identity, Islam in Sudan has become closely associated with Arabism. Sudan "is on the fault line between Arab Africa and black Africa" (Danforth, 2005). As a result, the country's significant role in Africa is generally ignored in favour of the role it plays in the Middle East. Its population is divided by religion (with 70% Muslims and the remaining 30% a mixture of Christians and Animists) and also by numerous ethnic groups. When the country gained independence in 1956, the Arab-led government reneged on its promise to create a federal system (Nmoma, 2006). This led to an uprising by southern military officers, which in turn led to one of the longest-running civilian and humanitarian crises in the world.

The Horn of Africa has long had significant geostrategic value: there were natural oil deposits in the Ethiopian Ogaden and northern Somalia that could be exploited; the region was important in terms of access to the Suez Canal, the Red Sea, the Gulf of Aden, the Indian Ocean and the Arab Gulf; and there were radical, anti-Western Islamic movements in politically and economically weak countries such as Sudan, Egypt and Saudi Arabia. In spite of all this, the region was not

seen as being of particular importance for US strategic or national interests. Somalia's importance may have been over-stated during the Cold War, but in the unpredictable era that followed, it remained politically unstable and volatile. Its government was more than willing to trade concessions such as bases, ports, airfields and resources with any country that could provide it with arms. Coupled with the increasing dependence on Middle Eastern oil, especially from Saudi Arabia, Sudan's location in the Horn of Africa could prove vital in the near future (Morales, 1994).

6.2 THE NIMEIRI COUP

In May 1969, a group of communist and socialist officers led by Colonel Gaafar Muhammad Nimeiri seized power in Sudan. Nimeiri came to power as both a secular and leftist leader and then subsequently banned most of the existing political parties (Zahid and Medley, 2006; Warburg, 1996). A month after coming to power, he proclaimed that a socialist government would be replacing Islamism, following in the footsteps of President Nasser of Egypt. This continued up to 1977 when he strengthened his rule through a process of national reconciliation (Matt, 2006; Warburg, 1996). Around this same time, he established the Committee for Revision of Sudanese law under the Chairmanship of al-Turabi (Makki personal interview, 2 June 2007).

Connell (2005) asserts that Sudan was placed on the US enemies list after a failed *coup* attempt by the Communist Party in 1971. Sudan managed to establish closer relations with the US in 1977 following a pro-Soviet *coup* in neighboring Ethiopia when the US carried out a massive military build-up in Sudan. Al-Turabi agreed to cooperate with Nimeiri when he joined the Nimeiri regime in 1979. Ronen (2007) argues that some of the Nimeiri government members opposed the Islamic project, including Prime Minister Sadiq al-Mahadi, who opposed the

establishment of the *Sharia*. He believed that the imposition of Islamic law on civil law was founded on misguided and false promises.

In this chapter I put forth the argument that Sudan fell victim during the Cold War to the conflict between the two leading superpowers of the time—the US and the Soviet Union—in the same way that Libya did (O'Sullivan, 2003). Sudan came centre stage in an anti-Soviet bloc that included Somalia and Kenya at a time when the US was concerned with the Soviet influence in Africa in general and in the Horn of Africa in particular. Similarly, the US contributed vast sums of money to Somali leader Siad Barre during the Cold War in an effort to stabilise the Horn of Africa in the face of the Soviet-backed regime of Mengistu Haile Mariam in Ethiopia (Western, 2003).

Furthermore, Nimeiri worsened the situation by imposing austerity measures proposed by the US and the IMF. Ironically, the more his relations with Washington improved, the less popular he became domestically. This sense of dissatisfaction among his citizens eventually led to his ousting during a military *coup* the following month following Vice President Bush's visit to the country in March of 1985. This change in government posed a major setback for the progression of any stable US-Sudanese relations. The new military leader of Sudan, General Suwar al-Dhahab, along with leading members of his Transitional Military Council (TMC), were suspicious of Nimeiri's support for America. Of particular notoriety were the Camp David peace accords, hostility towards Libya, the joint military exercise Operation 'Bright Star' and the airlift of some 700 Ethiopian Jews to Egypt via Sudan. As a result, al-Dhahab adopted a neutral position and further strengthened his country's relationship with the Soviet Union. He also discarded the anti-Libya policies of his predecessor and signed a military agreement with the

country in 1985, in addition to improving ties to Ethiopia (Alzawe, personal interview, 15 May 2007).

These actions taken by al-Dhahab alienated the Reagan administration, which grew increasingly concerned about the presence of Libyan and "other known terrorists" in Sudan. November 1985 marked the lowest point ever in US-Sudanese relations (Randal, 1986). The State Department advised American citizens against travelling to Sudan. Forty-five American embassy officials and dependents were reassigned, with about 10% of the mission staff being sent to other US embassies, and plans were made to cut the diplomatic corps in Khartoum. The dismantling of the security apparatus and system of expert surveillance built up by Nimeiri also signaled to the US that Sudan was moving away from its traditional Western and Egyptian supporters. The US bombing of Libya on 15 April, 1986 caused the already strained relations between the US and Sudan to deteriorate even further. The following day, William J. Calkin, a Communications Officer of the US Embassy in Sudan, was killed, leading the US ambassador to order the evacuation of all non-essential US embassy employees and their families (Harden, 1986).

Following elections that same month, a civilian government took over under Prime Minister Sadiq al-Mahdi. US Ambassador G. Norman Anderson (1986-89) visited al-Mahdi to express Reagan's support for the country's democratic process and offer assistance, but also to voice concern over the continued presence of Libyan terrorists in Sudan. In response, al-Mahdi did acknowledge the need for cordial relations with Washington (Anderson, 1999). However, he stressed that his country wanted to maintain its stance of non-alignment. He visited Washington in October 1986, but was disappointed to have not been able to meet President Reagan. Upon his return to Khartoum, he requested the removal of US equipment that included light transport vehicles, hospital supplies and equipment from Port Sudan in order to assert his country's

independence and improve relations with the Soviet Union, Ethiopia and Libya. However, since Washington was a major provider of humanitarian assistance, maintaining US-Sudanese relations to a certain degree still remained very important to Sudan (Tarek, personal interview, 21 October 2012).

6.3 THE IDEOLOGY OF HASAN AL-TURABI AND THE ISLAMIC STATE OF SUDAN

Hasan al-Turabi was raised in an orthodox Muslim family and educated in the tradition of Quranic law (Warburg, 2006; Viorst, 1995). Al-Turabi was a lawyer who had obtained a first-class degree from Khartoum University and had also earned his postgraduate qualifications in Europe (Zahid and Medley, 2006). Al-Turabi first joined the Muslim Brotherhood and then created his own conservative theological movement known as the National Islamic Front (NIF). Since the NIF's creation in 1986, al-Turabi has used the movement in a single-minded quest to establish an Islamic state in Sudan. al-Turabi reasoned that Sudan needed Islam as the core of its national identity, and so he demanded the promulgation of a new set of Islamic laws within sixty days' time (Zahid and Medley, 2006).

While President Nimeiri was away from Sudan during a visit to Washington in 1985, his government was overthrown by massive popular demonstrations in Khartoum and he was subsequently imprisoned upon his return. As Attorney General in the Nimeiri administration, al-Turabi had helped impose *Sharia* as the sole legal system in Sudan and has been described as the country's "de facto ruler" (Vidino, 2006). Taylor and Elbushra (2006) argue that there was a widespread belief that despite being in prison, Nimeiri still exercised considerable influence over the Islamisation policy of the military government. Three months later, al-Turabi founded the political party the National Islamic Front (NIF) which became the third largest party in the 1986 elections (Warburg, 1996). This Sudanese path towards Islamisation was harshly criticised by the

US, particularly following the visit to Sudan by Vice President George H. W. Bush in March 1985 (Matt, 2006).

Following the Salvation Revolution in 1989, al-Turabi was released from prison. As a number of NIF members remained both his Cabinet members and supporters, they continued to follow the Islamic direction that he advocated. In addition, al-Turabi was able to use his increasingly powerful position to exercise influence not just in Sudan, but throughout the Islamic world in general. His ideology was subsequently refined by the NIF, which he founded by himself in 1985, thereby allowing him to impose his political vision on the country as a whole (Vidino, 2006). However, as Taylor and Elbushra (2006) write, al-Turabi's Islamic project had met with internal opposition. Al-Turabi's first hurdle during his efforts to impose an Islamic state on the whole of Sudan was to address all of the various cultures encompassed by the country's borders (Burr and Collins, 2003). For example, Sadiq al-Mahdi opposed the project on the grounds that the conditions for the creation of a fully Islamic state had not been met through *Sharia* law (Taylor and Elbushra, 2006). On the other hand, al-Turabi's Islamic project had encountered external opposition from countries such as the US and Egypt (Makki personal interview, 2 June 2007)

Since Sudan chose to follow Islamic ideology and allegedly served as a meeting place and safe haven for Osama bin Laden when he lived in Khartoum from 1994 to 1996 while he was arranging for many of the so-called Afghan-Arabs to move to Sudan, the entire country was placed on the US list of state sponsors of terrorism. Pinto (1999) argues that bin Laden not only started his development projects in Sudan but was also close to wealthy NIF members such as al-Turabi. Over the years, al-Turabi had been in and out of prison in connection with his Islamist activities and in May 2000, he was removed as Secretary General of the ruling party. Since then,

he has been allowed limited freedom to pursue political activities. Taylor and Elbushra state that the influence of al-Turabi was not limited only to Sudan, but his ideology played a role in the development of radical Islam throughout the world in countries such as Iran, Pakistan, Palestine and Algeria in particular (Taylor and Elbushra, 2006).

6.3.1 THE IDEOLOGY OF AL-TURABI

Al-Turabi has been described as a "cosmopolitan, multilingual, modern Islamist". His theories about the characteristics of an ideal pan-Islamist state were widely respected by Islamist groups, but viewed with suspicion and fear not only by the governments in power in the Arab world, but by the West due to the inherently undemocratic nature of such a model of society (Lobban and Richard, 2001). As the spiritual leader of Sudan's military government, al-Turabi's main aim was to infuse society with strong Islamic principles. Consequently, the country experienced a return to pure Islam and witnessed its system of civil law became replaced by Islamic law. According to al-Turabi's ideology, the division of the *umma* (community of believers) into modern Islamic states is illegitimate and immoral, since modern state borders were originally colonial creations imposed upon a once-unified *umma*. He saw the world as two broad but distinct spheres: the *umma* and the non-Islamic world. He explained it thus: "The international dimension of the Islamic movement is conditioned by the universality of the *umma*…and the artificial irrelevancy of Sudan's borders" (Al-Turabi, cited in Karabell, 1997: 81). He based Sudan's foreign policy on the view that the *umma* is not expansionist towards the Western or non-Muslim world in general, but instead, it stops at the point where Islam does.

According to this ideology, terrorism should only be used as a last resort in retaliation for "infringement of the territorial integrity of the *umma* by the US or other Western nations" (*Ibid.*: 89). It is not directed against the non-Islamic world in general, nor against the West in particular.

Instead, it claims to go against any government that adopt an "un-Islamic" stance (Karabell, 1997: 89). In other words, terrorism is directed only at non-Muslim states or entities that are believed to be complicit with the ongoing division of the *umma.* Karabell argued that the US may attempt to accommodate fundamentalism, but will almost certainly fail to contain it. Like other US governments, the Clinton administration made a point of opposing violence, extremism and terrorism, but not Islam itself.

During the al-Turabi period Sudan's foreign policy was markedly antagonistic towards the US. Therefore, as Karabell asserts, the aim of such types of foreign policy is not to undermine or destroy Western nations. Instead, they represent an attempt to compete globally for prestige, influence, and power. Karabell adds that Islamic fundamentalism may pose a greater threat in the context of the US seeking to spread liberal democracy since it rejects many of the fundamental principles of Liberalism. If the US preferred more modest goals than political transformation, then Islamic fundamentalism would most likely not pose a true threat to the country (Karabell, 1997).

Al-Turabi believed that the Islamic movement began as an elitist project before developing into a popular movement. He also saw it as political and revolutionary, as well as religious. The Arab-Islamic model followed in that Sudan condemns Western values and institutions, particularly secularism. Al-Turabi blamed Western imperialism for separating politics from Islam, which in his view undermined the influence of Islam, dismantled traditional social institutions and replaced *Sharia* law with Western varieties of civil law (Cantori and Lowrie, 1992). Al-Turabi was of the opinion that Islamic movements should coerce or threaten Muslim governments and the contemporary world order in its pursuit of spreading Islamic values and unique ideas about

equality and justice. He also sought to eliminate the economic, diplomatic and technological advantages enjoyed by certain countries at the expense of others (Lobban and Richard, 2001).

The doctrine of Islam espouses values and notions of freedom separate from those of the West. Al-Turabi warned the US that if it attempted to crush the Sudanese Islamic movement, it would face strong opposition. However, he believed the Americans were unlikely to pursue this course of action, given that it would provoke a great *jihad,* provoking the Sudanese to engage in terrorist activities directed at the US (Cantori and Lowrie, 1992). Al-Turabi also argued that the Sudanese model is very popular amongst Arabs because of its stance on foreign policy, which undermines many governments and political movements.

According to Karabell, while al-Turabi publicly advocated the notion of an Islamic revolution, the country itself was not in a period of transformation (Karabell, 1997). Ironically, al-Turabi and other Sudanese leaders see themselves as progressive, when in fact they have singlehandedly led to the marked decline in the quality of life of their citizens (Langewiesche, 1994). As a symbol of Islamic extremism, al-Turabi had been the cause of the regime's international isolation. Once he was politically sidelined, relations between Sudan and the US improved during the administration of George W. Bush (Connell, 2005). This led to a low-level diplomatic presence in the fall of 2000 which coincided with the emergence of Christian and anti-slavery movements in the south of Sudan (Joshua, 2001).

Morrison (2001) suggests that some of al-Turabi's views are of particular interest because they represent a rather bold attempt to reconcile Western ideals of democracy and liberal rights with Islamic concepts such as *Sharia*, whilst others reflect his ability to re-examine political and legal history in light of modern developments. However, Morrison criticizes al-Turabi's imposition of

Sharia on non-Muslims. It is difficult to see any textual or historical justification for this since *Sharia* is normally implemented due to its authority amongst Muslims and its importance in living a Muslim life. Moreover, it has had disastrous consequences, most likely including the continuation of civil war. The leader of the Sudan People's Liberation Army, John Garang among others demanded the suspension of *Sharia* as a precondition for peace talks. Additionally, according to Sudan's Constitution, applying *Sharia* to religious minorities is unacceptable, insofar as it may deny them basic liberties.

The imposition of *Sharia* is part of a larger program of Islamisation taking place in schools and other public institutions. However, since Sudan is not composed entirely of Muslims, Islam has not proved wholly effective in providing a widely recognized and unifying identity (Voll, 1990). Indeed, it is questionable whether such an identity is even possible, given the tremendous cultural diversity within national borders that has resulted from the artificial borders drawn up by colonial powers. Al-Turabi should, nonetheless, address the specific concerns of minority groups (Morrison, 2001). In general, al-Turabi's political theory is generally consistent with Western liberal and democratic principles, with its somewhat radical interpretation of *Sharia* and emphasis on democratic participation, freedom and liberal rights.

There are several differences between Western democracy and the Islamic *Sharia* which disturbed the pro-liberalism camp in the US government as well as some of the non-government organisations. Firstly, the notion of *sharia* inherently goes against Western value of the separation of church and state. Secondly, *sharia* law relates to all aspects of people's lives whilst Western democracy does not interfere as much with people's individual lifestyle choices. Thirdly, while Western notions of democracy and human rights are not affected by religion, Islamic law only allows for rights in accordance with the *sharia*. Fourthly, Western democracies

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make a distinction between politics and morals while in Islamic law there is no such distinction. Finally, the *sharia* brings together a community of believers, while this is not a consideration of Western democracy (Warburg, 2008).

This gives rise to the question about to what extent the ideology set forth by al-Turabi influenced the Sudan-US relationship and the West in general, especially since Sudan comprises a multitude of ethnic, religious and national identities. In order to answer this question, I will present the responses of some of the interest groups in US toward the al-Turabi ideology which adopted the Islamic state and *sharia* law.

The outcome of al-Turabi's ideology as practiced in Sudan reflected the Sudanese relations with the West and the US in particular. Externally, he proposed that Sudan should be an Islamic state that would serve as the center of a more widespread Islamic revolution. In order to try to achieve this, al-Turabi coordinated closely with members of the theocracy in Iran, radical Islamists and allowed Islamists to move freely through the country. The NIF also provided arms to many Islamic revolutionary movements that were attempting to overthrow the governments of Algeria, Tunisia, Egypt, Ethiopia, Eritrea, and Somalia (Brown, 2003). Internally, from another perspective, the NIF waged 'holy war' against the south. The result of this has been a proliferation of human slavery and population displacement. People captured as slaves have been reportedly forced to go to Quranic school, adopt a Muslim name and some have been forced to participate in *jihad* (Dagne, 2004).

Ezekiel Kutjok, the President of the Sudan Council of Churches states that the Sudanese government "is working for the Islamization and Arabization of the entire country" (cited in Viorst, 1995: 52). This in turn drove the American Congress Church to start its campaign against

the Sudanese government by adopting a hostile stance against Sudan's attempts to build an Islamic state (Makki, 1991). Although al-Bashir acknowledged that "not all groups agree on how we are interpreting the *Sharia*" he does "believe there is wide latitude" and they "have chosen a moderate ways, like the Quran itself, and so the *sharia* in Sudan will be moderate" (cited in Viorst, 1995: 52).

There are many examples of this; the most appropriate for this research comes from Arieh Neer, the former Executive Director of the Human Rights Watch stationed in Sudan. Prior to 1989, he had witnessed extreme abuses of power committed by earlier Sudanese governments. However, what he witnessed cannot be compared to the cruelty and gravity of the current situation in Sudan under the Islamic system of government, which is a dangerous mixture of domination and religious extremism (Makki, personal interview, 2 June 2007).

Aerial attacks by the Sudanese government on civilians has become one of the most contentious human rights issues causing tension between the US and Sudan. In 2000 alone there were 167 separate incidents (Dagne, 2004). However, Adamor (2004) argues that tensions between the US and Sudan began before the Salvation Revolution in 1989 with the inception of the church campaign and stern US warnings to Sudan. With the announcement that *sharia* law would be effective from September 1983, tensions appeared in the Sudanese relationship with the International Churches Council (ICC) in the US. The ICC sent a delegation to Sudan to investigate the separation of the south of Sudan and the intention to apply *sharia* law throughout the entire country.

When the ICC merely expressed disapproval of the application of *sharia* law in a note submitted to the Sudanese government, the Orthodox Coptic Church blatantly refused to sign it. Following

the overthrow of President Nimeiri's regime, the Catholic Church in Sudan sought to extend its channels of communication with the US and the West in general, with the blessing and encouragement of the ICC. They were pressing for the repeal of *sharia* law and for sanctions forbidding the supply of weapons and military equipment to Sudan in the hope that it would yield to the Council's pressures (Makki, personal interview, 2 June 2007). Nkrumah (2002) affirms that under the Bush Sr. administration, Sudan's Islamic policy came under increasing scrutiny from powerful American lobby groups with various political affiliations, ranging from Christian fundamentalists to African-American civil rights groups who were all critical of the allegations of slavery and enforced Islamisation in Sudan. Makki (personal interview, 2 June 2007) adds that the interests groups involved both the Senate and the House of Representatives in creating humanitarian laws directed at Sudan that were being referred to as the 'Darfur laws'.

Special interest groups and the Congressional Black Caucus exerted pressure on President Bush Jr. to take action as they viewed the situation in the country as a race issue rather than a religious one, a portrayal that was echoed by mainstream American media. These groups worked with others such as the Human Rights Watch and Christian interest groups to try to bring about an end to the unrest (Washburne, 2010).

Consequently, the Sudan Peace Act, which was sponsored by regional groups, human rights activists and the Congressional Black Caucus, would have prevented foreign companies involved in the country's oil and gas sector from either raising capital or trading its securities in the US. Separate legislation forbids US companies from investing in Sudan. The Act was passed in the House of Representatives with an overwhelming majority on 13 June 2001. However, it was scrapped when Sudan offered to cooperate in the so-called war on terrorism. This example demonstrates that, in the absence of a clear consensus on what constituted the national interest,

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constituency groups enjoyed unprecedented influence over sanctions policy (Hufbauer and Oegg, 2003) often to the detriment of other foreign policy objectives.

6.4 THE SALVATION REVOLUTION (1989)

The democratically elected government was overthrown in June 1989 by a group consisting of fifteen members, several of whom had ties to the NIF and headed by Umar Hasan Al-Bashir (Taylor and Elbushra, 2006; Ronen, 2002c; Ronen, 2007). Within a week the Revolutionary Command Council for National Salvation (RCC) had successfully curbed any protests against the new ruling party. Demonstrations were prohibited throughout Sudan, and a campaign was launched to assure the Sudanese that the RCC members were committed to an orthodox version of Islam and strict Islamic law (Mahmoud, 2007; Burr and Collins, 2003). In less than a month the RCC had dramatically changed the country, and it had become increasingly clear that a new Sudan was emerging. The RCC adopted an Islamic form of government that al-Turabi had been advocating for many years even though he may not have been personally involved (Burr and Collins, 2003; Zahid and Medley, 2006).

The ideology of the new military government, largely influenced by the doctrine of Muslim Brotherhood leader al-Turabi, was extremist, based on *sharia* law, and had a militant foreign policy agenda (Makki, personal interview, 2 June 2007). The US was disturbed by the al-Bashir government's policy with regards to human rights violations in the southern war, its association with Iran, and its backing of various terrorist networks such as Hamas and Islamic *jihad* (Langewiesche, 1994). Al-Bashir's Islamist regime faced the challenge of reconciling different religious groups and cultures within a single country (Deng, 1993).

Consequently, the US terminated all military and economic assistance to Sudan, although it continued to provide humanitarian assistance to internally displaced persons through its Agency for International Development (AID). Al-Bashir saw this as interference in his country's affairs, whilst the US accused Khartoum of hindering foreign aid distribution and illegally seizing relief supplies. Against this tense backdrop, it is therefore not surprising that the peace initiative proposed by the US to end the civil war was met with suspicion. Al-Bashir rejected calls for a ceasefire in May 1990. Together with his support for Iraq in its war with Kuwait in 1990-1 and his criticism of the presence of Western forces on Islamic holy land, relations between the two nations soured even further. In February 1991, the US withdrew its personnel and closed its embassy in Khartoum (Makki, personal interview, 2 June 2007).

Tensions between the US and Sudan were further heightened on 26 February 1993 when a bomb exploded in the World Trade Center in New York, causing extensive damage to Tower One (or the North Tower) of America's largest business complex (Pinto, 1997; Pinto, 1999; Taylor and Elbushra, 2006). The US accused members of the Sudanese delegation to the UN of being directly responsible for the bombing attack, and two Sudanese diplomats were arrested. The FBI had intercepted a telephone call from one of the Sudanese representatives at the UN to al-Turabi, which allegedly involved references to Osama bin Laden (Pinto, 1997; 1999). Two months later, the Clinton administration declared Sudan a "rogue state" and placed it on the State Sponsor of Terrorism list alongside Iraq, Iran, Syria, North Korea and Libya (Tarek, personal interview, 21 October 2012) and used the strong international presence of the US to denounce the Sudanese government (Burr and Collins, 2003).

As a result of this classification, Washington froze Sudanese assets in US banks, imposed comprehensive economic sanctions restricting imports and exports and banned US investments

and financial transactions in Sudan. The US also upheld the UN Security Council resolution banning senior Sudanese government officials from entering the country, and provided some $20 million in surplus "non-lethal" military equipment to Ethiopia, Uganda, and Eritrea, which had all been affected by the destabilizing campaign of the al-Bashir government (Connell, 2000). In one well-known incident US Ambassador Madeline Albright referred to Sudan as a "viper's nest of terrorism" (cited in Dagne, 2004). As a response, Sudan accused the US of conspiring against Islam. Ronen (2002c) claims that Sudan was targeted due to its Islamic orientation, but Patey (2007) disagrees. He argues that the fact that Sudan did not support the international coalition forces during the Iraq-Kuwait War in 1990-1, supported bin Laden's network, and had been involved with the 1993 bombings of the World Trade Center in New York provided more than enough justification to place Sudan on the US State Sponsors of Terrorism list.

When the US embassies in Kenya and Tanzania were bombed on 20 August 1998, the US believed the attacks to have been orchestrated by bin Laden. In retaliation, the US launched Tomahawk cruise missile strikes against suspected bases in Afghanistan and a Sudanese pharmaceutical plant suspected of making chemical weapons, specifically the deadly nerve agent VX. In defence of US actions, President Clinton contended: "I ordered our armed forces to strike at terrorist-related facilities in Afghanistan and Sudan because of the imminent threat they presented to our national security. Our target was terror. Our mission was clear: to strike at the network of radical groups affiliated with and funded by Osama bin Laden, perhaps the preeminent organizer and financier of international terrorism in the world today" (cited in Barletta, 1998: 116). The US claimed to have linked financial transactions from bin Laden to the factory and to have collected soil samples from outside the plant containing traces of EMPTA, a precursor chemical for the potentially toxic VX (Simon and Benjamin, 2002; Berkowitz, 1999;

Ronen, 2002c). This connection caused controversy due to the largely inferential quality of the logic behind the decision to use force (Simon and Benjamin, 2000). However, Niblock confirms that the Shifa plant was not, in fact, producing chemical weapons, but rather pharmaceutical products as it supplied approximately one third of the medicine used in the country (Niblock, 2001). Ronen (2002c) states that the Sudanese government denied any connection between the Shifa factory and bin Laden, emphasizing the point that he had left Sudan long before the factory had opened. As Sudan withdrew many of its diplomats from Washington, relations between the two countries reached a breaking point. Khartoum repeatedly called for a UN investigation into the bombing (Lewis, 1997).

Sudan perceived American support for other regional actors in the Horn of Africa as an attempt to punish, destabilize and bring about the downfall of the al-Bashir government. Some of the country's citizens believe that the US accusation of Sudanese involvement in the Darfur genocide and the country's designation as a sponsor of international terrorism stemmed from fear surrounding its Islamist political agenda, or perhaps even more likely, Islamophobia. As Langewiesche remarked, Sudanese leaders preferred the label Islamists as fundamentalists since it carried less severe implications. However, after 1989 the nation became known as the second most radical Islamic state following Iran. The success of the regime had ripple effects throughout North Africa and the Middle East, causing concern for many onlookers in the West (Langewiesche, 1994). The regime in Sudan aimed to spread Islamism and extend its own power throughout the Horn of Africa. However, it did not have the financial and military resources necessary to achieve this goal. Iran shared its hatred of neighbouring secular states, and also saw an opportunity to gain support for Hezbollah in its campaign against Israel. Therefore, the two

countries used their common perspective as a way to forge closer relations in order to achieve their shared aims (Littleton, 1997).

However, al-Bashir's Islamic project was rejected not only by the US, but also by Sudan's neighbors, Egypt, Uganda, Ethiopia, and Eritrea—each of them, for their own reasons, objected to Sudan's Islamic regime (Ronen, 2007). Al-Barnawi (2005) argues that accusing Sudan of being an international base for Islamic movements neglected the lessons learned from previous experiences in this regard. Sudan was in fact opposed by nine states, two Arab countries (Libya and Egypt) and seven non-Arab countries (Eritrea, Ethiopia, Kenya, Uganda, the Republic of Congo, Central Africa and Chad). None of these Arab or non-Arab African countries would accept that Sudan was a base for exporting Islamic revolution. Both Libya and Egypt provided excellent examples of what could happen when supporting Islamic movements. (Tarek, personal interview, 21 October 2012).

In general, the US cut aid to Sudan in the tumultuous post-Nimeiri years as the US could not rely on the various subsequent Sudanese governments to comply with its policies. Connell (2005) suggests that by the early 1980's, Sudan was the sixth largest recipient of US military aid in the world. During this period, economic aid to Sudan had also soared. However, Table 6.1 shows that in 1982 aid amounted to $253 million and then immediately started to decline following Nimeiri's adoption of al-Turabi's ideology.

Fiscal Year	Total Amount of Aid (in millions)
1982	$253.0
1983	$210.6
1984	$243.9

Table 6.1: US Foreign Aid (in US dollars) to Sudan in later years of President Nimeiri

Source*: U.S. Agency for International Development, Overseas Loans and Grants, Obligations and Loan Authorizations*. Department of State, Congressional Budget Justification for Foreign Aid

Table 6.2 shows that during the four years (1985-1988) of Prime-Minister Al-Sadiq's government, Sudan slid into disorder while US aid faded. This set the stage for the June 1989 change. US Foreign aid to Sudan declined from $350.0 million in 1985 to $64.1 million in 1988 and finally resulted in the end of US bilateral aid (Connell, 2005).

Fiscal Year	Total Amount of Aid (in millions)
1985	$350.0
1986	$138.3
1987	$102.6
1988	$64.1

Table: 6.2: US Foreign Aid (in US dollars) to Sudan in the Al-Sadiq Government Period

Source: *U.S. Agency for International Development, Overseas Loans and Grants, Obligations and Loan Authorizations*. Department of State, Congressional Budget Justification for Foreign Aid

This picture becomes clearer in Table 6.3. This shows that during early years of the al-Bashir regime (1989-1996), US foreign aid to Sudan declined from $57.7 million in 1989 to $23 million in 1996. This meager total can be compared to the last year of the Nimeiri government when it

received $350 million. Harris (1999) believes the US cut off its foreign aid to Sudan as a punishment for Sudan's ineffective, elected government resulting from the RCC.

Fiscal Year	Total Amount of Aid (in millions)
1989	57.7
1990	21.2
1991	50.1
1992	24.3
1993	52.2
1994	66.3
1995	30.1
1996	23.5

Table: 6.3: US Foreign Aid (in US dollars) to Sudan in the Early Years of the President Al-Bashir Regime

Source: U.S. Agency for International Development, *Overseas Loans and Grants, Obligations and Loan Authorizations*. Department of State, *Congressional Budget Justification for Foreign Aid*

6.5 OIL EXPLORATION IN SUDAN

Securing access to oil and natural energy sources has long been an important objective on the US agenda throughout the Arab world, especially in respect of Sudan, since it held strategic importance for both Africa and Arab homelands. With the support of the other superpowers, the US had intentions to set up a system through which it could secure the access to these resources and their transport through the Upper Nile, the Red Sea, and the deepest parts of Africa (Ettalhi, personal interview, 12 September 2012).

There was a scramble for exploration of Sudanese oil, dating from the early 1960s, by a number of foreign oil companies including, Union Texas, Total, Sun and Texas Eastern. Burr and Collins (2003) write that after fifteen years of oil exploration, the US oil company Chevron finally struck oil throughout southern Sudan. Chevron eventually pulled out of Sudan in 1992, faced with pressure to either restart its activities or face expulsion due to the deteriorating relationship between its home and host governments. However, the end of the Cold War heralded promising opportunities, such as the reopening of the Caspian Sea region to international oil companies. The company arrived in Sudan under an umbrella of special politics in the aftermath of the Yom Kippur War of 1973 when Arab countries imposed an oil embargo on the West because of its support of Israel. Oil was discovered by the American company Chevron in 1978, which conducted significant exploration in the South. With increasing American pressure on Sudan, the US encouraged Chevron to leave Sudan by offering the company a tax write-off for an estimated US $550 million as compensation for abandoning its operation in Sudan. This resulted in Chevron suspending its operations in 1984 and relocating to Kazakhstan (Ziada, 2007). However, Reeves brings up another reason when he states that Chevron ceased operations in Sudan in 1984 following the murder of several workers by members of the southern opposition (Reeves, 2002). Nonetheless, the US was not encouraging its companies to continue to work in Sudan. In 1985 a US Embassy official in Khartoum was quoted as saying: "We are in no hurry to bring that oil up now - there's a glut. We will need it later" (cited in Rone, 2003).

However, certain actions subsequently resulted in US oil companies, especially Chevron, blaming the behaviour of the US government for depriving them of a lucrative oil market and consequently putting pressure on the US administration to change its policies so that US companies could also operate and invest in Sudan. Other countries, most notably China, did not

miss the opportunity presented by US withdrawal to become a large investor in Sudan's burgeoning oil industry. Taylor (2006) argues that China became substantially involved in Sudan oil during the early 1990's as western oil companies were forced to scale down their operations in the country due to the onset of the civil war. China maintains that it worked hard to become the biggest oil investor in Sudan. This is confirmed by Burr and Collins (2003) who assert that China in particular has had a long and mutually agreeable relationship with a succession of Khartoum governments even before al-Bashir came to power in 1989.

Perhaps part of the reason for the successful relationship between Sudan and China stems from their common interests. Burr and Collins (2003) argue that Sudan needed a friend in the UN Security Council, and China served that purpose. From the beginning of the 1990s, China had a plan which included Africa, and Sudan would play an important part of this plan. China's interest in Sudan was clearly reflected by its political support, provided through the UN Security Council. Patey (2007) notes that it was China's political support of Sudan that frustrated Western efforts to convince the UN Security Council to apply economic and political sanctions against Sudan. The Chinese role in opposing the resolutions to impose economic sanctions eventually meant that only diplomatic sanctions were applied to Sudan. Moreover, China did not implement them. Ziada (2007) notes that China also supported Sudan during the Darfur crisis and has been faced with whether or not to adopt resolutions that would have included economic sanctions. However, in 2004 when the US attempted to obtain a UN resolution to send economic sanctions against Sudan, the motion was vetoed by China.

The business interests of large, multinational oil corporations played a key role in preventing the US from imposing stronger economic sanctions on Sudan (O'Sullivan, 2003). Sudan's business partnerships with several major global oil companies have boosted its diplomatic respectability.

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Prior to the oil boom, for example, Western diplomats in Khartoum concerned themselves primarily with Sudan's chronic droughts, floods, refugee crises, and human rights violations. However, once oil came on the scene, criticism of the Sudanese regime by foreign emissaries became more circumspect (Martin, 2002). But they were also a major factor in US involvement in the peace process in Sudan, as skeptics of the Bush administration's efforts to end the war have argued. According to an analyst at the time, while oil was a deciding factor for ending the conflict in Sudan although it was not the sole motivation for attempting to do so (Volman, 2003). Apart from Sudan's immediate importance as an oil producer, Washington was also concerned about the growing economic presence of China in Sudan. As political ties between the US and Sudan worsened in the mid-1990s, leading to the withdrawal of US oil companies, Chinese firms stepped in to fill the gap in the market. China gradually became the largest investor in the Sudanese oil industry and the country's largest trading partner. Washington was especially worried that China could use Sudan as a springboard to expand its influence in other African countries (Nkrumah, 2002).

Considering his close relationship with the US oil industry, it was to be expected that President Bush Sr. would reverse the sanctions policy towards Sudan and help American petroleum companies invest in the country's oil fields. Sudan has been a significant oil producer since 1999. In this regard, the Bush policy towards Sudan was largely based on a report produced by the US National Energy Policy Development Group, a high-level body chaired by Vice-President Dick Cheney claimed that ''by any estimation, Middle East oil producers will remain central to world oil security. The Gulf will be a primary focus of US'' (Cheney, 2001: 5). It elaborates that ''America twenty years from now will import nearly two of every three barrels of oil—a

condition of increased dependency on foreign powers that do not always have America's interests at heart.'' (Cheney, 2001: 6)

Cheney emphasized the need for the US to diversify its energy supplies in order to reduce its reliance on the Arab Gulf, paying particular attention to Africa's potential as an alternative source of energy. He describes how "sub-Saharan Africa] holds 7% of world oil reserves and comprises 11% of world oil production. West Africa is expected to be one of fastest-growing sources of oil and gas for the American market. African oil tends to be of high quality and low in sulfur, making it suitable for stringent refined product requirements, and giving it a growing market share for refining centers on the East Coast of the US" (Cheney, 2001: 8).

Several reports from a range of UN agencies, foreign governments and non-governmental organizations (NGOs) indicate that Khartoum had been working to displace populations from the oil concession areas. This, in turn, led to further criticism of foreign oil companies. Talisman Energy in particular was singled out, partly because it was the largest company operating in the region and partly because higher moral standards seemed to be expected from a publicly-owned Canadian company than from the Chinese or Malaysian firms operating in the country. Grass-roots efforts in both Canada and the US put pressure on Talisman and its shareholders to divest or suspend its operations until the war in Sudan ends and human rights abuses have ceased (Martin, 2002). Moreover, the Sudanese government and international oil companies were severely criticized by human rights groups who have accused them of a implementing a scorched-earth policy. In a March 2001 report, the British-based NGO Christian Aid declared that "in the oil fields of Sudan, civilians are being killed and raped, their villages burnt to the ground" (*Christian Aid*, "The Scorched Earth: Oil and War in Sudan, March 2001", available on the Christian Aid website). The report blames foreign companies for helping the Sudanese

government's war effort by helping to develop the oil industry in the country and providing technical skills and equipment (Dagne, 2004).

According to Huliaras (2006), the Sudanese government has doubled its military budget since it began exporting oil. Some observers believe that these new oil revenues will make the government less inclined to seriously negotiating over some of issues such as Darfur crisis. However, many multinational oil companies that held exploration rights in Sudan attempted to dissuade Washington from punishing Sudan through the proposed capital market sanctions that would severely affect their interests (Huliaras, 2006). As a result of public protest and government sanctions, US oil companies played no part in this exploration, although critics still believed that the Bush administration would go to great lengths to 'exploit' Sudan's oil reserves. The 2002 Sudan Peace Act, which sought to penalize the Sudanese government for its complicity in the war, originally contained a clause preventing shares of foreign oil companies which operated in Sudan from being traded on Wall Street. However, this clause was later dropped by Congress after Bush threatened to veto the bill if it were left in (Washburne, 2010).

6.6 SUDAN AND US FOREIGN POLICY

Although its dwindling strategic interests did not directly lead to Sudan being marginalised in US foreign policy, it did shape the nature of the policies adopted. For example, the Executive did not have much influence. Instead, US foreign policy towards Sudan was shaped mostly by Congress and non-governmental groups aligned with the southern armed insurgents, such as religious conservatives and African-American special interest groups (O'Sullivan, 2003).

The US and Sudan generally enjoyed close relations during the late 1970s and early 1980s. O'Sullivan (2003) argues that this was to ensure that the US continued to receive Sudanese

support for the Camp David Accord. Despite the absence of President Nimeiri, stable relations between the US and Sudan were important to Sadiq al-Mahdi's government because Washington continued to contribute significant amounts of foreign aid, as Bard and Lenhoff (1987) supported that the US exercised noticeable influence on Nimeiri as a result of their significant aid contributions .

This situation changed on 30 June 1989 when a group of army officers initiated the RCC for National Salvation and overthrew the civilian government of Prime Minister Sadiq al-Mahdi in a bloodless coup, ending four short years of democracy. Vandenbroucke (1996) describes the June 1989 change as the latest attempt by the Sudanese Islamists, led by al-Bashir, to implement an Islamic order. The declining relationship between Khartoum and Washington reached its lowest point with the RCC takeover. The US began to seriously evaluate the threat posed by Sudan's Islamic vision and accused Sudan of harbouring militant Islamic groups (Harris, 1999; Niblock, 2001; 2003; Vandenbroucke, 1996; and Ronen, 2002c). Internationally, Sudan was accused of supporting and harbouring members of militant Islamic groups such as Hamas, Hezbollah, Al-Jamma al-Islamiya, Palestinian Islamic Jihad, the Abu Nidal organization, and the regime of Saddam Hussein (Zahid and Medley, 2006). Burr and Collins (2003) noted that the al-Bashir regime also supported Islamic rebel groups in Zaire, Uganda, Eritrea and Ethiopia. The US warned al-Bashir on many occasions that it was deeply concerned about his support of fundamentalists activities such as bin Laden who had not only found a safe haven in Sudan, but started investments, were issued passports by the Sudanese intelligence, and organized travel arrangements for a group of Afghan-Arabs to come to the country.

Following the Salvation Revolution, Washington terminated all economic assistance to Sudan. As Makki (1991) and O'Sullivan (2003) describe, the crisis grew as the American media threw

the spotlight on the situation in Sudan. It was a somewhat distorted vision of Sudan that was often presented, however, and numerous accusations were raised against Sudan, ranging from slave-trading and religious persecution, to violations of human rights, torture and genocide. In addition, the US was especially irritated when the new Sudanese regime adopted a policy supporting Iraq during the Iraq-Kuwait War in 1990-91 and welcomed Iranian President Hashemi Rafsanjani to Khartoum in December 1991. Pinto (1997) adds that Hashemi reportedly committed $17 million of financial aid to Sudan as well as agreeing to contribute $300 million for weapons to be supplied to Sudan.

According to Ronen (2002c), the initiation of the *sharia* as the law of the Sudanese state was the major source of US fear. They also feared the impact that Sudan's brand of militant Islam would have on the region and the danger it would pose to US interests in the Middle East and Africa. The US saw the growth of Sudan's relations in the Arab and Islamic world, particularly with states such as Libya, Iraq, and Iran (all countries accused of engendering international terrorism) as a threat to its own political agenda. Patey (2007) cites the example of Sudan's support of Iraq's annexation of Kuwait in 1991 that resulted in the US State Department becoming harshly critical of the Sudan regime. Thus, the US imposed unilateral diplomatic sanctions on Sudan in 1993 for allegedly harbouring terrorist groups and supporting terrorist operations. At the same time, Sudan accused the US of supporting the southern Sudanese Liberation Army (SLA).

In 1994, US Ambassador Donald Petterson visited southern Sudan, which at the time was largely under the control of local fighting factions, without first obtaining permission from the Sudanese government. The Sudanese government considered Petterson's visit a violation of its sovereignty, reinforcing Sudan's resentment of the US (Tarek, personal interview, 21 October

2012). And as O'Sullivan (2003) notes, Sudan felt threatened again when the Assistant-Secretary of State Condoleezza Rice visited southern Sudan in 2000 without Khartoum's permission.

Washington criticised actions by the Sudanese government that impeded humanitarian relief work, while Congress and the members of the executive branch repeatedly called on both parties in the conflict to end human rights abuses. As time passed, the administration became less optimistic about Khartoum's willingness to pursue a negotiated settlement, partly because the SPLA splits in 1991 encouraged the Sudanese government to seek a military solution to the conflict. Although the Bush Sr. administration reportedly considered supporting southern forces fighting the regime in Khartoum shortly before leaving office, the deep internal divisions in the SPLA made the US reluctant to provide backing in the form of direct aid (O'Sullivan, 2003). As a result, some members of Congress had been influential in calling for tougher policy such as putting Sudan on the list of states that sponsor terrorism and appointing a special envoy to the country. The State Department initially rejected calls for a special envoy in December 1993, arguing that this would undermine current peace efforts in the region and those of former President Carter (Dagne, 2003).

Khartoum seemed to support the majority of militant groups operating in the region, including al-Qaeda (Patey, 2007; Dagne; 2003). Sudan's support of various terrorist networks ran against US interests and played a role in threatening the security of not only the region as a whole but the safety of countries of interest to the US such as Ethiopia, Egypt, Eritrea, Uganda and Kenya (Deng and Morrison, 2001). The Clinton administration's policy on Sudan developed into a hard-line policy of attempting to isolate the country as a 'pariah state'. The US worked diplomatically with regional allies Eritrea, Ethiopia and Uganda (also referred to as the 'front line state') to mobilize pressure on the Sudanese government. When this strategy of isolating

Sudan eventually failed because the key regional actors became involved in wars (Uganda in the Democratic Republic of Congo, Eritrea and Ethiopia against each other), nothing replaced it (Tarek, personal interview, 21 October 2012).

Whilst the Clinton administration succeeding in using economic sanctions to isolate and contain Sudan, it did not make much headway in ending the country's civil war, significantly weakening the government or improving the humanitarian crisis. Morrison (2004) argued that unilateral US policy therefore failed to achieve the desired results. In his view, there were ambiguities surrounding America's true intentions; did the US want regime change, reforms or an end to the civil war? In fact, America pursued all three of these ambitions simultaneously, but paid little attention to whether regime change was achievable or how to reconcile these diverse and seemingly contradictory policies. The result was that Khartoum mistakenly believed that the US was engaged in covertly attempting to overthrow its government.

The US then attempted to impose its own individual arrangements against Sudan in the form of unilateral measures. In 1997, President Clinton signed an order imposing wide-ranging economic sanctions which prohibited all US investment in Sudan and isolated it as a terrorist state (Pinto, 1999; Connell, 2005). Sudan's assets in the US were frozen, most trade dealings with Sudan were banned and US banks were prevented from making loans to the Sudanese government (Nkrumah, 2002). Harris (1999) argues that by attempting to move against Sudan on its own, this kind of policy lessened US influence in the UN regarding Sudan and went against its strategic objective of reducing Libya's role in Africa.

However, this implicit leverage held by the US on Sudan's future was paradoxically not used as a bargaining chip between Washington and Khartoum that would enable the US to force Sudan

to change its behaviour in areas of concern. Instead, the US attempted to change Khartoum's behaviour with a rigid, unilateral sanctions regime that was very unlikely to contain the government of Sudan. Furthermore, the policy tools used alongside this were more suited to a strategy of regime change. Therefore, it is not surprising that this approach led to few real benefits in the 1990s and 2000. Sanctions on Sudan during this period can ultimately be assessed as having a very modest effect (O'Sullivan, 2003). However, the willingness to act without the UN Security's blessing demonstrated by these strong unilateral actions taken against Sudan was "as much a product of Administration confidence as of legislative hostility to the UN" (Dumbrell, 2005: 12).

In a BBC interview, John Danforth, the former US ambassador to the UN, summarized the Bush Jr. administration conditions on al-Bashir regime in order to "normal relations depended on three things, one: the achievement of peace, two: humanitarian acts throughout the country and three: total cooperation with the counter terrorism effort" (Danforth, 2005). However, in regard to the humanitarian acts, interest groups exerted pressure on the Bush administration in November 2001 to set a condition where over one hundred religious leaders and leading civil rights activists signed a letter that urged President Bush to take tougher measures against the government in Sudan. The letter concluded with a warning not to align the US with countries that violated human rights at the expense of the credibility and reputation of the nation (Brown, 2003).

Economic interests and the so-called war on terrorism were far more important in explaining the tactical changes in US policies towards Sudan. As Jacobs and Page (2005) have pointed out, as far as foreign policy is concerned, business interests are often more influential in the White House and the Senate than in the House of Representatives. In this case, the President and the Senate resisted the sanctions included in the House version of the Peace Act.

The policy of the administration of Bush Jr. towards Sudan was based mainly on a report published by the Center for Strategic and International Studies (CSIS), which highlighted the changes that had recently occurred in Sudan and the need for the American government to change its policies. Specifically, it recommended that the Bush Administration focus on ending the war in Sudan through the Inter-Governmental Authority on Development (IGAD) Declarations of Principles, resuming full diplomatic relations and appointing a high-level envoy. Acting on these recommendations, the administration appointed Senator John Danforth as the President's envoy for peace in Sudan. This change was mainly linked to oil-related developments in Sudan, as well as America's attempt to put a stop to the growing influence of China, which had benefited from the sanctions imposed on Sudan during the 1990's. American oil companies pressured the Administration to change its policy to enable them to operate in Sudan and benefit from a lucrative and promising oil industry (Deng, and Morrison, 2001). However, the main objective remained reaching an agreement to end the Sudanese Civil War and secure the separation of the south. The Bush administration's policy towards Sudan was not the same as that of his predecessor Clinton in that the tactics were different, and foreign policy objectives have certainly changed due to the events of 11 September (Elbagir, 2005). The US did eventually manage to force the Sudanese government to comply with its requests.

By using the parallel line against Sudan, the US turned to using its own unilateral measures in order to affect the international measures that had already been adopted by the UN. The US provided military support for Sudan's neighbouring states on the pretext of helping them resist "destabilisation". Ziada (2007) adds that the US supported, Uganda, and Ethiopia by providing them with military hardware. As al-Barnawee (2005) notes, this created a source of fear that some of these arms would make their way into Sudan and reach the SLA. Moreover, al-Affendi

(2002) and Niblock (2001) both note that the US campaign mounted against Khartoum culminated in early 1997 when the US supported Sudanese opposition forces to the south and east of Sudan. However, Deng and Morrison raise the opposite argument that American foreign policy did not succeed in either weakening Khartoum, heightening opposition between the north and south, intervening in how the war was conducted, facilitating humanitarian work or furthering peace negotiations (Deng and Morrison, 2001).

US strategy towards Sudan was dominated by sanctions, but they were neither well-structured nor well-coordinated with other policy tools. Consequently, the ability of these sanctions to successfully serve US interests was limited. The direct impact of these comprehensive sanctions on Sudan, as well as the far more restricted range of UN sanctions, was negligible. However, some US sanctions threatened to pose real obstacles for Sudan, which was gradually removing domestic constraints on its ascension to the international finance system in an attempt to modernise its economy and access the global market (Tarek, personal interview, 21 October 2012). In Bush's first term, the US displayed unmitigated hostility towards the ICC, to the point of cutting off financial aid to anyone, even its key allies, who refused to grant US citizens a blanket exemption from its provisions. During Bush's second term, in contrast, the administration supported a UN resolution referring war crimes suspects from Sudan's Darfur region to the ICC, and agreed to use ICC facilities in The Hague for the war crimes trial of former Liberian President Charles Taylor. In February 2006, Bush pledged support for a UN mission to help end the killing in Darfur, something the administration had resisted throughout its first term (Gordon, 2006).

US policy towards Sudan may had become even more punitive were it not for the events of September 2001 and the actions that followed which led to increased cooperation between the

two countries. Since Sudan had served as host to Osama bin Laden in the early 1990s, the government had accumulated extensive files on him, as well as valuable knowledge on the funding and inner workings of al-Qaida (Makki personal interview, 2 June 2007). In addition to sharing this information and other intelligence with US officials, Khartoum reportedly arrested several individuals suspected of having links to bin Laden's networks. Despite increasingly hard-line rhetoric and angry protests opposing the US and British bombing of Afghanistan, the US showed its appreciation for Sudan's newfound cooperation by approving the lifting of UN sanctions on 28 September 2001, shortly after the September 11 attacks and abandoning pending legislation for imposing capital market sanctions. These developments suggested a significant increase in rapprochement between Washington and Sudan, which greatly alarmed many activists (O'Sullivan, 2003).

Sudan's Foreign Minister Mustafa Ismail spoke on the telephone to Colin Powell, which was the first high-level contact between the two countries for years. Khartoum condemned the attacks and offered its cooperation in the war on terrorism. Behind the scenes, Sudan became a valuable ally of the CIA, sharing files on suspected terrorists and placing restrictions on their financial transactions. At the behest of Sudan, the US has sent security and counterterrorism experts into the country to investigate and follow up on the information provided. The 11 September attacks thus seemed to have altered US global priorities, making dialogue and cooperation with the Sudanese government vital (Makki, personal interview, 2 June 2007).

Sudan sought to be removed from the list of state sponsors of international terrorism. After the twenty-one year civil war had ended, the country was able to use its vast resources to achieve its full potential and regain legitimacy on the world stage, at least according to many pundits. The US needed the country's continued assistance in counter-terrorist activities, which by their trans-

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border nature cannot be conducted unilaterally. Sudan's oil is also essential in the operation of advanced economies. Therefore, Sudan cannot act as "a self-contained and a sealed unit" and needs to cooperate with the US (Ettalhi, personal interview, 12 September 2012). Sudan's strategic importance to the US increased after events of 11 September, given the intensified emphasis on counter-terrorism and the apparent willingness of Sudan to help in this regard.

To show that it was willing to improve relations, the US abstained from the lifting of UN sanctions against Khartoum because of its cooperation on counterterrorism, including supplying intelligence. In 2001, President Bush initially appointed Senator John Danforth as his Special Envoy to Sudan and later Special Envoy to the UN tasked with facilitating the southern peace process (Timmerman, 2001; Deng and Morrison, 2001). This process was held in Kenya under the aegis of the IGAD, but was sustained by high-level US engagement, diplomacy and leadership. The result was six major accords between the north and the south; the Machakos Agreement outlining the separation of church and state and the right of the south to an independence referendum after six years; resolution of the Abyei conflict; security arrangements; a protocol on the resolution in the southern Kordofan and Blue Nile states; power-sharing; and wealth-sharing. If all went well, US Secretary of State Colin Powell promised to lift sanctions against Sudan, provide it with financial assistance and remove it from the list of state sponsors of terrorism. The Bush administration signed the Comprehensive Peace in Sudan Act into law on 23 December, 2004. In addition to ending the conflict and reducing human suffering, the Act also aimed to stimulate freedom and democracy, granting the warring parties $100 million to achieve a comprehensive peace accord. This marked the formal end of more than four decades of civil war and a shift towards cooperation in the war on terror (Tarek, personal interview, 21 October 2012).

The Islamist regime of al-Bashir has constantly shifted between the extremes of either rejecting the US entirely or strongly admiring it. Ronen suggests that this is a result of the contradiction between the regime's ideological stance that rejects the US as an "evil, anti-Islamic [and] imperialist" and the desire for receiving economic aid. The US did remain single-minded in its determination for pursuing policies that punished Sudan for allegedly supporting terrorism, facilitating attempts to destabilize the governments of its neighbours and having an abysmal human rights record (Ronen, 2002c: 106).

6.7. UN SECURITY COUNCIL INVOLEMENT IN SUDAN

A number of studies have examined the UN Security Council's involvement in Sudan following Cairo's accusation of Khartoum's involvement in the unsuccessful attempt to assassinate President Mubarak in Addis Ababa in June 1995. Pinto (1997) explains that following the assassination attempt, the UN Security Council echoed Egypt's charge and called upon the Sudanese government to cease engaging in activities associated with terrorist operations. Graham (2005) argues that after three months, Sudan's failure to comply with the UN Security Council resolution led to the subsequent imposition of diplomatic and travel sanctions against Sudan. The US took a harsher approach to dealing with Sudan in this situation and Connell (2005) notes that US foreign policy was strongly influenced by Cairo. On the other hand, Ronen (2003a) asserts that the harsh offensive launched by the US against the Sudanese regime merely followed the UN Security Council's resolutions.

Harris (1999) argues that the US acted alone in sanctioning Sudan. UN Security Council permanent members, such as France, the UK, and China, continued to trade with Sudan. Clearly, these countries and other industrialized nations such as Germany and Japan, did not perceive the Sudanese government's behaviour as a large enough threat to warrant economic sanctions. Thus,

Sudan continued to build economic relations with these countries and as a result, US sanctions alone had a minimal economic effect on Sudan.

Moreover, Sudan has indicated on numerous occasions that it would like to establish better relations with the US. Harris (1999) notes that when al-Turabi attended the third Islamic Conference in Khartoum in 1995, he submitted letters to the US Congress indicating that Sudan was willing to work with the US. However, the US did not respond to his offer. In order to increase pressure on Khartoum, the US forbade loans to Sudan from international financial institutions such as the World Bank (Burr and Collins, 2003) and O'Sullivan (2003) asserts that the US used its influence to block bank loans to Sudan.

Egypt was a non-permanent UN Security Council member in 1995, and to ensure that both its own interests and those of the US were met, it pushed and lobbied for international sanctions against Sudan to extradite the three suspects involved in the unsuccessful assassination attempt against President Mubarak (Ronen, 2003a; O'Sullivan 2003). These combined efforts resulted in the adoption of UN Security Council Resolution 1044 on 31 January 1996, which applied to any conflict that might endanger international peace and security and to parties avoiding contact leading to the conflict resolution (Ronen, 2002c; O'Sullivan, 2003). The resolution was founded on balanced provisions between an international solution at the fourth level of the UN Security Council (Chapters VI and VII) and on a regional solution at the regional organization level of Chapter VIII. As such, it condemned terrorist assassination attempts and called upon the Sudanese government to comply with the requests of the Organisation of African Unity (OAU) within two months. However, the Sudanese government tried to justify its reluctance to hand over the three suspects by stating that two of them were not in Sudan and the identity of the third suspect was unknown. These justifications were not sufficient and as Cortright and Lopez (2000)

note, the UN Security Council imposed Resolution 1054 on 26 April 1996, under Chapter VII of the UN Charter, which adopted diplomatic sanctions against Sudan.

Al-Barnawe (2005) believes Resolution 1044 reflected Egyptian foreign policy. Niblock (2001) argues that, apart from the former Egyptian Foreign Affairs Minister Amir Musa's statement that the Egyptian government had unequivocal evidence of Sudanese sponsorship of twenty terrorist training camps inside the country's borders, the purpose of Musa's declaration was actually to ensure that a UN Security Council resolution would be applied against Sudan. The Sudanese government thus believed that the US pursuit of Sudan was largely based on Egyptian claims that Sudan supported an Islamist ideology (Ronen, 2003a), especially in light of the growing Islamist movement active in Sudan.

The UN Security Council's treatment of Egypt's claims depended on the UN Charter, which entitled it to examine any conflict or attitude that might lead to international contact or conflict potentially endangering international peace and security. According to Adamor (2004), the Council, in dealing with Egypt's complaint, neglected its tasks in the provision of UN Charter Article 24 as to what the real risk was that might endanger international peace and security.

Similar to the application and framing of what is called New York's law in the area of humanitarian international law Makki (personal interview, 2 June 2007) and Amara (2005) both explain that the US Congress has similarly created humanitarian laws that have been referred to as the 'Darfur laws'. Based on UN Security Council Resolution 730 issued in 1992, these laws called on countries to allow humanitarian organizations to enter their regions without restrictions or conditions to provide humanitarian aid. The intervention of the UN Security Council was based on the application of the New York law, which presented a traditional interpretation of

what constitutes extreme danger in respect to national sovereignty. Regarding US attempts to promote its interests by providing humanitarian aid during the Darfur situation, Ziada confirms that its involvement in USAID effectively made it an instrument of foreign policy that simultaneously achieved political objectives while performing humanitarian work (Ziada, 2007). Thus, while USAID was active in south Sudan it also played a major role in bringing together the interests of both the US and SLA.

Sudan failed to respond to UN Security Council Resolution 1054, and no action was taken to surrender the suspects. Therefore, the UN Security Council took additional steps to increase pressure on the Sudanese government, imposing Resolution 1070 on 16 August 1996. This resolution applied travel sanctions against Sudan that required all states to deny Sudanese aircraft permission to take off from, land in, or fly over their territories (Cortright and Lopez, 2000).

In 2000, Sudan made intensive diplomatic overtures toward the US to obtain a UN Security Council seat as Africa's representative on one of the ten non-permanent seats. However, as Ronen (2002c) and Huliaras (2004) note, Sudan failed to obtain the seat due to US opposition. In 2000, the US government successfully opposed lifting the UN sanctions on Sudan and blocked Sudan becoming the UN Security Council representative of Africa (Dagne, 2004). I would argue that the US efforts to block Sudan's ambition of obtaining a seat in the UN Security Council in October 2000 has many parallels with the case of Libya, which was also blocked by the US from obtaining a seat in the UN for thirty years. Libya was finally successful in January 2008 following improved US-Libyan relations.

6.8 THE DARFUR CRISIS

The Darfur crisis, the first incident of genocide in the 21st century, may eventually become the most well-known in history. Never in human history has an ongoing genocide been so visible. However, it remains largely invisible to certain politically motivated parties that deny it. When it finally ends, the UN Security Council, which has the primary mandate for maintaining international peace and security, will most likely be suffering from resolution fatigue. To date, approximately ten resolutions have been adopted without success. The latest was Resolution 1706 passed on 31 August 2006, with twelve votes in favor, one against and predictable abstentions from China, Russia and Qatar. In addition, there have been statements made by UN Security Council presidents, numerous reports from the Secretary-General including the infamous Commission of Inquiry report, as well as resolutions, declarations and decisions from the African Union (AU) Peace and Security Council (PSC) (Udombana, 2007).

Whilst the war in the south of Sudan was fought against Christians and animists, the conflict in Darfur is being fought against Muslims, and has not ended despite widespread international condemnation, a UN Security Council resolution ordering Sudan to stop the Arab militias, and the Darfur Peace Accord (DPA) signed in Abuja, Nigeria in May 2006. Despite the deployment of the AU Mission in Darfur, the *Janjaweed* and other rebel groups continue to slaughter, disfigure and blackmail helpless civilians. As a result, the international community called for the AU Mission in Darfur to be replaced with a more powerful peacekeeping force supervised by the UN (Ofcansky, 2007). The Darfur crisis began after the SPLA and the Sudanese government signed the Machacos protocol and during negotiations to reach an agreement between the south and the north. Another factor in the crisis was the split in 1999 between, the Sudanese president al-Bashir, and the leader of the NIF, Hassan al-Turabi. However, the US took advantage of the

situation to implement its own agenda, qualifying the events in Darfur as genocide in an attempt to bring about sanctions and military action (Tarek, personal interview, 21 October 2012).

The Sudanese government has been urged by the international community on several occasions to address the situation in Darfur, put an end to the atrocities, and combat impunity by bringing the perpetrators to justice. However, despite overwhelming evidence to the contrary, the government has maintained and persistently tried to convince the international community that no systematic crimes were committed in Darfur. In May 2004, President al-Bashir established the National Commission of Inquiry to investigate these crimes. It was concluded that they were the result of tribal conflicts and rebel activities, and were not as serious or prevalent as the crimes covered by the Rome Statute. This was refuted in January 2005, just days after the publication of the report by the International Commission of Inquiry on Darfur which declared the existence of widespread and grave crimes (Derbal, 2008). It also argued that the National Commission lacked impartiality because it was under significant pressure to back up the Sudanese government's claims. This demonstrates the impossibility, in the present circumstances, of a national body uncovering the truth about the situation in Darfur.

The unrest in Darfur enabled the UN, under the advice of the permanent UN Security Council members, to intervene. However, the crisis was not a new regional argument, but rather a very old conflict, particularly that between the 'Fur' and the Arabic tribes regarding rights to access pastures and own land Makki (personal interview, 2 June 2007) explained that the Darfur problem is one of a lack of resources due to drought and demographic changes, which have ultimately led to tribal conflict. Civil war arose as a result of an influx of arms to the region from neighbouring countries. Makki believes that the Darfur crisis was used as a 'political crane' for achieving political goals in order to confront the al-Bashir regime. Although the Sudanese

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government has tried to quell the rebellion, the Sudanese army has been defeated in thirty-seven confrontations with rebel factions to date. The Sudanese government has also collaborated with Arab tribes in the Darfur region against the African tribes. Several groups of NGOs have travelled from the south to Darfur, but many were regarded as being associated with intelligence networks. Such networks have increased, particularly after the events of September 2001 when they succeeded in marketing the Darfur crisis in a manner that surpassed the 'dreams of the planners' as Western countries became captive of both true and untrue concepts of the crisis.

The crisis has put more international pressure on the Sudanese government and resulted in a threat of possible international intervention in Sudan. US politicians believe that the ongoing crisis in Darfur amounts to genocide and that Sudan should be placed under international sanctions and the way paved for international pressures. According to Amara (2005), the outbreak of conflict between tribes and the intervention of the Sudanese government to prevent the extension of tribal hostilities to the south has led to the evacuation of large numbers of the population. The US considers these measures a violation of human rights. However, I contend that the nature of these conflicts is internal and takes place between forces subordinate to the Sudanese government represented by the *Janjaweed.* As such, the SLA and the Justice and Equality Movement inside Sudan do not extend outside its boundaries, even though the conflict has led to the migration of a great number of the population to Chad. This means that the conflict under conventional human rights international law is not governed by the four Geneva conventions. Supported by the perspective of US officials, the Darfur crisis was largely a result of the Sudanese government arming the *Janjaweed* and Arab militia for the initial purpose of suppressing an uprising, but went beyond that to terrorize innocent civilians (Danforth, 2005).

US Secretary of State Colin Powell immediately brought the Sudan issue to the UN, demanding the UN to impose sanctions on one of the poorest countries on earth and that US troops be sent to the country as peacekeepers. However, it emerged that Washington's reaction was by no means shared by other UN Security Council members (Flounders, 2006). Whereas the US was willing to impose sanctions against Khartoum, countries including Russia and China staunchly opposed any proposed such actions being taken against Sudan.

In contrast, Makki (personal interview, 2 June 2007) stressed that the main reasons behind the American concern about Darfur was geopolitical as Darfur is situated in proximity to three countries that have great strategic importance to the US and France. The first of these countries is Egypt, which dominates the al-Arbaein Road, an important gateway through the south of Egypt continuing to the Darfur region. This means there is only a four-hour journey by land to the Libyan oilfields. Therefore, whoever dominates Darfur will control the road to these oilfields. Along with the petroleum, both uranium and bauxite, the main materials used in aircraft manufacturing, have also been discovered. There is already a US plan in existence for the construction of a petroleum pipeline connecting the region with the Guyana Gulf, with daily petroleum quantities being estimated as one million barrels daily from Sudan, one million barrels each from Chad, Angola, and Guyana, and approximately 2 to 3 million barrels from Nigeria—a total of about 7 million barrels daily, the equivalent of 25% of projected American needs until 2015. The driving principle of this project rests largely on the fact that the line can be extended across the Atlantic Ocean to reach the US and to provide a safety valve in the occurrence of any restrictions on oil supplies from the Middle East.

Darfur became an internationalised crisis following the imposition of UN Security Council Resolution 1556. Nabati (2004) argues that draft Resolution 1556 provided for sanctions against

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Sudan in the event of non-compliance. Nama (2005) contends that the US and British endeavours failed to convince the Council to adopt a draft law describing the events in Darfur as genocide because of the abstention of China, Russia, Pakistan, and Algeria, and because of the failure of France to accept the Darfur crisis as genocide. As a result, the US decided to soften the language of the resolution, and to substitute a reference to further actions, which means that the mechanism of the UN Security Council works appropriately, even against superpowers such as US. Nabati (2004) remarked that it was now within the power of the US to seek a unilateral solution and pursue what it originally wanted through the US Congress in its resolution of 13 July 2004 which declared the violations of human rights in Sudan to be genocide. The resolution of 13 July also outlined the options available to the US in dealing with such cases, and Congress unanimously urged President Bush to look attentively at a multipartite or even on independent action to prevent the genocide, even if the UN Security Council failed to agree to military intervention.

However, the interests of China and other permanent members of the UN Security Council thwarted these attempts at the UN. In May 2006, the Sudanese government and the main rebel group signed the Darfur Peace Agreement in Abuja, Nigeria. This agreement covered the distribution of power and wealth, as well as the right of the people of Darfur to a referendum to determine their status as a region. In January 2005, the Sudanese government signed such an agreement, granting the south the right to self-determination through a referendum (Elbagir, 2005). The Sudanese government reviewed relations with its neighbours and resolved its differences with Libya, Chad, and Niger; normalized its relations with Ethiopia and Saudi Arabia; expelled Bin Laden; and apologised to Kuwait for supporting Iraq during the Iraq-Kuwait War in 1990-91 (Niblock, 2001).

Finally, the Darfur crisis has reminded many observers of the Iraqi situation in 2003, when the US pressed hard for a UN resolution giving a green light to force action against Baghdad. The situation in Sudan also shares the oil factor with the Iraqi situation as Sudan possesses considerable oil wealth with its known reserves estimated at 2 billion barrels in the near future.

6.9 CONCLUSION

Sudan is a complex case because it is a large country comprised by a multitude of ethnic, religious, political, and national identities. Geographically, Sudan is located near Central Africa and is the Arab gateway to Africa. Islam has been intertwined, both directly and indirectly, with the political development of Sudan, ever since Colonel Nimeiri, a secular and leftist leader, seized power of the country in 1969. The impact of Nassir's socialist ideology, which Nimeiri adopted, became clearer when he proclaimed that Sudan would be a socialist state rather than an Islamic one.

The Nimeiri regime may have been pushed closer to the US after 1977, as the Horn of Africa became a battleground between two superpowers - the US and Soviet Union. The US increased its military and economic assistance to Sudan, giving it the rank of sixth in the world for foreign aid. The global rise of Islamic activities, when the country moved away from its socialist ideology, further pushed the US to protect its own interests. Stable relations between the US and Sudan were important to the Sudanese government because Washington continued to be a significant donor of foreign aid. However, despite this, it was still swiftly becoming an unstable situation.

The declining relationship between the US and Sudan was perceived by the Sudanese regime to be a result of its newly-embraced Islamist orientation. The rise of Islamic movements in the aftermath of the Soviet Union's defeat in Afghanistan amplified the situation in Sudan as many of those labeled as Afghan-Arabs who had supported the Afghanistan freedom fighters moved into Sudan. This dramatically affected the US-Sudan relationship, especially given the rise of al-Turabi ideologies, the establishment of the NIF and its role in the emergence of Sudan as an Islamic state. The NIF embedded more Islamic features into the religious, cultural and political

life of Sudan. The ideology propagated by the Islamist movement in Sudan and specifically the NIF's curious hybrid brand of Islamic fundamentalism has been a driving force for the virtually unbroken cycle of tension between Sudan and the US on one hand, and between Sudan and its neighbours on the other.

Further political change in Sudan was initiated by the RCC on 30 June 1989. The RCC revolutionized life in Sudan and adopted an evolutionary approach to the government advocated by Hasan al-Turabi as the essential condition to the establishment of an Islamic state. Sudan's adoption of Islamic ideology provoked the US to adopt a number of unilateral sanctions cutting of economic aid to Sudan. These sanctions were drafted through the UN Security Council. Prior to the Darfur events in 2003, the US had been supporting Sudanese political factions in the south and west of Sudan. It had also supported Sudanese opposition regimes in Eretria, Uganda and Ethiopia by supplying arms to these regimes, hoping that some of these arms would get trickle down to the SLA. The US campaign to increase pressure on Khartoum forbade loans to be made to Sudan by international financial institutions such as the World Bank.

If we look at the different levels of society locally in Sudan, we find that Sudan has neglected Christians and followers of other local doctrines and religions in the south and west of Sudan. I propose that the most critical problem following independence that has been faced by each of the successive Sudanese governments has been the conflict between Islam as a political ideology and the traditional African identity. It is this great divide that I believe has allowed Islamic movements to gain a foothold in Sudan and helped precipitate US interference.

I conclude that, much to the chagrin of US foreign policy makers, Sudan continued to build successful economic relations with some of the UN Security Council permanent members such

as China that seized the opportunity to become the biggest investor in Sudan's burgeoning oil industry. Thus the sanctions had very little economic effect on the Sudanese regime and US behaviour meant US oil companies lost valuable investment opportunities in the region. It is perhaps for this reason that the US became more involved in the Darfur crisis in 2003 and leveraged humanitarian aid as a way to label the crisis as genocide. By calling the Darfur situation genocide, the US sought to ensure that the UN Security Council imposed sanctions against Sudan.

Once al-Turabi had been sidelined, al-Bashir seemed to actively avoid confrontation with the US and adopt a more moderate stance, despite the emergence of a conservative alliance as a powerful political force in the country. The Bush Sr. administration, for its part, sought to resolve the country's civil war through diplomatic means rather than containment and isolation.

The escalating conflict of interests and consequent deepening of hostility between President Clinton and the Sudanese government was perceived by Khartoum as a pretext by Washington to undermine the Sudan regime. However, the Clinton administration was increasingly isolated in its attempts at renewing dialogue with Khartoum. Its inability to convince key European partners to join in a multilateral effort to put pressure on Sudan greatly hampered the outcomes of its foreign policy objectives.

While the attacks of 11 September heightened the importance of Sudan in the US foreign policy agenda, they also inadvertently served to diminish the influence of evangelicals. Under the Bush Jr. administration, the new emphasis on countering global terrorism strengthened the case for rapprochement with Khartoum. The Sudanese government supplied intelligence on the activities of terrorist groups within their borders and, in return, the US administration withdrew its

objections to lifting UN sanctions. The US decision to participate directly in the Sudanese peace talks resulted partly from pressure from the large oil companies, and partly from the pressure exerted by evangelical interest groups to 'do something' about the crisis. There was also a belief that Khartoum, with its significant oil revenue, could shift the balance of power and win the civil war. The 'war on terrorism' certainly improved relations between the two countries, largely as a result of the engagement of Bush Jr. and his team of advisors. However, the inability of the US to end the genocide in Darfur has tainted the administration's record.

Though evangelical advocates influenced the renewed US policy of engagement that had emerged, they were not the sole influence. Executive level departments that managed Sudan policy also called for more active US engagement in Sudan. The Congrss and the highest ranks of the administration were deeply involved in policy towards Sudan. In the 1990s, State Department officials whose work involved Africa often followed three golden rules: don't spend much money; don't create situations that could cause domestic controversies; and don't let African issues complicate issues in other parts of the world that are more strategically important for the US. In Sudan, the Bush administration broke all of these rules by spending a lot of money; causing domestic controversies by pitting evangelicals against oil interests; and provoking disagreements with China and Russia in the UN Security Council, as well as Egypt and other Arab countries.

Efforts to formulate an effective and useful American strategy were complicated by the significant influence of domestic interest groups in shaping US policy and the wide variety of the country's interests in Sudan. As a result, the ultimate political objectives of the policy that emerged in the 1990s were unclear, and its tactics were often at cross-purposes. US policy

throughout the post-Cold War period was officially aimed at changing the behaviour of Khartoum in several respects.

CONCLUSION

This dissertation has attempted to clarify the triangular relationship between the US, Arab World and UN. While a substantial body of literature exists examining the connection between the US and the UN; the US and the Arab world as well as the UN and the Arab world, a minimal amount of literature attempts to address the connections between all three. Those that do take on this complicated relationship tend to deal exclusively with the dynamics existing between all three parties play out in specific circumstances as opposed to presenting a comprehensive understanding of the relationship and how it changes over time and throughout the different presidential administrations of the post-Cold War period. The choice of post-Cold War period is important in that it was a pivotal time period which witnessed the fall of the Soviet Union and the emergence of the US as the world's sole superpower as it changed from a regional power to a global hegemony.

In order to achieve an inclusive understanding of this dynamic and how it changes throughout the post-Cold War period, this research sought to trace the means by which the US can potentially work through the UN and its institutions, including the IMF and World Bank in order to pursue its own foreign policy in the Arab world. The case studies of Libya, after the Lockerbie incident (1988), and Sudan, throughout the on-going Darfur crisis (2003-2006) further illustrate these patterns and processes of US foreign policy in the Arab world and how it achieves its own foreign policy objectives within the context of its relationship with the UN. They also successfully illustrate how US power and influence affected how the UN Security Council dealt with both countries.

The methodology of this study used a qualitative literature assessing survey drawing upon a wide body of primary and secondary materials within the International Relations tradition and developmental studies; original qualitative analysis of UN voting procedures as well as personal interviews with various administrators in Libya, Sudan, and the UN. This research contextualizes the relationship between the US, Arab World and UN using existing scholarship with different perspective, including: international relations, development and strategic foreign policy formulation. It also departs from these traditions by considering the perspectives available within Arab news media and expressed by politicians from the region. This provides a unique perspective in that it reveals how the role of the US within the UN may be seen as disproportionate, especially when it leverages its special position within the UN and its institutions to pursue its own unique policy interests within the Arab world. The study examines the legitimacy of unilateral measures of the US in the Arab world and evaluates whether or not multilateral measures truly represented the will of the international community or whether they reflect the extent to which the US can affect the decisions and outputs of international institutions in order to pursue its own interests in the region. In doing so, it examines the balance of international power and how it can shift in line with US foreign policy priorities.

This research considers different models and traditions of International Relations (Realism, Neorealism, Neoliberalism, and Liberalism) ,and uses them to develop the studies, and foreign policy developmental strategies, thereby providing the thesis with a deep analytical perspective for locating the basis of the research and establishing a theoretical framework. Through these means, I identified important key issues that revealed tense relations between the US and a weakened UN (in the post-Cold War period 1991 -2006) that were fraught with a number of obstacles, not least of which were the somewhat misleading and poorly worded standards set

forth by the UN Charter itself. The research was contextualised to provide a deeper observational focus on the two most important variables of this thesis – the US and the UN. Various international relations perspectives give evidence of the changing ability of the US to assert a dominant position internationally by expanding both its political and economic power; and promoting its foreign policy agenda to achieve its political objectives within the parameters of the UN. The exact nature of US interests in the Middle East in the post-Cold War period is often subject to multiple interpretations. These range from defining the key interests in the region as being related to ensuring access to energy resources; securing the welfare of Israel; aiding friendly regimes to improve regional stability; and protecting US political influence and commercial interests in the region. Many key figures in US defence and security assert that the US needs to permanently maintain a global role with the ability to intervene wherever needed to defend national interests.

In terms of the importance of the specific conclusions that have been reached in this study, the following review will provide a clear account of both what this research has set out to achieve and its contribution to current scholarship in this area. The final section will highlight some areas for future research and make recommendations based on the study's findings.

THESIS REVIEWED

This thesis concerned itself with five primary areas of concern, including: the influence of the US in the drafting of the UN Charter; conflicts of interest between the US and UN; how the US can influence the UN Security Council, World Bank and IMF to pursue its own policy interests in the Arab world; the influence of US domestic politics on foreign policy.

This research has brought attention to the issues surrounding the drafting of the UN Charter and identified the key ways in which the US could take advantage of institutional weaknesses to help achieve its own foreign policy objectives.

A crucial question raised in this research is to what the extent UN resolutions pertaining to the Arab world truly embodied the will of the international community and reflected the actual global distribution of power. To test its two research hypotheses, this thesis has used a case-study approach to examine key arenas of US foreign policy through the prism of the UN and more specifically in regards to Libya and the Lockerbie incident as well as Sudan and the Darfur situation. The UN Security Council enjoys vast powers as detailed in Chapter Five of the UN Charter which aims to maintain international peace and security by settling conflicts through peaceful means. I therefore conclude that Hypothesis 2 is correct and accurate: the US influence over the UN Security Council to achieve the collective legitimization of its own actions was indeed a major issue in determining the development of US foreign policy in both Libya and Sudan. I also conclude that it is debatable as to whether both the Libyan and Sudanese cases actually constituted threats to international peace and security. However, the Libyan and Sudanese cases do have significant differences and similarities [See Appendix 3]. Both cases belong to the Arab World, giving them a similar cultural base. Both have a close geographic proximity to the main Arab region, and both are rich in oil resources. The cases, however, differ significantly in light of the type of action adopted by the UN Security Council.

As for the extent US foreign policy goals affect the performance of the UN as a whole., some scholars have argued that the US has a long record of not completely complying with the UN and that by selectively withholding payment of their assessed contributions to the UN that it is attempting to coerce the institution into conforming with its own policy agenda. However, it can

also be argued that while the US does in fact selectively withhold its assessed dues, it does not do so as part of an overall strategy to bring about UN reform. In addition, it can be argued that strong unilateral action on the part of the US would be unnecessary if there were more support from the members of the UN Security Council for a US reform agenda. Perhaps the fact that the US resorts to coercive measures could bring attention to the inability of the US to accomplish its foreign policy goals through more traditional methods within the established framework of the UN. By withholding its assessed contributions, the US not only failed to bring about significant reform of the UN, but it raised a considerable amount of contention that eventually escalated to the point where it risked losing its status as a permanent member of the UN Security Council.

However, conducting military operations and peacekeeping missions would not be feasible for the UN without the financial support and involvement of the US. Positive UN reform faces severe obstacles such as the multiplicity of its organisations, diverse political interests and sometimes overbearing influence of the US in how it conducts its affairs. If the US continues to prioritise meeting its own political objectives before bringing about true reform of the UN, it may never be brought about. Following the attacks of 11 September 2001 the importance of the UN in responding to a major crisis was brought to the foreground as the US sought political endorsement and financial support in order to respond to these events.

President Clinton preferred maintaining and developing a flexible and responsive military force that would go against any preference for a low profile for American foreign policy. The administration of Bush Jr. took this a step further and instead of simply maintaining a strong military capability, he adopted a policy of proactive intervention. Critics of the legacy of the Bush Jr. administration point out that the decision to invade Iraq was based on erroneous information surrounding the presence of WMDs in the country and the connections between the

country and al-Qaeda terrorists. The decision to take pre-emptive measures against Iraq served to widen the gap between the US and Arab countries, leading to a rise in anti-American sentiment. In addition, many critics felt that post-invasion policy failed to account for the culture, history and politics of the country and the region as a whole. Following the 11 September attacks, democracy promotion gained a central role in US foreign policy toward the Middle East. However, promoting democracy can sometimes be at odds with maintaining stability in the region, as it has been shown in recent years with the political upheavals brought about by the Arab Spring.

I have covered how the US works through the three most important institutions of the UN system: the World Bank; the IMF and UN Security Council. The World Bank directs development projects and provides a wide variety of analytical and advisory services to meet the needs of both individual countries and the international community at large. The functions of the IMF are to increase the quantity and improve the quality of information available to private lenders and to reduce the risk of financial crises in a given country as well as the spread of crises to other countries. In practice, there is considerable evidence that suggests US influence over the World Bank has been used mainly in pursuit of its own national economic and strategic interests.

This type of limited and sometimes *ad hoc* engagement with international organizations does not constitute an effective substitute for a political strategy. The financing of the World Bank by the US has created vulnerability in the institution to US influence despite its potential autonomy. Consequently, both the World Bank and the IMF have recognized a wider range of stakeholders in their work and have consequently undertaken a number of steps to make the institutions more accountable and transparent. These measures include implementing new mechanisms and working more closely with non-governmental organizations. The influence of the US within

these institutions is illustrated by the formal requirements for that country's approval, the informal processes by which said approval is sought and the extent to which the pattern of lending from the institutions reflects US priorities. However, correlations between US preferences and the lending patterns of the IMF and the World Bank suggest that US influence is significant, but often difficult to track.

In a separate example with different committees of jurisdiction (e.g., the House and Senate Foreign Relations committees), the UN requires authorizations and appropriations that have proven controversial over the same time period as the IDA. Since the UN funding system is complicated by different agencies each requiring different appropriations, and peacekeeping is segmented in the US budget, members of Congress have ample opportunities to attempt to influence the reform process by withholding allocations. However, unlike in the IDA and the IMF, the UN assessment is set by the General Assembly, and the executive branch does not exert the same level of control over choosing whether to appropriate funds or not. The US contribution to the UN budget is included in the State Department's Contributions to International Organizations (CIO) account, along with contributions to other UN and non-UN organizations.

At the beginning of the post-Cold War era, President George H. W. Bush followed an essentially liberal internationalist grand strategy of foreign policy, which was based on building and strengthening international institutions such as NATO. He wanted to take advantage of the international climate at the time in which the US was the world's sole remaining superpower in order to establish a so-called 'new world order' under US leadership and use multilateralism to promote the country's own national interests. With this new mindset, the US used the UN Security Council to build an international consensus for liberating Kuwait from Saddam Hussein's regime. This was hailed as a major victory for Bush's vision of a 'new world order'.

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Continuing in this fashion, the Clinton administration pursued its strategy of 'engagement and enlargement' through institution-building, using multilateral institutions to integrate and stabilize new and emerging market democracies into the Western democratic world. However, during the second term of the Clinton administration, the US reacted to Sudan providing a safe haven for members of al-Qaeda and also destroyed a pharmaceutical factory that was allegedly producing components for chemical weapons.

Although the foreign policy of all of the US presidents following the end of the Cold War demonstrates certain fluctuations and variances as they sought to formulate a new grand strategy after the fall of the Soviet Union, the general stance towards the Arab world remained relatively consistent until the Bush Jr. administration. It is certainly true that all of the post-Cold War presidents demonstrated their willingness to use force to intervene in international affairs to better serve American interests. For example, President Bush Sr. gained support from the American public to intervene in Kuwait by connecting the crisis with national oil interests. President Clinton was initially hesitant to resort to the use of military force, especially in the beginning of his presidency. When military force was used, it was justified by a variety of reasons including humanitarian intervention. While Clinton generally sought to rally multilateral support for any foreign intervention, Bush Jr. did not initially subscribe to this approach, preferring stronger unilateral action instead. However, following the attacks of 11 September 2001, he did begin to attempt securing international cooperation before taking action. However, sometimes when the unequivocal cooperation of other states could not be gained, he did resort to the neoconservative idea that the use of military force could be a suitable course of action to take in response to foreign policy issues. The role of Congress in both formulating and constraining foreign policy has steadily increased since the conclusion of the Cold War. It has also been more

forthright in challenging the foreign policy of the White House, especially if it is led by a majority of the opposing political party.

It has been discussed how the relationship between the US and UN has at times made enforcing the principles of the UN Charter difficult. International norms and standards can sometimes be hijacked by the political interests of the US to the detriment of the interests of the international community as a whole. Regime formation through the UN is often influenced by the US in such a way that they are in line with American interests. The administration of Bush Sr. clearly viewed using the multilateral framework of the UN as a means of legitimising what was essentially unilateral military action against Iraq. The subsequent Clinton administration continued seeking multilateral approval prior to taking assertive international action, albeit to somewhat different ends.

While the UN Security Council showed great interest in maintaining peace and security during the Israeli-Palestinian conflict and throughout the Arab world in general, little of its work has had any major effect on the overall situation in the region. UN Security Council resolutions relating to the Arab world increased in number and were evenly spread across the period of 1946-2006. The research data of this study shows that nearly half of the more recent US vetoes were related to a number of attempts and resolutions to mediate the Israeli-Palestinian conflict. With the exception of other countries within the Arab world, the US has been the government most heavily involved in the Arab world and within the UN as well. While their relationship was initially mutually reinforcing, the UN Security Council and the US have subsequently drifted apart much to the disadvantage of both. I have concluded that indubitably, tensions do exist between the objectives of the UN and those of its member states, especially those of the Permanent Five. This has become particularly clear in the handling of the cases of Libya and

Sudan where significant tension exists between UN objectives and US foreign policies. The US interpretation of the spirit of UN Security Council resolutions has been used specifically to meet its own agenda in both of these cases.

While it might be intuitive that any member state of the UN would seek to leverage the international framework towards accomplishing its own objectives, many states either have not demonstrated an understanding that they can influence the workings of the UN by withholding their required assessments for regular and peacekeeping budgets and by contributing exclusively to particularly favourable agencies and funds or simply lack the financial clout with which to effect these institutions in any significant way.

While the US may demonstrate a somewhat ambivalent attitude towards the UN because of the constraints it imposes on its international behaviour, both sides do share fundamental principles and norms. These shared values allow them to enjoy an enduring relationship through which the US can exert a substantial amount of 'soft power'. As the US was a founding member of the UN and enjoys considerable leverage within the organization's framework, many of the norms espoused by the UN were in fact originally promoted by the US.

This study has revealed that relations between the US and the UN are fraught with obstacles, not least of which have been the standards set out by the UN Charter itself. It also compared various arguments that have existed since the Charter's conception including that its decisions have consistently reflected the interests of the founders of the UN themselves, especially those of the US. The Charter enabled the US to create the broad outlines for institutions and rules as well as use the UN and its agencies as instruments to further its own interests by benefitting from the broad range of interpretation of the UN Charter principles. However, the UN Security Council

has a broad definition of what exactly constitutes a threat to global security. Broad and somewhat subjective interpretations of what qualifies as a threat to global security can be used in authorizing interventions, state-building efforts based on agreed peace operations as well as activities to promote human rights, democratization and good governance. This agenda of permitting increased intrusion into the domestic affairs of states is compatible with US policy of expanding the definition of its own interests; moreover, it legitimizes these types of actions and allows America to avoid accusations of neo-imperialism.

However, the UN Charter - built largely on the unsuccessful experience of the League of Nations - appears to be somewhat biased towards the vested national interests of each of the permanent five UN Security Council members and reflects the need at the time it was drafted to establish a strong system of global collective security. The study has also identified that the structural weaknesses in the UN Charter itself and the flexibility with which it has been interpreted, has caused it to evolve in a particular way as certain aspects of the Charter have been given more emphasis and put into practice more than others.

The biggest issue that the UN Security Council needs to address is that of veto procedures. However, the main criticism of the power of the veto is, arguably, that it does not reflect the geopolitical realities of today. There is a strong argument for abolishing the veto as it is clearly in conflict with an important ground rule of the UN as stated in Article 2(1): "The organization is based on the principle of the sovereign equality of all of its members".

As it has been shown, the US began to use its veto power most frequently during the post-Cold War period and has threatened the use of it as a means of realizing its own political agenda. Evidence indicates that in more recent years, this has resulted from greater US confidence in its

ability to unilaterally stop unwanted resolutions. The US has been charged with using the 'hidden veto' to pass draft resolutions prepared with the other UN Security Council Permanent Members through informal consultations behind closed doors. The resolutions are then adopted, frequently without sufficient debate, in formal public meetings of the Council. There is also evidence that certain permanent members have traded votes in the UN Security Council and, more specifically, that the US has bought votes from some non-permanent UN Security Council members by threatening to withdraw and, in some cases, actually withdrawing financial aid in order to achieve its own objectives. The US is also clearly aware that any future additions to UN membership will make it more difficult for the US to use the UN and its members as an instrument to promote its own policies and interests.

In the post-Cold War period, US foreign policy towards Libya experienced gradual change as the latter moved from being one of the largest sponsors of terrorism during the 1980s to a new partner in counterterrorism efforts. This change was brought about slowly as Libya gradually enacted new policies and the US took time to establish dependable contacts within the country. In addition, the American public needed to embrace these changes in Libya's international role before its long-standing designation as a rogue state could finally be lifted.

For most of the Cold War period, US-Libyan relations were tumultuous, to say the least, declining sharply under President Reagan. The Reagan administration held the conviction that Libya had supported terrorist attacks against US targets abroad, and adopted a strategy of deterrence and coercion that involved conducting air strikes in Benghazi and Tripoli, mounting an economic embargo, sabotage, subversion and numerous assassination plots. This strategy was not only aimed at punishing Tripoli and possibly bring about regime change, but also to

potentially discourage any support for terrorists and terrorist organizations such as Abu Nidal and the Irish Republican Army (IRA) in the future.

For most of the post-Cold War period, Libya was under economic sanctions that the US had took a leading role in formulating and gaining support for in the international community before the related UN Security Council resolutions were passed. As a result of its economic isolation from the US and its allies, Libya sought a closer relationship with the Soviet Union. Following the collapse of the Soviet Union, Libya lost the great deal of diplomatic and economic support that it had brought to the table.

Efforts to isolate Libya both economically and diplomatically continued through the Clinton administration with the ostensible goal of restricting its ability to provide financial support to terrorist movements. Despite ten years of continued attempts to isolate Libya, Gadhafi still did not renounce his support of terrorism nor cooperate fully with the Pan Am 103 trial.

This strategy of compelling and deterring Libya did not ultimately bring about its cooperation; instead, it brought about only partial engagement at best. Additionally, the more stringent measures enacted by Clinton against Libya were met with further resistance, which in turn, led to more comprehensive UN sanctions. However, towards the end of the Clinton administration, a policy of limited conditional engagement was very gradually initiated.

The decision of Libya to close all British and American military bases within its borders, nationalize the country's oil industry and return to a nominally Islamic form of law all contributed to major decline in its relations with the US. Libya was branded a pariah state following its government's denunciation of US hegemony and its defiance of American foreign policy that was eventually seen as 'international terrorism' in the US. During the Middle East

peace process Libya remained radical insofar as it openly opposed the Madrid Conference. Once American officials began to target Libya's oil industry, Western countries with interests in the region grew increasingly averse to toughening sanctions. They effectively destabilized American foreign policy by maintaining companies in Libya until the UN mandated their withdrawal through Security Council resolutions. Some British banks remained in the country by changing certain ownership arrangements to circumvent the US-led sanctions.

Unilateral sanctions promoted by the US and multilateral UN sanctions often ran contradictory to each other in regards to Libya. While the UN pursued an objective of isolating Libya during the Lockerbie incident, the US sought to apply direct pressure on Libya in order to coerce it into cooperating with UN resolutions. Thus, although US behaviour in this situation was for the most part unilateral, it was designed to complement the analogous actions of the UN rather than substitute them.

The animosity between the US and Libya provoked the US to attempt to rally support from the international community to use UN sanctions and other means of financial coercion by restricting loans to Libya from both the IMF and World Bank. Through the involvement of UN mechanisms, the US gained further legitimacy for its own unilateral sanctions regime and foreign policy goals. Despite the heavy sanctions imposed against it, Libya still managed to foster regional relations and maintain cooperation with its own allies despite UN sanctions. It took initiative to make Libya a hospitable country to foreign oil interests and those of European countries in particular. The diplomatic sanctions imposed on Libya by the US did not have a significant effect not only because they were not enforced by other countries, but also because much of the international community was reluctant to intensify sanctions since it wanted to maintain its access to Libya's vast natural energy sector.

The Clinton administration's strategy of engagement, or using positive inducements, continued intermittently in the Bush Jr. administration following signs of cooperation on the part of the Gadhafi regime. Three decades after the initial punitive measures adopted by the US and UN, Gadhafi renounced not only its support of international terrorism, but announced that the country had abandoned its WMD programme. Following these pronouncements, the Libyan government took many steps to prove its support of the norms and goals of the international community.

'Rogue states' can raise fierce disagreement among those holding different political views. Powerful lobby groups can work to prevent normalising relations with such countries, or attempt to make normalisation contingent upon certain political demands. In addition, problems can be compounded since the US is not likely to have maintained any substantial connections with countries or have much awareness of their policy-making processes. At the time of the Pan Am 103 bombing, US officials involved with Libya were met with many choices promoted by different interests groups. These included a military response akin to that which was taken following the La Belle disco bombing, bringing the case to the ICJ, mounting an oil embargo or seeking to bring about regime change, demanding compensation for victims' families, or easing sanctions based on the country's cooperation with their demands.

In the case of Sudan, the Sudanese government believed that their declining relationship with the US was largely attributable to its nominally Islamic alignment. Following the defeat of the Soviet Union in Afghanistan, some supporters of the Afghan freedom fighters, also known as Afghan-Arabs, relocated to Sudan. This fact, along with the rise of al-Turabi ideologies, and the foundation of the NIF which played a role in the adoption of an Islamic identity for the entire state, all contributed to a swiftly declining US-Sudan relationship. The ideology promoted by Islamist movements in Sudan and the particular hybrid brand of Islamic fundamentalism

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espoused by the NIF led to almost unbroken tension between Sudan and the US as well as between Sudan and neighbouring countries.

The RCC introduced sweeping political changes on 30 June 1989 and aligned itself with the model of governance proposed by Hasan al-Turabi. This prompted the US to take punitive measures against Sudan including cutting off foreign aid to the country and initiating many unilateral sanctions. In addition, the US prohibited international financial institutions such as the World Bank from making loans to Sudan. Economic sanctions were drafted under the auspices of the UN Security Council. Before the events in Darfur that began in 2003, the US supported Sudanese political groups in the southern and western parts of the country in addition to supporting opposition groups in Eretria, Ethiopia and Uganda by providing arms in hopes that they would trickle down to the SLA.

Within the country itself, the Sudanese government had long neglected Christian and minority communities. I suggest that the most persistent and crucial problem following Sudanese independence has been the conflict between the country's African identity and Islamic political ideology. This division created fertile ground for Islamist movements to gain momentum, ultimately leading to US intervention in the country.

Despite attempts by the US to punish Sudan, it proceeded to build prosperous relations with certain permanent members of the UN including China which became the largest investor in the country's growing oil and gas sector. As a result, economic sanctions imposed by the US had minimal effects on the Sudanese regime and US companies were excluded from lucrative investment opportunities. This could be part of the motivation behind the US becoming more

involved in the Darfur crisis in 2003 and providing humanitarian assistance in order to label the crisis as genocide. As such, the US requested that the UN initiate sanctions against Sudan.

Following the relegation of al-Turabi, President al-Bashir adopted a less confrontational stance towards the US, even with the rise of a conservative alliance within the country. The administration of Bush Sr. chose to pursue diplomatic means of resolving the country's civil war rather than resorting to punitive measures.

During the Clinton administration, the growing hostility between the US and Sudanese governments was seen by Khartoum as being a ploy to weaken and destabilise the Sudanese regime. While the US did attempt to reinitiate dialogue with the government, it was unsuccessful at its attempts to gain support from its key European allies to apply coercive measures to Sudan, greatly weakening the consequences of its foreign policy initiatives.

Following the events of 11 September, the role of Sudan gained prominence in American foreign policy. The Bush Jr. administration sought reconciliation with Sudan as part of an agenda of combatting global terrorism. As part of renewed cooperative efforts, the Sudanese government provided information on terrorist groups within the country in return for US support for ending UN sanctions. The decision by the US to participate in Sudanese peace talks was largely a result of the pressure exerted on the government by large oil companies and somewhat affected by evangelical interests groups who wanted the government to act on behalf of the Sudanese in the Christian parts of the country. It was also widely believed that Khartoum would be able to use its oil revenues to gain a significant advantage and ultimately win the civil war. The departments of the executive branch that were involved with developing US policy towards Sudan and high-ranking White House officials were also involved in advocating deeper US involvement in the

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country. In the case of Sudan, the Bush Sr. administration departed from previous norms by spending a great deal of money which led to disagreement between evangelicals and oil interests. US action in Sudan also incited debate between China and Russia in the UN Security Council in addition to Egypt and other Arab nations.

The attempts by domestic interest groups within the US to shape a cohesive strategy were muddled by the broad range of interests in Sudan. The result was that the goals of American foreign policy toward Sudan were often vague and imprecise throughout the 1990s. During the post-Cold War period, US foreign policy was nominally directed at bringing about behavioural change in the Sudanese government. However, strong statements on the part of the White House and certain members of Congress seemed to indicate that regime change was, in fact, the actual goal of American foreign policy towards Sudan.

Cooperative efforts by the US and Sudan in the so-called 'war on terrorism' that were initiated by the Bush Jr. administration did improve relations between the two countries. However, any advances that may have been made in improving US-Sudanese relations were inevitably tainted by the failure of the US to end the Darfur genocide.

This study contributes to the scholarship on escalating US interests in the Arab world through the auspices of the UN and US influence on the UN Security Council to achieve the collective legitimization of its own actions and political agenda. Research in the subject of the US relationship with the UN in regards to achieving its foreign policy objectives in different regions is vital today. Considering that the relationships between the US and many international organizations have been troublesome for some time, this thesis has taken a critical look at US foreign policy towards the UN. The UN can serve as a suitable reference point when analyzing

whether or not the US shows willingness to participate in the era of 'groupism' and formation of global democratic structures. At the same time, as the US has been facing criticism for its foreign policy decisions, questions have been raised as to the overall usefulness of the UN as a viable actor in the international arena. According to Beigbeder, criticism has been raised regarding "...the poor performance of the UN in the maintenance of peace and security, in promoting development, in eradicating poverty and in protecting human rights," among other things (Beigbeder 1997: 7).

An analysis of the UN Charter reveals that it was largely a creation of the US government from its inception and as such has always served US interests. Any amendments to the Charter can only occur through the adoption of a vote by a two-thirds majority which must include the consent of all the Permanent Members of the UN Security Council. This means that the US can potentially dominate the vote and block any quota adjustment even if the vote is supported by all of the other Council members. Thus, it is impossible for the other members to force the Permanent Five to give up their veto power through the amendment process.

This thesis has benefited from a wide and diverse collection of sources that greatly enriched its academic content. The range, quality and quantity of original sources used in this thesis provide a vivid and well-rounded understanding of US foreign policy towards the Arab world through the prism of the UN. It provides a rich understanding of Libyan and Sudanese political behaviour which have both been touched by US interests in the region. It also attempts to provide the reader with further understanding of the compromises and engagements that can be achieved to advance UN credibility in the eyes of the Middle East. However, due to the broad nature of this research and that fact that it tackles three major dimensions within the UN, the US and the Arab world, as

well as US policy towards Arab and ethnic minority groups in Arab regions, many areas of study remain to be investigated in greater detail.

The central contribution of this research to the scholarly understanding of the triangular US-Arab world-UN relationship is that the US in the post-Cold War era has demonstrated its recognition of its special superpower position in the absence of the Soviet Union through the UN and its specialized agencies, including the UN Security Council in particular. The primary source data compiled through original tables and charts in Chapters 3 and 4 on sanctions meetings taking place within the Security Council between 1990 and 2007 demonstrated that it was more active in Arab world. Even though the Arab block in the UN General Assembly could manage to pass resolutions that displeased the US, these recommendations were nonbinding.

The US is well aware of the importance of its continued involvement in the UN Security Council action taking place within the region. However, the UN has become the principal vehicle for US to take action in the post-Cold War era in order to pursue its own interests when needed. Otherwise, Washington would act multilaterally while using the UN to legitimize actions involving the use of force. From the Arab point of view, the use of NATO military power without UN Security Council endorsement is more akin to unilateralism than multilateralism. They also regard US efforts to forge the *ad hoc* multilateral Coalition to oust Iraqi forces from Kuwait in 1990 –1991 as a good benchmark for genuine multilateralism. The involvement of the Security Council in Operation Desert Storm gave it a widely-accepted multilateral identity and legitimacy.

Other research supports the conclusion that the US has switched between unilateral and multilateral approaches to foreign policy according to its own interests so frequently that it has

blurred the line between unilateralism and multilateralism to the extent that it may be more appropriate to consider these two ideas as two ends of a single spectrum rather than two unique approaches (Malone and Khong, 2003).

This study allows US decision and policy makers to gain insight into the Arab perspectives toward the UN mechanism and allows researchers to create a framework for understanding from which they are able to form a platform to evaluate US policy towards Arab states. It allows them to gauge areas of progress and decline when it comes to the achievement of US interests in the Arab world. For Arab policy makers and practitioners, this study is equally important as it illustrates the intricacies of US goals and interests in Arab world and throughout the wider Middle East.

FUTURE RESEARCH

The nature of this thesis has been to provide a greater understanding of US foreign policy toward the Arab World through the prism of the UN. I found that many areas belonging to this study are important and recommend several areas for future research. The first recommended area of study is the Darfur crisis which is based on a conflict of perceptions between the Sudan government and the US as to whether Darfur is technically a humanitarian crisis or an internal political crisis. A second recommended area of study is an examination of to what extent the competition for oil resources in Darfur changes a humanitarian crisis into a political crisis. A third recommended area that warrants further study is the nature of the changes in US-Libya relations following Libya's abandonment of its WMD programme. When Libya dropped its pursuit of advanced weaponry, it was finally allowed to become a UN Security Council non-permanent member.

RECOMMENDATIONS FOR REFORM

The most important reason for UN reform is the need to restore its credibility on the international stage. A change in the composition of the UN Security Council to reflect today's political realities would enhance the integrity of the Council as well as that of the UN as a whole. In order to achieve this purpose, the UN must refrain, under all circumstances, from maintaining or enlarging existing privileges and from allowing double standards to be applied by any particular member states. UN management reform is a collective responsibility and as such no single party can claim credit for it. Thus, failure to achieve this reform would be a collective failure rather than the failure of one state alone.

The researcher recommends that:

1. UN Security Council members should reconsider the decision-making mechanisms of the UN and its functions in order for it to fulfill its duties and responsibilities to the international community more effectively.

2. UN reform should be undertaken to ensure transparency and restore credibility in the eyes of the international community. This reform should include a change in the composition of the UN Security Council and the UN Charter to reflect today's political realities which would enhance the credibility of the Council as well as the UN as a whole. UN Security Council reform must include investigating UN reform in budgetary, management, and structural issues.

3. The UN should reconsider the role of regional organizations and support their operation by creating opportunities for regions to successfully resolve regional crises. There are also certain unresolved issues relating to what actually constitutes a regional organization

and responsibility in how they should relate to the UN. The UN should be used to reach

a resolution only in the event of regional failure to resolve a regional crisis.

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APPENDIX1 INTERVIEW QUESTIONS

LIBYA INTERVIEW QUESTIONS

Q. 1. How would you describe US-Libyan relations in the post-Cold War era?

Q. 2. Do you think that the Lockerbie case is primarily a legal or political issue?

Q. 3. Do you see any similarities between the cases of Lockerbie and Darfur?

Q. 4. The UN Security Council took a number of resolutions against Libya on the basis of the Lockerbie crisis and each member of the UN Security Council was encouraged to support the issuance of such resolutions. Do you think the UN Security Council was itself incited somehow to encourage support for such resolutions among its members?

Q. 5. How would you evaluate what happened inside the UN Security Council galleries during the Lockerbie crisis? Do you feel that there was any intention of demonstrating the role of the US within the UN Security Council in the treatment of the crisis or during its escalation?

SUDAN INTERVIEW QUESTIONS

Q.1. How would you describe US-Sudan relations in the post-Cold War era?

Q.2. Do you think that the Darfur crisis is a legal or political issue?

Q.3. Would you agree that the decline in US-Sudanese relations, especially in the beginning of the 1990s was in any part due to the Islamic orientation of the Sudanese government?

Q.4. The UN Security Council took a number of resolutions against Sudan on the basis of the Darfur crisis and each member of the UN Security Council was incited to support the issuance of such resolutions. Do you think the UN Security Council was itself incited to encourage support for the issuance of such resolutions?

Q.5. How would you evaluate what happened inside the UN Security Council galleries during the Darfur crisis? Do you feel that there was any intention of demonstrating the role of the US within the UN Security Council in the treatment of the crisis or its escalation?

US-UN QUESTIONS

Q. 1. How would you explain US-UN relations in the post-Cold War period (1990-2006), and the impact of their relations in the cases of Libya over the Lockerbie crisis and Sudan over the Darfur crisis?

Q.2 How would you describe US foreign policy in the post-Cold War period, and can you see any differences between the administrations of Bush Senior, Bill Clinton and Bush Junior toward Arab issues?

Q. 3. The 11 September events are considered as an outstanding phase in US foreign policy, particularly after declaring the war against terrorism. Do you think that the UN was approached by the US as an afterthought or more towards the achievement of its own objectives?

Q. 4. Do you think that humanitarian intervention can be construed as a pretext for the US to intervene in other countries' affairs, and that as such the US has somehow distorted the basic concepts of human rights and sovereignty, in order to suit their own hegemonic needs?

Q. 5. The core funding of both the IMF and World Bank depends mainly on the US in comparison to the contributions made by other members. On one hand, the US withholds financial contributions in order to unilaterally impose conditions on these institutions, and on the other hand, the US contributions to the financing of these institutions give it substantial influence to drive their policies.

* Based on your experience, would you agree that the World Bank has been an especially useful instrument for the US to project its influence on developing countries?

* Would you also agree that the countries that move closer to the US's policy stance in the UN General Assembly on issues it considers important increase their probability of receiving loans from either the IMF or the World Bank?

APPENDIX 2 - LIST OF US LAWS AND RESOLUTIONS ISSUED BY US LEGISLATIVE AUTHORITIES AGAINST LIBYA

Laws and Resolutions	Description of Contents
Senate Resolution No. 79 issued on 15 March 1979	Decides that the US Congress shall reconsider the approval to sell civil airplanes to Libya and postponing the licensing formalities in respect of such sales until Libya ceases from assisting Eidi Amine of Uganda.
Law No. 207 issued by Congress on 9 September 1981	Praises the American marine pilots who participated in the confrontation with Libyan war planes over the Sirte Gulf on 19 August 1981 and urges for the continuation in the policy of American repellence using the necessary weapons to deter the instigation of attacks in international water and airs.
Law No. 340 issued by Congress on 14 October 1981	Bans the importation of Libyan oil and its derivatives.
Law No. 4866 issued by Congress on 29 October 1981	Stipulates that the US should distance itself from any foreign government which supports terrorism and orientates Presidential support for the international efforts to go against the Libyan policy of giving support to international terrorism and

	imposes a boycott on any entity threatening the national security of the US.
Resolution of Congress No. 514 on 8 December 1981	Prevents the US from importing oil refined in Libya.
Resolution of Congress No. 3566 dated 9 December 1981	Amends a prior resolution stipulating that the Secretary of State shall prepare in due course a report to the Senate showing that it is not in the interest of US foreign policy to confront the Libyan support of international terrorism through imposing economic sanction including an imposition of a ban on the importation of crude oil produced from oilfields in Libya.
House Bill No. 3566 dated 9 December 1981	Modifies an amendment presented by Senator Biden (D-DE) which express the desire of Congress that the President shall perform an immediate revision of the limited steps that the US may take by itself or through agreement with its alliances in order to exercise economic and political pressure on Libya to stop terrorist activities and actions which might upsett the stability of adjacent countries in Africa. The report was to be referred to the Senate within 180 days and also included modifications prohibiting the granting of any loans to be used for assisting Libya.
Amendment of Congress Resolution No. 4559	Adds Libya to the list of countries which are

dated 11 December 1981	prohibited from receiving aid from the US Congress
Resolution of Congress No. 207	Expresses Congress's viewpoint in respect of the incident that took place on 19 august 1981 over the Sirte Gulf and the attitudes expressed by and actions committed by the Libyan government.
Resolution No. 1521	Arranges to repatriate the remains of five unknown members of the American marine
Law of Congress No. 4797	Amends an internal profits law of 1954 in order to impose taxes on the importation of Libyan crude oil, refined oil or oil derivatives and depositing the revenues generated by such taxes into a development fund of the strategic petroleum stock.
Law issued by Congress under No. 5064	Imposes a ban on trade between Libya and the US.
A law issued by Congress under No. 5141	Prevents the US from importing oil from Libya.
Modification to Law No. 455	Prohibits the provision of assistance to Libya or any country or organization which supports the Libyan efforts in respect of murdering US officials.
Amendment to Law No. 454	Supports the efforts of the US and its allies to exercise further economic and political pressure on Libya in order to deter its terrorist activates and attempts to upset the stability of adjacent African countries.
Resolution No. 344 issued by Congress	Expresses support for the President's resolution in

	respect of prohibiting the import of Libyan oil.
An amendment to the law 344 issued in 1954	Imposes tax on the import of Libyan crude and refined oil as well as oil derivatives.
Law No. 1892	Prohibits the US Government from importing Libyan oil.
Senate Resolution No. 2255	Takes criminal actions against anyone who renders services or information under certain conditions to the Libyan government, its agents, certain terrorist groups and foreign governments as determined by the President and for other purposes.
Amendment No. 813 issued by the Senate	Stipulates that the president shall impose a ban on the importation of oil from Libya and requests other countries including members of the European Community and Japan to enhance their cooperation with fighting international terrorism and the non-importation of Libyan oil until termination of the international terrorist acts of the Libyan government.
Amendment No. 829 issued by the Senate	Supports the President's resolution in respect of prohibiting the importation of Libyan oil, as well as the exportation of gas, other equipment or technology outside of the US to Libya.
A law issued by Congress under No. 270	Stipulates that the Secretary of State shall issue a notice on his travel to any country in which Libya

	has supported terrorism against US citizens if that country failed to take on immediate action to close Libyan diplomatic or trade missions within their borders.
A law issued by Congress under No. 313	Stipulates support of the US insistence on legitimate self-=defence against any aggressive attacks by Libya in international waters.
A law issued by Congress under No. 424	Expresses gratitude from the American people for the assistance rendered to them from the British people and government during a defensive operation taken against Libya in April 1986.
Resolution of Congress issued under No. 603	Asks the President to refer, to Congress, any documents or information in his possession or under his disposal which are related to actual plans or programmes of the Libyan government.
A law issued by Congress under No. 4773	Prohibits US Companies from rendering assistance in the production, marketing or distribution of Libyan oil.
A law issued by Congress under no. 4773	Prohibits the conclusion of contracts or purchase of shares in any institution in which the Libyan government or any Libyan citizen controls over 40 percent of the capital.

A law issued by Congress under no. 4817	Forbids the participation of American companies in the production, marketing or distribution of Libyan oil.
A law issued by the Senate under no. 519	Renews sanctions against the Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, Eastern Germany, Libya, Syria, Iran, Cuba, China, and any country having violated human rights or committing terrorist actions against nationals of the US.
A law issued by Congress under no. 1350	Prohibiting the hanging of the Libyan flag on American institutions and during formal celebrations in the US.
A law issued by Congress under no. 5396	Amends export law for the year 1979 by Imposing sanctions against companies involved in providing technical assistance or chemical materials to Iran, Iraq, Libya and Syria.
A law issued by Congress under no. 251	Stipulates increasing the number of countries whose diplomatic representation shall be limited in terms of movement in the United States such as Afghanistan, the Republic of Chad, North Korea, Germany, Hungary, Iran, Libya, Mongolia, Nicaragua, Yemen, Bulgaria and China.
Congressional Resolution no. 284 dated 11 March 1997	Expresses the desire of Congress that the President shall attempt at presenting those responsible for the Pan Am 103 crash over Lockerbie on 21 April

	1998 to be brought to justice
Resolution of Congress no. 2318 dated 28 May 1991	Amends the administrative export law for treating Iran, Libya and Syria as terrorist countries for a total of three years.
Resolution of the Senate no. 285 issued on 9 April 1994	Calls for compliance with UN Security Council sanctions against Libya for extraditing the persons suspected of crashing Pan Am Flight. 103.
Resolution of the Senate no. 549 dated 11 October 1994	Includes Congress opinion which urges the President to seek realizing a clear agreement for establishing a multipartite system for monitoring exports to prevent the spread of dangerous military products, technology and advanced strategic weapons to certain recipients which threaten international peace and US national security.
Resolution of Congress no. 5295 dated 23 August 1994	Provides for concealing contributions to some organizations which assist Iraq, Iran, Libya and Cuba.
Resolution of Congress no. 68 dated 1 April 1993	Urges the American President to secure an international oil ban through the UN on Libya due to its refusal to comply with both UN Security Council resolutions 731 and 748 in respect of detonating Pan Am. Flight 103.
Resolution of the Senate no. 165 dated 20 November 1993	Clarifies the Senate's opinion in respect of the compliance of Libya to UN Security Council resolutions.

Resolution of parliament no. 365 dated 19 March 1996	Condemns the visits of Louis Farrakhan, the leader of the syncretic and mainly African-American religious movement, the Nation of Islam, to Libya, Iran, and Iraq as well as some statements which he delivered during such visits.
Resolution of Congress no. 3107 dated 5 August 1996	CongressProvides for imposing sanctions on persons who export certain technical goods enhancing Iran's capacity to explore, extract, and refine oil. Additionally, the transportation of Iranian oil through pipes is prohibited.
Modification no. 4588 by the senate to Senate Resolution no. 3107 dated 16 June 1996	Renders the sanctions on investment in the development of Libyan oil resources obligatory as opposed to voluntary.
Resolution of Congress no. 4332 dated 30 September 1996	Stipulates the prevention of American foreign aid to countries allowing Libyan airplanes to land in their territories.
Modification no. 3106 by the Senate to Senate Resolution no. 1228 dated 20 December 1995	Stipulates the prevention of investment in the development of Libyan oil resources.
Resolution of Congress no. 246 dated 26 December 1997	Condemns the request of Arab foreign ministers calling for lifting the sanctions imposed on Libya by the UN Security Council due to its refusal to extradite the wanted persons related to the Lockerbie bombing.

Amendment no. 161 to Congress resolution 1757 dated 11 June 1997	Congress Stipulates the prevention of allocating foreign aid to countries assisting Libya to bypass sanctions imposed by the UN Security Council.
Resolution of Congress 899 dated 23 May 1999	Stipulates the release of Libyan credits in order to pay the costs of travel of the families of victims of Pan-Am, flight 103 to the Hague and there from to attend the trial.
Senate Resolution no. 287 dated 12 April 2000	Expresses the Senate's opinion on US policy towards Libya.
Amendment no. 442 by the senate to Senate Resolution no. 1059 dated 27 May 1999	Expresses the Senate's opinion on continuing sanctions against Libya.
Resolution of Congress no. 1954 dated 3 August 2001	Extends the law imposing sanctions on Iran and Libya up to 2006.
Congressional Resolution no. 23 dated 24 April 2001	Expresses the Congressional opinion on the involvement of Libyan government in detonating Pan-Am 103.
Senate Resolution no. 171 dated 24 January 2001	Cancellation of some items in terms of travelling to Korea and some items regarding trade sanctions against Cuba, Iran, Libya, North Korea and Sudan.
Senate Resolution no. 911 dated 28 June 2001	Extends the operation of the law imposing sanctions on Iran and Libya issued in 1996.
Congressional Resolution no. 24 dated 29 January 2003	Expresses the Congressional opinion on the election of Libya to the presidency of the 59th session of the UN Human Rights Committee in Geneva.

Congressional Resolution no. 27 dated 12 February 2003	Condemns the decision to elect Libya to preside over the UN Human Rights Committee.

APPENDIX 3 - TABLES ILLUSTRATING THE SIMILARITIES AND DIFFERENCES BETWEEN THE CASES OF LIBYA AND SUDAN

TABLE (1) SIMILARITIES BETWEEN LIBYA ANDSUDAN

Libya	Sudan
Special interest groups supporters in Congress The Iran-Libya Sanction Act (ILSA)	Special interest groups supporters in Congress The Sudan Peace Act
Attack of Libyan capital Tripoli and Babgaze in 1986	Attack of El-Shifa pharmaceutical factory in Sudan capital Khartoum in 1998.
Nationalization of oil	Exploration of oil
US imposed unilateral sanctions	US imposed unilateral sanctions
US adopted UN sanctions on Libya	US adopted UN sanctions on Sudan
Required to extradite its national suspected to foreign trial in 1997.	Required to extradite its national suspected to foreign trial in 1992.
Rapprochement in US-Libya relations in the post 11 September 2001.	Rapprochement in US-Sudan relations in the post 11 September 2001.

TABLE (2) DIFFERENCES BETWEEN LIBYA AND SUDAN

Libya	Sudan
Adopted the Pan-Arabs policy	Adopted the Pan-Islamist policy
Libya obtained non-permanent seat in the UN Security Council in 2008	Sudan failed to obtain non-permanent seat in the UN Security Council during 1990s
Libya's location is close to European industrial countries	Sudan's location is close to poor African areas
UN imposed the economic sanctions	UN imposed the diplomatic measures

1.   CHARTER OF THE UNITED NATIONS

2.   CHAPTER I

3.   PURPOSES AND PRINCIPLES

Article 1

The Purposes of the UN are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. 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 UN.

5. All Members shall give the UN every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the UN is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the UN act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the UN 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.

4. CHAPTER II

5. MEMBERSHIP

Article 3

The original Members of the UN shall be the states which, having participated in the UN Conference on International Organization at San Francisco, or having previously signed the Declaration by UN of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the UN is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the UN Security Council.

Article 5

A member of the UN against which preventive or enforcement action has been taken by the UN Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the UN Security Council. The exercise of these rights and privileges may be restored by the UN Security Council.

Article 6

A Member of the UN which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the UN Security Council.

6. CHAPTER III

7. ORGANS

Article 7

1. There are established as the principal organs of the UN: a General Assembly, a UN Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The UN shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

8. CHAPTER IV

9. THE GENERAL ASSEMBLY

Composition

10. Article 9

1. The General Assembly shall consist of all the Members of the UN. 2. Each member shall have not more than five representatives in the General Assembly.

Functions and Powers

11.   Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the UN or to the UN Security Council or to both on any such questions or matters.

12.   Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the UN Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the UN, or by the UN Security Council, or by a state which is not a Member of the UN in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the UN Security Council or to both. Any such question on which action is necessary shall be referred to the UN Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the UN Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

13.   Article 12

1. While the UN Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the UN Security Council so requests.

2. The Secretary-General, with the consent of the UN Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the UN Security Council and shall similarly notify the General Assembly, or the Members of the UN, if the General Assembly is not in session, immediately the UN Security Council ceases to deal with such matters.

14.   Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

15.   Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the UN.

16.   Article 15

1. The General Assembly shall receive and consider annual and special reports from the UN Security Council; these reports shall include an account of the measures that the UN Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the UN.

17.   Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

18.   Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

19.   Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the UN Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the UN, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, Composition including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

20.   Article 19

A Member of the UN which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

21.   Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the UN Security Council or of a majority of the Members of the UN.

22.   Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

23.   Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

24. THE UN SECURITY COUNCIL

Article 23

1. The UN Security Council shall consist of fifteen Members of the UN. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the UN Security Council. The General Assembly shall elect ten other Members of the UN to be non-permanent members of the UN Security Council, due regard being specially paid, in the first instance to the contribution of Members of the UN to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the UN Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the UN Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the UN Security Council shall have one representative.

Functions and Powers

25.   Article 24

1. In order to ensure prompt and effective action by the UN, its Members confer on the UN Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the UN Security Council acts on their behalf.

2. In discharging these duties the UN Security Council shall act in accordance with the Purposes and Principles of the UN. The specific powers granted to the UN Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The UN Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

26.   Article 25

The Members of the UN agree to accept and carry out the decisions of the UN Security Council in accordance with the present Charter.

27.   Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the UN Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Voting

28.   Article 27

1. Each member of the UN Security Council shall have one vote.

2. Decisions of the UN Security Council on procedural matters shall be made by an affirmative vote of nine members.

3. Decisions of the UN Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

29.   Article 28

1. The UN Security Council shall be so organized as to be able to function continuously. Each member of the UN Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The UN Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The UN Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

30.   Article 29

The UN Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

31.   Article 30

The UN Security Council shall adopt its own rules of procedure, including the method of selecting its President.

32.   Article 31

Any Member of the UN which is not a member of the UN Security Council may participate, without vote, in the discussion of any question brought before the UN Security Council whenever the latter considers that the interests of that Member are specially affected.

33.   Article 32

Any Member of the UN which is not a member of the UN Security Council or any state which is not a Member of the UN, if it is a party to a dispute under consideration by the UN Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The UN Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the UN.

34. *CHAPTER VI*

35. PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The UN Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The UN Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the UN may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the UN Security Council or of the General Assembly.

2. A state which is not a Member of the UN may bring to the attention of the UN Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The UN Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The UN Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the UN Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the UN Security Council.

2. If the UN Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the UN Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

36. *CHAPTER VII*

37. ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The UN Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the UN Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The UN Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The UN 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.

Article 42

Should the UN 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 be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the UN.

Article 43

1. All Members of the UN, in order to contribute to the maintenance of international peace and security, undertake to make available to the UN Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces. their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the UN Security Council. They shall be concluded between the UN Security Council and Members or between the UN Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the UN Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under

Article 43, invite that Member, if the Member so desires, to participate in the decisions of the UN Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the UN to take urgent military measures Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the UN Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the UN Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the UN Security Council on all questions relating to the UN Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the UN Security Council or their representatives. Any Member of the UN not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the UN Security Council for the strategic direction of any armed forces placed at the disposal of the UN Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the UN Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required tocarry out the decisions of the UN Security Council for the maintenance of international peace and security shall be taken by all the Members of the UN or by some of them, as the UN Security Council may determine.

2. Such decisions shall be carried out by the Members of the UN directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the UN shall join in affording mutual assistance in carrying out the measures decided upon by the UN Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the UN Security Council, any other state, whether a Member of the UN or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the UN Security Council with regard to a solution of those problems.

Article 51

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

38. *CHAPTER VIII*

39. REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the UN.

2. The Members of the UN entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the UN Security Council.

3. The UN Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the UN Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The UN Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the UN Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The UN Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

40. *CHAPTER IX*

41. INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the UN shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social,

cultural, educational, health, and related fields, shall be brought into relationship with the UN in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the UN are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

42. *CHAPTER X*

43. THE ECONOMIC AND SOCIAL CO COUNCIL

Composition

44. Article 61

1. The Economic and Social Council shall consist of fifty-four Members of the UN elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

45. Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the UN, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the UN, international conferences on matters falling within its competence.

46.   Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the UN.

47.   Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the UN and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

48.   Article 65

The Economic and Social Council may furnish information to the UN Security Council and shall assist the UN Security Council upon its request.

49.   Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the UN and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

50.   Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

Procedure

51.   Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

52.   Article 69

The Economic and Social Council shall invite any Member of the UN to participate, without vote, in its deliberations on any matter of particular concern to that Member.

53.   Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

54.   Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the UN concerned.

55.   Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

56.   CHAPTER XI

57.   DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the UN which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the

particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the UN also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

58. *CHAPTER XII*

59. INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The UN shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the UN laid down in Article 1 of the present Charter, shall be:

a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the UN and their nationals and also equal treatment for the latter in the administration of justice

without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;

b. territories which may be detached from enemy states as a result of the Second World War, and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the UN, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the UN, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the UN may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the UN relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the UN Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The UN Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the UN under the trusteeship system relating to political. economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the UN Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the UN with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

60. CHAPTER XIII

61. THE TRUSTEESHIP COUNCIL

Composition

62. Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the UN which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

63. Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

64.   Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

65.   Article 89

1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

66.   Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

67.   Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

68.   CHAPTER XIV

69.   THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the UN. It shall function in accordance with the annexed Statute which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the UN are ipso facto parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the UN may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the UN Security Council.

Article 94

1. Each Member of the UN undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the UN Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the UN from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the UN Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the UN and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

70. *CHAPTER XV*

71. THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the UN Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the UN Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the UN Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the UN undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the UN. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

72.   CHAPTER XVI

73.   MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the UN after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph I of this Article may invoke that treaty or agreement before any organ of the UN.

Article 103

In the event of a conflict between the obligations of the Members of the UN under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the UN and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the UN for this purpose.

74. *CHAPTER XVII*

75. TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the UN Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the UN with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

76. *CHAPTER XVIII*

77. AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the UN when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified

in accordance with their respective constitutional processes by two thirds of the Members of the UN, including all the permanent members of the UN Security Council.

Article 109

1. A General Conference of the Members of the UN for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the UN Security Council. Each Member of the UN shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the UN including all the permanent members of the UN Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the UN Security Council.

78. *CHAPTER XIX*

79. RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the UN on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States

of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.